

BOROONDARA PLANNING SCHEME

AMENDMENT C342boro

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by 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 53 Walpole Street, Kew.

What the amendment does

The amendment applies the Heritage Overlay to the land at 53 Walpole Street, Kew on a permanent basis.

Specifically, the amendment:

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to amend the description of HO559 and to activate tree controls.
- Amends Map No. 7HO to extend HO559 to the property boundaries of 53 Walpole Street, Kew.
- Amends the Schedule to Clause 72.04 to include 'Kew Hebrew Congregation, 53 Walpole Street, Kew, Statement of Significance, September 2020 as an Incorporated Document.
- Amends the Schedule to Clause 72.08 to include the 'City of Boroondara, Kew Hebrew Congregation Heritage Citation (September 2020) as a background document.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to apply a Heritage Overlay to a proposed heritage place that is subject to development pressure. This is considered the most appropriate mechanism to recognise and protect the place.

Council has received a planning permit application for a development at the subject site. Upon advertising the planning permit application, an objection was received on the grounds of the heritage value of the place, relating to the historic use of the site as a synagogue and associated school.

Council officers engaged Context Pty Ltd to undertake a preliminary review to determine the heritage significance of the place, and after it was determined that the place was very likely to be of local heritage significance, a full heritage Citation was prepared.

The citation for 53 Walpole Street, Kew confirms the place meets the threshold for local significance and satisfies Criterion A (historical significance), Criterion B (rarity), Criterion D (representativeness), Criterion G (Social Significance) and Criterion H (associative significance).

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 C342boro 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 the property are outlined in the heritage citation for the place.

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

The amendment is expected to have a positive social effect by protecting a place of cultural heritage significance to the City.

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 is 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 *Ministerial Direction - The Form and Content of Planning Schemes* as identified at Section 7 (5) of the *Planning and Environment Act 1987*.

The amendment complies 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 Planning Policy Framework, in particular Clause 15.03-1S (Heritage conservation) and implements the policy by including a place which has 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 and implement the Local Planning Policy Framework, particularly Clause 21.04-5 (Built Environment and Heritage) of the Municipal Strategic Statement which includes the objective to '*identify and protect all individual places, objects and precincts of cultural heritage, aboriginal, townscape and landscape significance*'; and Clause 22.03-2 (Heritage Policy) which seeks to '*preserve 'significant' heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm*'.

How does the amendment support or implement the Municipal Planning Strategy?

This strategic consideration does not apply as the Boroondara Planning Scheme does not yet include an MPS at Clause 02.

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

The Heritage Overlay is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified place.

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

The views of any relevant agencies will be sought through the public exhibition phase of any future planning scheme amendment to implement a permanent Heritage Overlay control.

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 can 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 **19 March 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: 31 May 2021
- panel hearing: 28 June 2021