

BOROONDARA PLANNING SCHEME

AMENDMENT C341boro

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Boroondara City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Boroondara City Council.

Land affected by the amendment

The amendment applies to 12-14 Tannock Street, Balwyn North.

What the amendment does

The amendment applies the Heritage Overlay to the land at 12-14 Tannock Street, Balwyn North on a permanent basis.

Specifically, the amendment:

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to include HO928.
- Introduces a new Map No. 5HO to apply an interim Heritage Overlay HO928.
- Amends the Schedule to Clause 72.04 to introduce a new Statement of Significance for 12-14 Tannock Street, Balwyn North.

Strategic assessment of the amendment

Why is the amendment required?

The draft *Balwyn and Balwyn North Heritage Study (incorporating Deepdene and Greythorn)* (the draft Study) was completed in June 2014 and identified 26 properties and four precincts to be included in the Heritage Overlay. The house at 12-14 Tannock Street, Balwyn North was one of these 26 identified properties. On 7 September 2015, the Urban Planning Special Committee (UPSC) resolved to not proceed with adopting the draft Study.

On 20 March 2017, the UPSC resolved to undertake a peer review of the draft Study. Following the completion of Stage 1 of the peer review (through Amendment C276 to the Boroondara Planning Scheme) and Stage 2 of the peer review (through Amendment C318 to the Boroondara Planning Scheme), on 17 August 2020 the UPSC adopted the heritage citation for 12-14 Tannock Street, Balwyn North in response to community concern that the place would be demolished.

The significance of this individual property has been assessed against the standard criteria contained in Practice Note 01 *Applying the Heritage Overlay* (September 2012) and it is considered to meet the threshold for local heritage protection under the Heritage Overlay. Amendment C341boro is required to implement the recommendations of the heritage citation by including the place in the Heritage Overlay on a permanent basis.

The Heritage Overlay is the appropriate planning provision to protect the heritage value of the property, as the Heritage Overlay requires a planning permit to be obtained for any building and works, including demolition, that could affect the significance of this property.

How does the amendment implement the objectives of planning in Victoria?

The amendment is consistent with the objectives of planning in Victoria by implementing the objective detailed at section 4 (1) of the *Planning and Environment Act 1987* which states:

“to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.”

The heritage values associated with each heritage precinct and property proposed for inclusion in the Heritage Overlay are outlined in their respective heritage citation.

How does the amendment address any environmental, social and economic effects?

The amendment is expected to have a positive social effect by protecting and promoting places of cultural heritage significance in the City of Boroondara.

The amendment is not expected to have any adverse environmental or economic effects.

Does the amendment address relevant bushfire risk?

The land affected by the amendment are not subject to bushfire risk or a Bushfire Management Overlay, and the amendment is unlikely to result in any significant increase to the risk to life, property, community, infrastructure or the natural environment from bushfire.

Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the form and content of Planning Schemes as identified at section 7 (5) of the *Planning and Environment Act 1987*.

The amendment is consistent with *Ministerial Direction No. 9 Metropolitan Planning Strategy* which requires amendments to have regard to *Plan Melbourne 2017-2050*. The amendment is consistent with *Direction 4.4* which recognises the contribution heritage makes to Melbourne’s distinctiveness and liveability and advocates for the protection of Melbourne’s heritage places.

The amendment is not considered to compromise the implementation of the Metropolitan Planning Strategy.

The amendment also addresses the requirements of *Ministerial Direction No. 11 - Strategic Assessment of Amendments*.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment is consistent with the State Planning Policy Framework, in particular Clause 15.03-1S (Heritage Conservation) and implements the policy by including places and precincts which have been identified and assessed as having local cultural heritage significance in the Schedule to the Heritage Overlay.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is consistent with the Local Planning Policy Framework, particularly Clauses 21.05 (Heritage, Landscapes and Urban Character) and 22.03 (Heritage Policy), which relate specifically to the cultural heritage significance of places within the City of Boroondara. These policies seek to identify, protect and enhance the cultural heritage significance of places within the municipality.

Does the amendment make proper use of the Victoria Planning Provisions?

The Heritage Overlay is the most appropriate planning provision for recognising and protecting the cultural heritage significance of the identified places and precincts.

How does the amendment address the views of any relevant agency?

The views of relevant agencies will be sought through the public exhibition phase of the amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to have any significant impact on the transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not expected that the new planning provisions will have any significant impact on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment is available for public inspection free of charge at the Boroondara City Council website at: <https://www.boroondara.vic.gov.au/planning-building>.

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 1 February 2021.

A submission must be sent to:

Strategic Planning Department
Boroondara City Council
Private Bag 1
CAMBERWELL VIC 3124

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week Commencing 8 March 2021
- panel hearing: Week Commencing 12 April 2021