

## 14.1 DRAFT INTER-WAR HOUSING HERITAGE CODE AMENDMENT

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**FILE REFERENCE:** qA82455  
**ATTACHMENTS:** A - C

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### PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement of a revised draft Proposal to Initiate an Amendment to the *Planning & Design Code* to protect examples of Inter-War housing heritage.

A copy of the revised draft Proposal to Initiate is contained in **Attachment A**.

### BACKGROUND

A Proposal to Initiate is the document and process by which a Designated Entity (in this case the Council) can seek approval from the Minister for Planning to proceed with an amendment to the *Planning and Design Code*.

In 2008, the Council identified that heritage buildings constructed during and between the First and Second World Wars (commonly referred to as the 'Inter-War' period) tended to be less comprehensively protected than built heritage of earlier origin.

The Council endorsed the preparation of the *Inter-War Housing Heritage Survey*, and commissioned Mr David Brown of BB Architects to undertake this survey in 2010. The focus of the survey was on dwelling styles constructed between 1915 and 1945 including:

- Tudors (c1928-1938);
- Spanish Mission (c1929-1945);
- Mediterranean (c1915-1940);
- Dutch Gable (c1934-1945);
- Art Deco (c1934-1945); and
- Bungalows (c1919-1928).

In 2011, the Council submitted a Statement of Intent to the (then) Minister for Planning, based on the findings of the survey. Fourteen (14) new Local Heritage Places, and new Residential Historic (Conservation) Zone Policy Areas, one each in the suburbs of Heathpool and Marryatville, were proposed.

After receiving conditional Ministerial approval based on the Statement of Intent, the Council prepared a draft Development Plan Amendment (DPA), the process for amending the Development Plan (that contained planning policy) at that time. This proposed slightly fewer dwellings as Local Heritage Places, twelve (12), than the original fourteen (14). The Marryatville Historic (Conservation) Policy Area was deleted as it was considered, based on advice from a planning consultant assisting with preparation of the DPA, to be an insufficiently cohesive and intact precinct based on the distribution of buildings of the Interwar era.

After initial approval to proceed with this work, disappointingly, in June 2016, the (then) Minister for Planning, advised the Council that he would not approve the DPA for interim operation due, in part, to an imminent review of the legislative framework associated with the listing of Local Heritage Places.

Nevertheless, compared with major reforms that have been recently implemented in the overall planning system, the subsequent heritage-related reform has been relatively minor and largely reflects what was in place prior to the Planning System review. Under the *Planning Development and Infrastructure Act 2016* (PDI Act), Code Amendments are now the path for Councils to pursue designation of Local Heritage Places—replacing the former path known as Development Plan Amendments.

Following the implementation of the new planning system, at its meeting held on 5 October 2021, the Council considered a confidential report on the matter, and resolved the following:

*That staff prepare a report identifying key risks and opportunities for the City of Norwood Payneham & St Peters in regard to its unprotected built heritage and, where appropriate, make recommendations to the Council regarding any action the Council should consider taking to increase protection for such buildings.*

The Code Amendment process presents an opportunity to revive the earlier work to protect Inter-War housing heritage in the City, based largely on the earlier BB Architects survey in 2010. Nearly all of the assessed fabric and value of the recommended heritage places is still intact.

At that same meeting the Council resolved the following:

*That the Council reviews and prepares a Code Amendment to reflect the previous Inter-war Housing Heritage Development Plan Amendment for the Council's consideration prior to submission to the State Government.*

In accordance with this resolution, a draft *Inter-War Housing Heritage Proposal to Initiate* was prepared based on the previous draft DPA (which had been stalled by the former Minister for Planning) and was endorsed by the Council at its meeting held on 6 December 2021. Receipt of the submitted Proposal was acknowledged by the State Government's Code Amendment Coordination Team on 21 December 2021.

The scope of the 2021 Proposal to Initiate differed from the draft DPA in three main respects as set out below:

- The dwelling at 2B Stannington Avenue, Heathpool was reinstated as a proposed Local Heritage Place (in accordance with the original 2010 survey recommendation). Earlier, the dwelling had a larger site with a frontage to Portrush Road. This prompted removal of the dwelling from the draft DPA; however, a subsequent land division has reduced the frontage to Stannington Avenue only and is considered worthy grounds for re-instating the proposed listing of 2B Stannington Avenue as a Local Heritage Place.
- The Obelisk at Norwood Primary School was omitted from the proposed Local Heritage Places in the draft Proposal to Initiate, given a low risk of demolition. (The school is a State Heritage Place in its own right.) In addition, it was considered appropriate to keep the focus of the Code Amendment on dwellings.
- The Proposal to Initiate included designation of Representative Buildings in anticipation that there would be 'in principle' support for identification of additional historic areas and Representative Buildings within them. In correspondence dated 23 December 2021 (**Attachment B**), the State Planning Commission indicated that it "*is supportive of identifying historic areas within the Planning and Design Code where appropriate analysis has been undertaken to describe the heritage attributes of these areas. It is important that there is sufficient justification for identifying additional Representative Buildings...*"

In June 2022, the draft Proposal was considered by the Heritage Sub-committee of the State Planning Commission. The Commission advises the Minister for Planning on Code Amendments and *'Proposals to Initiate'*. The Sub-committee's review included documentation that had been prepared by Council's consultant, Mr David Brown of BB Architects and inspection of properties proposed as Local Heritage Places and/or within the proposed Heathpool Historic Area.

The Sub-committee advised by correspondence, dated 8 July 2022, that it considered that there was "*insufficient information detailed within the Proposal for it to form an opinion and provide advice to the State Planning Commission in relation to both the proposed Local Heritage Places and Historic Area Overlay*". A copy of the Sub-committee's full response is contained in **Attachment B**. The Sub-committee's response has necessitated further research, involving BB Architects (with consultant historian, Kenan Henderson) and the Council's Cultural Heritage Researcher, Chris Lane, to assist in addressing the issues that the Sub-committee has raised.

Staff subsequently met with the Chair of the State Planning Commission and officers of the Department to better understand the level of information required to support a heritage-focussed Code Amendment in the new planning system.

## RELEVANT STRATEGIC DIRECTIONS & POLICIES

### **Outcome 2: Cultural Vitality**

*A culturally rich and diverse city, with a strong identity, history and sense of place*

#### **Objective:**

2.3. *A City which values and promotes its rich cultural and built heritage*

2.4. *Pleasant, well designed, and sustainable urban environments*

## FINANCIAL AND BUDGET IMPLICATIONS

To date, the draft Proposal to Initiate has been prepared within existing resources, drawing upon the allocated Budget under the Built Heritage Strategy 2022-2027. Any additional budget expenditure is likely to be limited to costs associated with community engagement and the possible engagement of an independent heritage expert to review any objections to the proposed listings (assuming the Proposal to Initiate is approved).

## EXTERNAL ECONOMIC IMPLICATIONS

Any changes to the number and type of heritage properties and zones across the City and/or changes to policies affecting heritage places and areas, may have economic impacts such as affecting desirability of particular areas, development potential, property values, etc.

## SOCIAL ISSUES

Heritage conservation is, and perhaps will always be, a sensitive issue. By its nature it evokes differences of opinion of conservation versus development and property owner rights. Whilst there is no doubt that heritage listed places generate benefits to the community in the way in which they are utilised and maintained, there is also a potential for heritage places to generate intrinsic and cultural value to individuals as well as communities.

## CULTURAL ISSUES

The Council's role in supporting the retention of buildings and places of heritage value strongly aligns with one of the key objectives of the Council and the community, which is to protect and enhance the City's valued built form and character. These objectives are well documented in City Plan 2030 and the 2022-2027 Built Heritage Strategy.

The Council's approach to built heritage also aligns with the aims of the League of Historical Cities, of which the Council is a member.

## ENVIRONMENTAL ISSUES

Not Applicable.

## RESOURCE ISSUES

It is anticipated that the Code Amendment, if it proceeds, will be largely managed within existing staff resources. This will include input from the Communications Unit during the community engagement phase of this project. As mentioned above, it is conceivable that additional input of heritage expertise may be needed to provide advice on submissions.

## RISK MANAGEMENT

The risk of not preparing a Code Amendment is that the buildings which have been recommended for listing will not have the level of protection from demolition which is afforded by a Local Heritage listing, or by inclusion in the Historic Area Overlay. This risk remains until such time that the draft Code Amendment is approved and gazetted. In order to manage this risk, the Council has the option of seeking 'early commencement' of the draft Code Amendment (formerly known as interim operation) which allows a Code Amendment to temporarily come into effect at the same time the Code Amendment is released for consultation. Early Commencement of a Code Amendment is at the discretion of the Minister. The Council also has the option of considering this report and the draft Code Amendment in confidence (in accordance with Section 90(2) and (3) of the *Local Government Act 1999*), as recommended in this report.

## CONSULTATION

- **Elected Members**  
Nil
- **Community**  
Affected property owners and the broader community will be consulted during the public consultation period following the preparation of the draft Code Amendment. Consultation will not be conducted prior to this, to limit the risk of pre-emptive demolition or development applications for new development by owners who may object to the proposed heritage protections.
- **Staff**  
General Manager, Urban Planning & Environment  
Manager, Urban Planning & Sustainability  
Cultural Heritage Researcher (conducted specific research assistance)
- **Other Agencies**  
Planning & Land Use Services, Attorney General's Department (staff reporting to State Planning Commission)

## DISCUSSION

### Code Amendment Process

The *Planning, Development and Infrastructure Act 2016* (the PDI Act) sets out the process for amending the *Planning & Design Code*, as summarised in **Figure 1**.

The only completed step at this point is 1.1, with the next steps being the Department and State Planning Commission considering the revised documentation as part of steps 1.2 and 1.3.

**FIGURE 1 – SUMMARY OF CODE AMENDMENT PROCESS**

1. INITIATION		
1.1	Proponent (e.g. Council)	Prepares a Proposal to Initiate outlining the intent of the Code Amendment
1.2	Department	Assesses the Proposal to Initiate
1.3	State Planning Commission	Reviews the Proposal to Initiate and provides advice to the Minister
1.4	Minister	Determines whether to approve the Proposal to Initiate (with or without conditions)

2. PREPARATION AND ENGAGEMENT		
2.1	Proponent	Undertakes investigations, prepares Engagement plan and Code Amendment. Drafting instructions provided to the Department
2.2	Department	Prepares draft policy and mapping (if applicable) <i>Note: the Department doesn't need to approve Code Amendment content</i>
2.3	Proponent	Undertakes engagement in accordance with the Engagement Plan.
	<i>Post Engagement</i>	Summarises submissions, prepares Engagement Report, amend the draft Code Amendment (if applicable) and provides these to the Department for approval

3. APPROVAL		
3.1	Department	Assess Engagement Report and approval documentation
3.2	Minister	Considers the Engagement Report and Code Amendment (may consult with Commission) and makes a decision whether to approve the Code Amendment
3.3	ERD Committee	Considers Code amendment and resolves to object, not object or suggest amendments.
3.4	Minister	If applicable, determines whether to adopt any changes suggested by ERDC

### Review of the 2021 Proposal to Initiate

The State Planning Commission's Heritage Sub-Committee Panel considered the Code Amendment Proposal on 21 June 2022 and staff were invited to attend this meeting. Members of the Sub-Committee members raised a range of questions and had mixed views about what should be a Local Heritage Place as opposed to a Representative Building.

On 11 July 2022, the Council received a letter from the Sub-Committee advising that further information was required to form an opinion on the Code Amendment. The letter (contained in **Attachment B**) stated in part:

*The Committee is seeking further detail on the historic context of nominations within the local Council area and justification of the significance of the proposed Local Heritage Places. The Heritage Survey Data Sheets should demonstrate a clear link between the relevant local heritage criteria within section 67(1) of the Planning, Development and Infrastructure Act 2016 and the 'Statement of Heritage Value'.*

*The Committee noted that Heathpool displays two distinct development patterns along Stannington Avenue and Rothbury Avenue. There is variation in the building types, including scale and features, which may reflect different historic or economic development factors. The Committee therefore requests further information be provided in order to gain a better understanding of the historical themes at play in this location. The Committee also suggests Council give consideration to the buildings and existing Historic Area Statement(s) on the other side of the street, within the City of Burnside, in order to better articulate the context and historic themes of importance in this particular locality.*

On receipt of the Heritage Sub-Committee’s letter, staff met with representatives of the Department of Trade and Investment to clarify aspects of the response. Following these discussions, staff briefed Mr David Brown (BB Architects), and a historian, Kenan Henderson (‘the consultants’) with a view to procuring additional information and expert advice. This has subsequently been received and forms the basis for a revised draft Proposal to Initiate, which is contained in **Attachment A** and includes the new documentation produced by the consultants. Additional historical information was also received from Council’s Cultural Heritage Researcher, Chris Lane and formed part of the review conducted by the consultants.

In summary, the following steps have been taken to address issues arising from the review by the Heritage Sub-committee and where applicable, new guidelines or suggestions mentioned by the Department staff consulted:

- for proposed Local Heritage Places, including some new proposals based on further research – updated and revised survey data sheets prepared by the consultants incorporating further research and re-evaluation of aspects of the 2010 Inter-War Housing Heritage survey report; (see from page 66 in **Attachment A**).
- to develop the rationale for the proposed Heathpool Historic Area – a history of the suburb of Heathpool prepared by Kenan Henderson (historian); (see from page 236 in **Attachment A**).
- a revised draft *Proposal to Initiate* (**Attachment A**) to align with the updated findings and recommendations.

In addition to addressing the advice set out in the Heritage Sub-committee’s letter dated 8 July 2022, the revised documentation and recommendations more specifically address criteria for the listing of Local Heritage Places in the PDI Act and the State Planning Commission’s August 2019 *Heritage in Transition Practitioner Guide*).

The properties recommended to be listed as Local Heritage Places, in this Code Amendment, based on the 2023 review are listed in the second table below.

**TABLES 1 & 2: SUMMARY OF LOCAL HERITAGE PLACE RECOMMENDATIONS**

<b>2021 Code Amendment Proposal</b>	
<b>Street</b>	<b>Suburb</b>
1 Stannington Avenue	Heathpool
2 Stannington Avenue	Heathpool
2B Stannington Avenue	Heathpool
3 Stannington Avenue	Heathpool
4 Stannington Avenue	Heathpool
7 Stannington Avenue	Heathpool
11 Stannington Avenue	Heathpool
8 Angas Street	Kent Town
198 Kensington Road	Marryatville
322 Portrush Road	Marryatville
9 First Avenue	St Peters
28 First Avenue	St Peters
72 Third Avenue	St Peters

**TOTAL NUMBER OF PROPERTIES 13**

**NB** The highlighted properties are recommended for listing as a result of the 2023 review

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**2023 Code Amendment Proposal**

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<b>Street</b>	<b>Suburb</b>
5 Pembroke Street	College Park
55 Hackney Road	Hackney
11 Heathpool Road	Heathpool
3 Newcastle Street	Heathpool
1 Stannington Avenue	Heathpool
2 Stannington Avenue	Heathpool
2B Stannington Avenue	Heathpool
3 Stannington Avenue	Heathpool
4 Stannington Avenue	Heathpool
6 Stannington Avenue	Heathpool
7 Stannington Avenue	Heathpool
11 Stannington Avenue	Heathpool
13 Stannington Avenue	Heathpool
18 Stannington Avenue	Heathpool
6 Battams Road	Marden
322 Portrush Road	Marryatville
11 Augusta Street	Maylands
140-142 Second Avenue	Royston Park
82-84 Sixth Avenue	St Peters
86 Sixth Avenue	St Peters
72 Third Avenue	St Peters
27 Winchester Street	St Peters

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**TOTAL NUMBER OF PROPERTIES 22**

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NB The highlighted properties were also recommended for listing in 2021

Based on the review that has been undertaken, including a review by a consultant historian and heritage architect, the following properties, based on further assessment, are **not** recommended for further consideration as potential Local Heritage Places:

**Kent Town**

- 8 Angas Street

**Marryatville**

- 198 Kensington Road

**St Peters**

- 9 First Avenue
- 28 First Avenue

because they are not considered outstanding examples and are not supported by sufficient confidence about the merits of listing as Local Heritage Places, compared to other places. Of the four, only 198 Kensington Road is outside the existing Historic Area Overlay, meaning the remaining three properties still retain a degree of protection and would be assessed against the relevant criteria, should any application to demolish, be lodged.

The following nine (9) places are retained as **Local Heritage Place recommendations for inclusion in the Code Amendment**:

**Heathpool**

- 1 Stannington Avenue
- 2 Stannington Avenue
- 2B Stannington Avenue
- 3 Stannington Avenue
- 4 Stannington Avenue
- 7 Stannington Avenue
- 11 Stannington Avenue

#### **Marryatville**

- 322 Portrush Road

#### **St Peters**

- 72 Third Avenue

The following thirteen (13) properties, shown as shaded in Table 2 above, have emerged as **new Local Heritage Place recommendations** based on the 2023 review:

#### **College Park**

- 5 Pembroke Street

#### **Hackney**

- 55 Hackney Road

#### **Heathpool**

- 11 Heathpool Road
- 3 Newcastle Street
- 6 Stannington Avenue
- 13 Stannington Avenue
- 18 Stannington Avenue

#### **Maylands**

- 11 Augusta Street

#### **Marden**

- 6 Battams Road

#### **Royston Park**

- 140-142 Second Avenue

#### **St Peters**

- 82-84 Sixth Avenue
- 86 Sixth Avenue
- 27 Winchester Street

The Heritage Sub-committee's response sought information and justification over and above documentation of the original historical research and field survey work and questioned whether there may be some better examples of Inter-War dwellings within the City. As a result of this request, testing against the *'Heritage In Transition Practitioner Guide'* and historical thematic analysis, further research and assessment has been undertaken by the consultants to address gaps in information and the justification for recommendations. The recent research has also highlighted some buildings that were not included in the 2021 Proposal to Initiate but are considered worthy of listing.

More in depth analysis has resulted in the identification of more examples, especially bungalows, considered to meet the criteria as Local Heritage Places – as listed in Table 2 above. Appropriate and detailed research has been undertaken on these places and individual Heritage Survey Sheets have been prepared for each recommended Local Heritage Place.

The original 2010 Inter-War Heritage Housing Survey assessed 142 Inter-War Tudor, Spanish Mission, Mediterranean, Dutch Gable and Art Deco style dwellings on an initial list prepared in-house. The recent review, using a range of desktop and on-ground survey research methods, identified several significant examples of Inter-war bungalows that had not been identified and documented in 2010. It should be noted that the original survey brief (agreed to by Council and the (then) State Heritage Branch) gave priority to identification of less common Inter-War styles, hence less attention was given to systematic review of bungalows, many of which were also already included in Historic Conservation Zones. Indeed, the list of 142 that generated the bulk of investigations of individual places did not include bungalows, though that did not restrict consideration of bungalows that the consultant was aware of. There is a considerable diversity of Inter-War bungalow styles, in terms of design, quality, scale etc, which, with the benefit of hindsight, past surveys did not exhaustively review and assess across the whole Council area.

The response of the Heritage Sub-committee and especially the additional research by historian Kenan Henderson, has also led to research and documentation of a thematic history of Inter-War residential development which is included within the attached Proposal to Initiate, **Attachment A (from page 236)**.

### Recent Development Applications

It should be noted that the above proposed Local Heritage Places have varying levels of protection at present under the *Planning and Design Code* largely depending on whether they are in an existing Historic Area or not. Of those with less protection, 11 Heathpool Road, Heathpool is subject to a recent approval involving replacement of the existing dwelling. If the outcome is a demolition, then 11 Heathpool Road would need to be excluded from the scope of the proposed Code Amendment. (There is no other direct course of action open to the Council.)

### Heathpool Historic Area

Inclusion of part of Heathpool in the Historic Area Overlay will add demolition control as a means of protecting Inter-war historic character. The proposed Historic Area encompasses residential properties along Stannington Avenue, west of Lesbury Avenue and along the northern side of Rothbury Avenue. Land along Stannington Avenue east of Lesbury Avenue is considered to be too mixed in character to be part of the proposed Historic

Area. However, two properties in this latter section are now recommended as Local Heritage Places based on the 2023 review.

The main thrust of the Heritage Sub-committee's comments was that the original material lacked sufficient historical thematic analysis regarding the importance of Heathpool and the nominated Places in the evolution of the development of the City. The Committee, whilst broadly supportive of the proposals, advised that this limited historical research hindered their ability to guide a decision.

The updated Proposal to Initiate and accompanying documents contained in **Attachment A**, provides a more detailed rationale for the proposed Historic Area, including a history of the suburb of Heathpool and explanation of how the historic 'Toorak East' land division was established and developed. This supporting information, takes into account (as recommended by the Sub Committee) the context of development on the southern side of Rothbury Avenue, within the City of Burnside.

For the balance of areas covered by the Character Area Overlay in Heathpool and Marryatville, it was harder to justify elevation of localities to the Historic Area Overlay, given the more mixed residential character, not consistently of the Inter-War era. Nevertheless, the further research undertaken in 2023 has identified an additional four (4) Inter-War houses that are considered worthy of Local Heritage Place in this area and are now included in the revised Proposal to Initiate.

In the proposed Heathpool Historic Area, the existing and proposed status of buildings can be summarised as follows:

**TABLE 3: STATUS OF DWELLINGS IN THE PROPOSED HEATHPOOL HISTORIC AREA OVERLAY**

Existing Local Heritage Places	7 Lesbury Ave, 10 Stannington Ave
Proposed Local Heritage Places	1, 3, 7, 11, 2B, 2, 4, 6 Stannington Avenue
Proposed Representative Buildings	1, 3, 5, 7, 11, 13, 21, 23, 25, 27 Rothbury Ave, 8, 12 Stannington Ave
Other (non-representative)	5, 7A Lesbury Ave, 7, 9 15A, 15B, 19 Rothbury Ave, 5, 2A, 14 Stannington Ave

This is shown on the map contained on page 52 in **Attachment A**.

## Representative Buildings (formerly known as Contributory Items)

Inter-War dwellings that are considered to not quite meet the higher-level test required of Local Heritage Place, have been proposed in this Code Amendment to be recognised as Representative Buildings in the Historic Area Overlay (existing or proposed). Should some of the recommended Local Heritage Places not be supported by the Sub-committee or the Minister, the alternative of designation as a Representative Building is proposed. This fall-back option is included in the draft 2023 (revised) Proposal to Initiate, **Attachment A**, but is only a possible option for buildings that are or would be included in the Historic Area Overlay, that is:

- 1, 2, 2B, 3, 4, 6, 7 and 11 Stannington Avenue Heathpool - in the proposed Historic Area;
- 11 Augusta Street, Maylands – in an existing Historic Area; and
- 82-84 Sixth Avenue, 72 Third Avenue and 27 Winchester Street, St Peters – in an existing Historic Area.

It should be noted that appeal rights introduced by the PDI Act allow owners of newly listed Local Heritage Places to appeal the heritage listing to the Environment Resources and Development Court, once the Code amendment is approved by the Minister. This does not apply to Representative Buildings, or other sites, that are not Local or State Heritage Places, in the Historic Area Overlay.

## OPTIONS

The Council has the following options in respect to considering the draft Proposal to Initiate for the Inter-War Housing Heritage Code Amendment.

**Option 1** – endorse the draft Proposal to Initiate as contained in **Attachment A** to address the Committee's feedback and to present new research and documentation.

This new documentation entails:

- (a) the proposed Heathpool Historic Area, inclusive of the proposed Representative Buildings;
- (b) an amended list and updated Survey Sheets of proposed Local Heritage Places based on further research following the comments received from State Planning Commission's Heritage Sub-Committee;
- (c) the proposal, endorsed in 2021, to seek early commencement of the Code Amendment to manage a risk of pre-emptive demolition.

This Option is recommended for the reasons set out in this report.

**Option 2** – endorse the draft Proposal to Initiate with a different set of proposed Local Heritage Places to those now recommended in the updated survey report.

The Council could determine to endorse the draft Proposal to Initiate, subject to amendments in relation to any or all of the following:

- (a) reinstatement of Local Heritage Places previously recommended but now considered too marginal based on re-assessment
- (b) exclusion of Local Heritage Places not previously recommended based on the 2010 Inter-War Housing Heritage Survey.
- (c) Identification of new, previously unidentified buildings as candidates for Local Heritage Place nomination.

Departures from the updated findings and recommendations of the heritage consultant would need to be explained and justified which, at very least, risks some further delay in an already very long process (commenced in 2010). It is unknown and difficult to second-guess, which proposed Local Heritage Places the State Planning Commission and Minister will support, or indeed, the Environment Resources and Development Court will uphold in the event of owner objection. It is considered endorsing the expert recommendations based on the statutory criteria (in the PDI Act), and applying the latest research and advice, will promote optimal results and reduce risk.

This option is not recommended.

**Option 3** – not endorse the draft Proposal to Initiate.

The Council could determine to not proceed any further with this Code Amendment.

This option is not recommended as this would not be consistent with one the Council's key objectives to protect and enhance built heritage as set out in its 2022-2027 Built Heritage Strategy (as well as reflected in its earlier resolution to prepare the Code Amendment).

## CONCLUSION

Inter-War architecture forms an important part of the City's built form. The preparation of a Code Amendment will assist in addressing a gap in recognising distinctive periods of architecture and design, reflecting the City's important history. The revision of the draft Proposal to Initiate to address the feedback from the State Planning Commission's Heritage Sub-committee, is a necessary step in the Code Amendment process. An evolution of the position previously adopted by Council, including some additions and subtractions from the earlier lists of proposed Local Heritage Places, demonstrates a process of robust consideration, adaptation to changing advice and circumstances and supported by further independent research and review.

In all of the recommendations which have been made, the Council's original scope of identifying and protecting significant examples of Inter-War housing heritage, also reflected more recently in a specific action of the *Built Heritage Strategy 2022-2027*, has been strictly applied and adhered to.

## COMMENTS

Nil

## RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act, 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (m) information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the *Planning, Development and Infrastructure Act 2016* before the draft instrument or amendment is released for public consultation under that Act;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the consideration of the information confidential

## RECOMMENDATION 2

- a) That the draft Inter-War Housing Heritage Proposal to Initiate, as contained in **Attachment A**, be endorsed as being suitable to forward to the Department for Trade and Investment seeking approval with an indication the Council will be seeking the Minister's support for a declaration of early commencement prior to consultation under the Community Engagement Charter.
- b) That the Proposal to Initiate include the contingency that in the event of any recommendation of a Local Heritage Place being not accepted by the Minister, the default substitute recommendation will be that it is replaced with recognition of the property affected as a Representative Building, subject to it being located in the Historic Area Overlay.
- c) That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Proposal to Initiate, providing the changes do not affect the intent of the Amendment.

## RECOMMENDATION 3

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the proposed amendment is released for the purpose of public consultation.

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*Cr Robinson moved:*

*That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Urban Planning & Environment, General Manager, Infrastructure & Major Projects, Manager, Governance & Legal, Manager, Communications & Community Relations, Manager, Urban Planning & Sustainability, Senior Urban Planner, Urban Planning & Sustainability, Manager, Chief Executive's Office and Executive Assistant, Chief Executive's Office], be excluded from the meeting on the basis that the Council will receive, discuss and consider:*

- (m) *information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*

*and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the consideration of the information confidential*

*Seconded by Cr Knoblauch and carried unanimously.*

*Cr Mex moved:*

- a) *That the draft Inter-War Housing Heritage Proposal to Initiate, as contained in Attachment A, be endorsed as being suitable to forward to the Department for Trade and Investment seeking approval with an indication the Council will be seeking the Minister's support for a declaration of early commencement prior to consultation under the Community Engagement Charter.*
- b) *That the Proposal to Initiate include the contingency that in the event of any recommendation of a Local Heritage Place being not accepted by the Minister, the default substitute recommendation will be that it is replaced with recognition of the property affected as a Representative Building, subject to it being located in the Historic Area Overlay.*
- c) *That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Proposal to Initiate, providing the changes do not affect the intent of the Amendment.*

*Seconded by Cr Callisto and carried unanimously.*

*Cr Knoblauch moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until the proposed amendment is released for the purpose of public consultation.*

*Seconded by Cr Holfeld and carried unanimously.*