

BOROONDARA PLANNING SCHEME

AMENDMENT C353boro

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment

The amendment applies to:

- 26 Goldthorns Avenue, Kew
- 3-5 Florence Avenue, Kew
- 33 Thornton Street, Kew; and
- 97 Argyle Street, Kew.

What the amendment does

The amendment:

- Applies the Heritage Overlay to 26 Goldthorns Avenue, 3-5 Florence Avenue and 97 Argyle Street, Kew; and
- Amends the Thornton Estate Statement of Significance incorporated document to identify 33 Thornton Street, Kew as a 'contributory' place in the Thornton Estate Residential Precinct.

Specifically, the amendment:

- Amends Map 8HO to apply:
 - HO930 to 26 Goldthorns Avenue, Kew
 - HO931 to 3-5 Florence Avenue, Kew; and
 - HO932 to 97 Argyle Street, Kew.
- Amends the Schedule to Clause 43.01 (Heritage Overlay) to include:
 - HO930 to HO932 and the respective Statement of Significance for the properties listed above.
 - Update the date of the Thornton Estate Residential Precinct Statement of Significance.
- Amends the Schedule to Clause 72.04 to introduce three new incorporated document titled:
 - *Former Watson Residence (3-5 Florence Avenue, Kew) Statement of Significance, April 2021*
 - *Seeger House (26 Goldthorns Avenue, Kew) Statement of Significance, April 2021*
 - *'Skye' (former), 'Argyle' (97 Argyle Street, Kew) Statement of Significance, April 2021*
- Amends the Schedule to Clause 72.04 to update the date of the Thornton Estate Residential Precinct Statement of Significance to reflect the date the Statement of Significance was updated to reflect the grading change for 33 Thornton Street, Kew.
- Amends the Schedule to Clause 72.08 to introduce four new background document titled:
 - *Former Watson Residence (3-5 Florence Avenue, Kew) Heritage Citation, April 2021*

- *Seeger House (26 Goldthorns Avenue, Kew) Heritage Citation, August 2020*
- *'Skye' (former), 'Argyle' (97 Argyle Street, Kew) Heritage Citation, August 2020*
- *Thornton Estate Residential Precinct Heritage Citation, May 2021*

Strategic assessment of the amendment

Why is the amendment required?

This amendment is required to complete outstanding heritage matters arising from the independent Panel's recommendations for Amendment C294 to the Boroondara Planning Scheme. Amendment C294 implemented the recommendations of the *City of Boroondara Municipal-Wide Heritage GAP Study Volume 4: Kew*.

The Panel appointed to consider submissions to Amendment C294 recommended a number of changes to the exhibited amendment. The recommendations included abandoning the Goldthorns Hill and Environs Precinct and Clifton Estate Precinct, and undertaking further investigations to determine if three (3) of the 'significant' places in the abandoned Goldthorns Hill and Environs Precinct and four (4) properties in the abandoned Clifton Estate Residential Precinct should be included in the Heritage Overlay as individually significant heritage places.

The Panel also recommended that 33 Thornton Street, Kew, in the Thornton Estate Residential Precinct (HO806), be regraded from 'non-contributory' to 'contributory' through a separate planning scheme amendment process.

The independent Panel's recommendations for Amendment C294 to the Boroondara Planning Scheme were considered by Council's Urban Planning Special Committee (UPSC) on 20 July 2020. Council's UPSC resolved to adopt the Panel's recommendations and undertake a separate planning scheme amendment process to give effect to the Panel's recommendations for the individual heritage places and to correct the grading of 33 Thornton Street, Kew.

Individual Heritage Places

Following Council's UPSC resolution to abandonment of the Goldthorns Hill and Environs and Clifton Estate heritage precincts, Council heritage consultants investigated whether any of the properties identified by the Panel meet the threshold for inclusion in the Heritage Overlay as individually 'significant' heritage places.

Three (3) of the seven (7) properties recommended for further investigation were recommended for inclusion in the Heritage Overlay.

Former Watson Residence (3-5 Florence Avenue, Kew)

Following further investigation, the 1915 dwelling designed by prominent Melbourne architect Phillip B. Hudson for excise officer J.P Watson was recommended for inclusion in the Heritage Overlay as an individually 'significant' heritage place.

The house is of local historical (Criterion A), architectural (Criterion D) and aesthetic (Criterion E) significance to the City of Boroondara.

The house is described as a fine representative example of an attic bungalow of the late Federation era with projecting balcony, incorporating covered balcony or sleepout at first floor level. It demonstrates characteristic elements of the early residential work of Phillip B. Hudson such as the combination of Arts & Crafts style with the attic bungalow.

In addition to the house's architectural and aesthetic values, the house is of local historical significance as a relatively early example of an attic bungalow that represents an informal ruralised style of architecture in an urban setting and the affluence and growth of the middle-class suburbs of the municipality in the early twentieth century.

Seeger House (26 Goldthorns Avenue, Kew)

Seeger House was built in 1938 for Victor C. Seeger by his brother, builder William F. Seeger. The house has been recommended for inclusion in the Heritage Overlay as an individually 'significant' heritage place.

The house is of local architectural (Criterion D) and aesthetic (Criterion E) significance to the City of Boroondara.

The property is described as a fine and highly intact representative example of the interwar Old English style. It demonstrates key elements of this style, such as a steeply pitched complex roof form with vergeless gables and corbelled eaves, the use of clinker face brick, the presence of substantial chimneys, diamond leadlight windows, and an oriel window.

Aesthetically, the house is of significance for its landmark qualities as a three-dimensionally modelled building set on a prominent elevated corner site and high quality decorative detailing.

'Skye' (former), 'Argyle' (97 Argyle Street, Kew)

Argyle is a single-storey house built in 1929 on a large block of land overlooking the former Outer Circle Line reserve. The house was recommended for inclusion in the Heritage Overlay as an individually significant heritage place.

The house is of local architectural (Criterion D) and aesthetic (Criterion E) significance to the City of Boroondara

The house is significant for demonstrating the principal characteristics of interwar Arts and Crafts domestic design, including a design in-the-round that can be appreciated from multiple viewpoints, a dominant roof form, the use of a variety of 'honest' materials to provide visual interest, and a free use of medieval inspiration.

The house is also described as having a highly accomplished and idiosyncratic design and detailing.

Regrading of 33 Thornton Street, Kew

During the panel process for Amendment C294, Council's heritage expert undertook further research and found the dwelling at 33 Thornton Street, Kew remained substantially intact. Council's heritage consultant concluded that the initial 'non-contributory' grading for the property was incorrect and the property should be graded 'contributory'.

The Panel agreed with Council's heritage expert and recommended that 33 Thornton Street, Kew be regraded from 'non-contributory' to 'contributory' and the Thornton Estate Residential Precinct Statement of Significance be amended to reflect the property's correct grading.

However, the absence of a supporting submission from the owner meant the grading change could not be made as part of Amendment C294. Without a supporting submission from the owner, the change was considered to be a transformative change to Amendment C294 and a separate planning scheme amendment process needed to be undertaken to correct the property's grading.

Consequently, the Thornton Estate Residential Precinct Statement of Significance, which became an incorporated document in the Boroondara Planning Scheme as part of Amendment C294 Part 2, retains as exhibited with the incorrect 'non-contributory' grading for 33 Thornton Street, Kew.

To correct this, a planning scheme amendment is required to replace the current incorporated Statement of Significance for the Thornton Estate Residential Precinct with an updated Statement of Significance which correctly lists 33 Thornton Street, Kew as a 'contributory' place to the Thornton Estate Precinct.

The grading change is needed to ensure that the property is assessed against the policy direction for 'contributory' heritage places in Council's Heritage Policy at Clause 22.03 of the Boroondara Planning Scheme.

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

Applying a Heritage Overlay to places with identified local heritage significance implements Section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) which seeks:

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.

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

Applying the Heritage Overlay to places with identified local heritage significance will have a net community benefit by continuing Council's efforts to protect places that contribute to heritage 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 is not subject to bushfire risk or a Bushfire Management Overlay. Consequently, it 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 - 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 does not compromise the implementation of the Metropolitan Planning Strategy and implements *Direction 4.4 of Plan Melbourne 2017-2050* by recognising heritage places that contribute Melbourne's distinctiveness and liveability and protecting Melbourne's heritage places.

The amendment 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), by including places of local heritage value 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 implements 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*'; and
 - '*Retain and conserve 'contributory' places and fabric in the Heritage Overlay which are visible from the primary street frontage.*'

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

Applying the Heritage Overlay to properties with identified heritage values and including the heritage place and associated Statement of Significance in the Schedule to the Heritage Overlay is the most appropriate mechanism for recognising and protecting places of cultural heritage significance.

Amending an existing incorporated Statement of Significance to correct a heritage grading makes property use of the Victorian Planning provision. It ensures decision makers are relying on accurate property gradings when making decisions under the Heritage Overlay.

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 planning scheme 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 can be inspected free of charge at the City of Boroondara website at www.boroondara.vic.gov.au/c353boro.

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 make a submission to the planning authority. Submissions about the amendment must be received by 27 August 2021.

A submission should be lodged online at www.boroondara.vic.gov.au/c353boro or be sent to:

Amendment C353boro
Strategic and Statutory Planning Department
City of Boroondara
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: To commence in the week of Monday 13 December 2021
- panel hearing: To commence in the week of 7 February 2022