

# **BOROONDARA PLANNING SCHEME**

## **AMENDMENT C362BORO**

### **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 the Boroondara City Council.

#### **Land affected by the amendment**

The amendment applies to 25 Swinton Avenue, Kew and 3/2 Hodgson Street, Kew.

#### **What the amendment does**

The amendment seeks to update the existing Heritage Overlay 72 (HO72) covering the River House at 3/2 Hodgson Street, Kew consistent with the updated heritage citation prepared for the property by Extent Heritage.

The amendment seeks to delete Cliff House at 3/2 Hodgson Street, Kew from HO72, and include Cliff House and Summer House at 25 Swinton Avenue, Kew in a new Heritage Overlay, on a permanent basis.

Specifically, the amendment:

- Amends Map 6HO to revise the extent of HO72 and applies a new Heritage Overlay (HO937) to 3/2 Hodgson Street (part) and 25 Swinton Avenue, Kew.
- Amends the schedule to Clause 43.01 (Heritage Overlay) to revise the heritage controls for the existing HO72 and to introduce a new Statement of Significance for the River House, and include HO937 and a new Statement of Significance for Cliff House at 3/2 Hodgson Street, Kew (part) and Summer House at 25 Swinton Avenue, Kew.
- Amends the Schedule to Clause 72.04 to introduce two new incorporated documents titled *River House Statement of Significance, June 2021* and *Summer House and Cliff House Statement of Significance, June 2021*.
- Amends the Schedule to Clause 72.08 to introduce two new background documents titled *River House - Heritage Citation, Extent Heritage, June 2021* and *Summer House and Cliff House - Heritage Citation, Extent Heritage, June 2021*.

#### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment seeks to implement the recommendations of the heritage review carried out by Extent Heritage of the properties at 2 Hodgson Street, Kew and 25 Swinton Avenue, Kew. The recommendations include:

- Updating the citation, revising the extent with an expanded curtilage and updating the heritage controls associated with the existing HO72 - River House at 3/2 Hodgson Street, Kew.
- Introducing a new Heritage Overlay (HO937) to Cliff House at 3/2 Hodgson Street, Kew (part) and Summer House at 25 Swinton Avenue, Kew.

Extent Heritage was commissioned to carry out a review of heritage significance of the properties at 2 Hodgson Street, Kew and 25 Swinton Avenue, Kew following a request made by the property owners in late 2020 for the review to be undertaken. The property consists of multiple houses and buildings

designed by Mr Peter McIntyre, including the offices of McIntyre Partnership, constructed over multiple allotments and set within a densely wooded, riverside landscape in Kew.

The site includes the River House which is included in a Heritage Overlay in the Boroondara Planning Scheme as an individually significant heritage place (HO72). The property was included in the Heritage Overlay as part of the *Kew Urban Conservation Study 1988*. The property has been further developed overtime with the Summer House and Cliff House together with other buildings and infrastructure on the site. Today, the property tells a story of the evolution of Mr Peter McIntyre's post-war architectural expression since the 1950s.

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

The Amendment 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?**

The Amendment 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 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), by including a place of 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'.

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

No Municipal Planning Strategy has been implemented in the Boroondara Planning Scheme to date.

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

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

**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 Boroondara City Council website at [www.boroondara.vic.gov.au/C362boro](http://www.boroondara.vic.gov.au/C362boro).

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](http://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 20 September 2021. A submission should be lodged online at [www.boroondara.vic.gov.au/C362boro](http://www.boroondara.vic.gov.au/C362boro) or be sent to:

Amendment C362boro  
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, 06 December 2021
- panel hearing: To commence in the week of Monday, 17 January 2022