

URBAN PLANNING SPECIAL COMMITTEE

MINUTES

(Open to the public)

Monday 20 July 2020

Online - Delivered via Webex Events.

Commencement 6.34pm

Attendance

Councillor Garry Thompson (Chairperson)
Councillor Cynthia Watson (Mayor)
Councillor Jane Addis
Councillor Phillip Healey
Councillor Lisa Hollingsworth
Councillor Steve Hurd
Councillor Jim Parke
Councillor Coral Ross
Councillor Felicity Sinfield
Councillor Jack Wegman

Apologies Nil

<u>Officers</u>	Phillip Storer Shiran Wickramasinghe Carolyn McClean Simon Mitchell Shiranthi Widan David Thompson Michael Le Grange Scott Lipscombe Christian Wilmsen Celia Robinson Julia Smith Helen Pavlidis Elizabeth Manou	Chief Executive Officer Director City Planning Director Community Development Manager Statutory Planning Acting Manager Strategic Planning Manager Governance Acting Manager Projects & Strategy Coordinator Transport Management Team Leader Strategic Planning Coordinator Governance Senior Statutory Planner Governance Projects Officer Governance Projects Officer
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1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Parke

Seconded Councillor Sinfield

That the minutes of the Urban Planning Special Committee meeting held on 6 July 2020 be adopted and confirmed.

CARRIED

2. Declaration of conflict of interest of any councillor or council officer

Refer to Item 3.1 Kew Heritage Gap Study - Amendment C294 - Consideration of Panel Report - Councillor Healey

Refer to Item 3.1 Kew Heritage Gap Study - Amendment C294 - Consideration of Panel Report - Councillor Sinfield.

3. Presentation of officer reports

3.1 Kew Heritage Gap Study - Amendment C294 - Consideration of Panel Report

The purpose of this report is to inform the Urban Planning Special Committee (UPSC) of the independent Planning Panel's recommendations in respect to Amendment C294 to the Boroondara Planning Scheme. The amendment seeks to implement the recommendations of the *Kew Heritage Gap Study* (the Study) by applying the Heritage Overlay to 20 individual heritage places, nine heritage precincts and six extensions to existing heritage precincts.

Exhibition of the amendment and the Study was undertaken from 21 February to 25 March 2019. A total of 95 submissions were received, including 28 supporting submissions, 11 partially supporting submissions, 53 opposing submissions and three that either support or oppose the amendment. In addition, officers received correspondence from two property owners after the conclusion of the Panel hearing who had not previously made submissions. Given these were submitted after the Panel hearing the feedback from these two residents could not be considered submissions to the amendment.

An independent Panel hearing to consider the submissions received was held on 17, 18, 21, 23 October and 6-7 November 2019. Thirty seven submitters were represented at the Panel hearing.

A petition with 56 signatories was tabled at the Ordinary Meeting of Council on 25 November 2019 which sought to have the Goldthorns Hill and Environs Precinct abandoned.

On 21 January 2020, officers received the Panel's report for Amendment C294 (**Attachment 1**). The Panel generally supports the amendment and recommends it be adopted subject to the following key changes:

- Abandon applying the Heritage Overlay to:
 - the west side of Bradford Avenue (Nos.7 to 15), 20 Bradford Avenue, 12 Stoke Avenue and 365 Cotham Road in the Bradford Estate Precinct.
 - the Clifton Estate Residential Precinct.
 - the Goldthorns Hill and Environs Precinct.

Officers generally accept the Panel's key recommendations with the exception of the recommendation to remove the western side of Bradford Avenue. A detailed discussion and response to the Panel's recommendations is provided at

Attachment 2.

The UPSC must decide whether to accept the officers' response to the Panel's recommendations, endorse the amendment subject to further changes, or potentially abandon the amendment.

The Panel further suggests Council investigate the following properties for inclusion in the Heritage Overlay as individually significant places:

- 20 and 26 Goldthorns Avenue and 97 Argyle Road, Kew (Goldthorns Hill and Environs Precinct). These properties are identified as 'significant' to the precinct.
- 3-5, 6, 7, and 8 Florence Avenue, Kew (Clifton Estate Residential Precinct). These properties are identified as 'contributory' to the precinct.

Officers recommend further heritage assessments be undertaken for these properties followed by the commencement of a planning scheme amendment process to apply the Heritage Overlay to those properties deemed of individual significance. With respect to 20 and 26 Goldthorns Avenue and 97 Argyle Road, Kew (Goldthorns Hill and Environs Precinct), although these properties had been identified as "significant" to the proposed Goldthorns Hill and Environs precinct, further work is required to determine whether these places meet the threshold for individual significance. Additionally, although the Goldthorns Hill and Environs precinct citation provides an assessment of each place, a greater level of detail is required to justify a site specific Heritage Overlay, particularly with respect to comparative analysis. The Panel also noted that a separate amendment process would be required to progress heritage controls to any individually significant place through this process. To ensure these properties are protected from demolition while the heritage assessments are carried out, officers also recommend these properties be included on Council's 'possible' heritage GIS layer. Any application for demolition under Section 29A of the *Building Act 1993* would trigger an application for interim heritage protection to be lodged with the Minister for Planning.

The Panel also suggests 33 Thornton Street, Kew in the Thornton Estate Precinct be re-graded from 'non-contributory' to 'contributory' through a separate process. Through the Panel process it was discovered the building remains unaltered from its original design. However, in the absence of a supporting submission from the property owner for its regrading, Council's regrading of the property would constitute a transformative change and require re-exhibition. Department of Environment, Land, Water and Planning Officers have advised they would only support regrading to 'contributory' as part of Amendment C294, if Council was able to provide a letter of support from the property owners. While Officers have written to the property owner to seek their views on the proposed re-grading, a response had not been received at the time of finalising this report. Officers therefore recommend to adopt the amendment with the 'non-contributory' grading and commence the amendment process to regrade the building to 'contributory'.

To ensure the building is protected from demolition in the meantime, Council's heritage grading GIS layer will indicate that the grading is under review. This would trigger a referral of any application under Section 29A of the Building Act or any planning permit application to the Strategic Planning Department.

Officers recommend the UPSC endorse the officers' response to the Panel's recommendations and refer the amendment to an Ordinary Meeting of Council for adoption and submission to the Minister for Planning for final approval.

Councillor Healey declared a Conflict of Interest in this item in accordance with Section 77B of the Local Government Act 1989. Councillor Healey advised the nature of the interest was "a number of submitters were involved in my election campaign".

Councillor Healey left the meeting at 6.39pm prior to the consideration and vote on this item.

Councillor Sinfield declared a Conflict of Interest in this item in accordance with Section 77B and Section 78E of the Local Government Act 1989. Councillor Sinfield advised the nature of the interest was "a property under consideration owned by an immediate relative could be impacted and my personal residential amenity could be impacted".

Councillor Sinfield left the meeting at 6.39pm prior to the consideration and vote on this item.

There were 18 speakers in relation to item 3.1 Kew Heritage Gap Study - Amendment C294 - Consideration of Panel Report addressed the meeting.

Procedural motion - Adjournment

Moved Councillor Parke

Seconded Councillor Hurd

That the Urban Planning Special Committee meeting be adjourned.

CARRIED

The Urban Planning Special Committee meeting adjourned at 8.16pm.

Procedural motion - Resumption

MOTION

Moved Councillor Parke

Seconded Councillor Hurd

That the Urban Planning Special Committee Meeting be resumed.

CARRIED

The Urban Planning Special Committee meeting resumed at 8.18pm with all councillors present except Councillor Healey and Councillor Sinfield.

MOTION**Moved Councillor Parke****Seconded Councillor Hollingsworth****That the Urban Planning Special Committee resolve to:**

- 1. Receive and acknowledge the Panel's report and recommendations, as shown at Attachment 1, in accordance with Section 27(1) of the *Planning and Environment Act 1987*.**
- 2. Endorse the officers' response to the Panel's recommendations and recommended changes to Amendment C294 to the Boroondara Planning Scheme, as shown in Attachment 2.**
- 3. Adopt the revised Kew Heritage Gap Study as shown at Attachment 4 except the following:**
 - a) the heritage citation and associated recommendations for the Kew Service Reservoir at 370-376 Cotham Road, Kew.**
- 4. Split Amendment C294 into two parts:**
 - Part 1 relating to the Kew Service Reservoir at 370-376 Cotham Road, Kew;**
 - Part 2 relating to all other heritage places recommended for inclusion in the Heritage Overlay as detailed in Attachments 1, 2 and 4.**
- 5. Refer Amendment C294 (Part 2) to a Council meeting to be adopted in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 6. Defer consideration of Amendment C294 (Part 1) until further consultation is undertaken with the affected property owner.**
- 7. Undertake further heritage assessments of the following properties:**
 - 20 and 26 Goldthorns Avenue, Kew**
 - 97 Argyle Road, Kew**
 - 3-5, 6 and 7 and 8 Florence Avenue, Kew**
- 8. Include the properties listed at item 7 on Council's 'possible heritage' GIS layer.**
- 9. Upon completion of heritage assessments for properties noted at item 7, write to the Minister for Planning to request:**
 - a) authorisation to prepare an amendment(s) to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the *Planning and Environment Act 1987* to apply the Heritage Overlay to those properties considered locally significant.**

- b) that he prepare, adopt and approve an amendment(s) to the **Boroondara Planning Scheme** under Section 20(4) of the *Planning and Environment Act 1987* to introduce interim heritage controls to those properties identified as locally significant.
10. Following receipt of authorisation from the Minister for Planning, exhibit the amendment(s) referenced in item 9 in accordance with Section 19 of the *Planning and Environment Act 1987*.
11. Upon gazettal of Amendment C294 (Part 2), write to the Minister for Planning to request authorisation to prepare an amendment to the **Boroondara Planning Scheme** in accordance with Section 4B and 8A(4) of the *Planning and Environment Act 1987* to identify 33 Thornton Street, Kew as 'contributory' to the Thornton Estate Precinct.
12. Following receipt of authorisation from the Minister for Planning, exhibit the amendment relating to the regrading of 33 Thornton Street, Kew in accordance with Section 19 of the *Planning and Environment Act 1987*.
13. Authorise the Director City Planning to undertake administrative changes to the amendment(s) and associated planning controls that do not change the intent of the controls.

CARRIED

Councillor Healey and Councillor Sinfield re-entered the meeting at 8.31pm

3.2 2 Kendall Street & 190-190b Canterbury Road, Canterbury (Canterbury Gardens)

Proposal

The proposal seeks to carry out partial demolition works and to construct alterations and additions to existing buildings (forming the Canterbury Community Hub) on land located in a Heritage Overlay (HO145) and a Special Building Overlay (SBO).

Issues

The following are key issues in respect of this application:

- Whether the proposed alterations and additions will have a negative impact on the heritage significance of the subject site, having regard to the requirements of the Heritage Overlay and Council's Heritage Policy (refer to pages 33-43 and 44);
- Whether the proposed buildings and works appropriately mitigate risk of flooding (refer to pages 44-45);
- Whether the proposed provision of car parking is sufficient for the increase in proposed uses (refer to pages 17-26 and 45-46); and
- The matters raised by objectors (46-51).