

## BOROONDARA PLANNING SCHEME

### AMENDMENT C308boro

#### 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 17 individual heritage places, eight heritage precincts and one precinct extension, as described in the tables below.

##### What the amendment does

The amendment implements the recommendations of the *Hawthorn East Heritage Gap Study (2018)* to introduce the Heritage Overlay (HO) on a permanent basis to 17 individual heritage places, eight heritage precincts and one heritage precinct extension. Specifically, the amendment:

1. Amends the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Map 12HO to apply the Heritage Overlay to the following new precincts:

HO Number	Description of Place	Property Address
HO841	Brickfields Environs Precinct	3-23 & 2-24 Aberdeen Street; 1-33 & 2A-46 Bowler Street; 1-25 & 2-20 Carnarvon Street; 1-37 & 2-42 Caroline Street; 61-75 & 52-74 Fletcher Street; 1-31 & 2-18 Loch Street; 1-41 & 2B-28 Munro Street, Hawthorn East
HO842	Burwood Road Estate Precinct	1-27 & 2-24 Oberon Avenue; and 1 & 2-14 Tara Street, Hawthorn East
HO843	Smith's Paddock (Burwood Reserve) Precinct	1-47 & 2A-68 Auburn Parade, 1-29 Burwood Avenue, 720-790 & 815-825 Burwood Road, 2-10 Carrington Avenue, 1-19 & 2-20 Gillman Street, and 1 & 2 Newport Crescent, Hawthorn East
HO844	Longford Estate & Environs Precinct	313-343 Auburn Road, Hawthorn; 499-529 Tooronga Road, 2-44 and 1-45 Currajong Road, 1A-41 and 2-44 Invermay Grove, and 1-39 and 2-50 Harts Parade, Hawthorn East and Hawthorn
HO845	Essington Estate & Environs Precinct	5-73 & 44-50 Harold Street; and 17-73 & 8-56 Mayston Street, Hawthorn East, excluding 37, 51, 67 Mayston Street
HO846	Stonyhurst & Athol Estates Precinct	4-32 and 1-29 Fairmount Road, 2-30A and 13-23A Miami Street, 471-483 Tooronga Road, 347-357 Auburn Road, Hawthorn East
HO847	Havelock Road, Denmark Hill Road and Linton Court Precinct	27-33A Havelock Road, 2 and 8 Denmark Hill Road, and 1 and 2 Linton Court, Hawthorn East
HO848	Victoria Road Precinct	3-7 and 4-8 Albert Street, 1-27 and 2-20 Cambridge Street, 1-5 and 2-4 Freeman Street, 1-3 and 2-10A and 14 Grandview

		Grove, 1-11 and 2-8 Hallcroft Place, 2-6 Irelands Lane, 40-92 Lilydale Grove, 1-65 and 4-40 Lingwell Road, 1-11 and 2-10 Lorne Road, 14–170 and 212-224 Rathmines Road, 1-21 and 2-24 Stanley Avenue, 3-25 and 6-36 Station Street, 1-15 and 2-24 Stewart Street, 1-15 and 2-10 Temple Street, 1-23 and 2-28 Victoria Grove, and 1-9, 35-97, 125-161 and 34-164 Victoria Road, Hawthorn East
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2. Amends the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Maps (8HO, 12HO and 15HO) to apply the Heritage Overlay to the following new individual places:

HO Number	Description of Place	Property Address
HO849	Newtown Housing Project	406 Barkers Road, Hawthorn East
HO850	Clomanto	452 Barkers Road, Hawthorn East
HO851	Merledon	16 Beaconsfield Road, Hawthorn East
HO852	Lumeah	64 Campbell Road, Hawthorn East
HO853	Rosetta	43 Clive Road, Hawthorn East
HO854	Flats	20 Denmark Hill Road, Hawthorn East
HO855	Carabacel (later 'Carrick Hill', later 'Dunreay')	41 Harcourt Street, Hawthorn East
HO856	Adair House	40 Havelock Road, Hawthorn East
HO857	Cukierman Residence	29 Leura Grove, Hawthorn East
HO858	Les Cloches	100 Pleasant Road, Hawthorn East
HO861	Tram Shelter	Between 439A & 441 Riversdale Road, Hawthorn East
HO862	Auburn South Primary School No. 4183	417-419 Tooronga Road, Hawthorn East
HO863	Shanklin, St Lawrence, Auburn, Fernside, Illawarra, Riversdale, Tooronga	500-512 Tooronga Road, Hawthorn East
HO864	Trengrove House	8 Tower Place, Hawthorn East
HO865	Mombah (former)	9 Widford Street, Hawthorn East
HO866	Balloch's Bakery and Stables (former)	157 Auburn Road, Hawthorn and 3 Russell's Place, Hawthorn East
HO71	Houses	5 Higham Road, Hawthorn East (Note: 7 Higham Road, Hawthorn East is already affected by HO71)

3. Amends Planning Scheme Map 12HO to apply the Heritage Overlay to the following precinct extension:

HO Number	Description of Place	Property Address
HO161	Ryeburne Avenue Precinct Extension	116-130 Harcourt Street, Hawthorn East

4. Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statements of Significance for 17 individual heritage places and eight heritage precincts.
5. Amends the Schedule to Clause 72.08 (Background Documents) to include the *City of Boroondara Municipal-Wide Heritage Gap Study Volume 6: Hawthorn East* as a background document.

#### Strategic assessment of the amendment

#### Why is the amendment required?

Council engaged heritage consultants, Context, to prepare the *Hawthorn East Heritage Gap Study* (the Study). The Study identifies heritage precincts and individual properties in Hawthorn East for inclusion in the HO to the Boroondara Planning Scheme.

The Study, which was adopted by Council's Urban Planning Special Committee (UPSC) on 17 December 2018 (re-adopted under delegation in March 2019), recommended 18 individual heritage places, eight heritage precincts and one heritage precinct extension be included in the Heritage Overlay on a permanent basis. Following public exhibition, the property at 336 Riversdale Road, Hawthorn East was recommended to be deleted from the amendment as an individually significant heritage place. On Council's 24 May 2021 Council meeting, it resolved to delete 336 Riversdale Road from the HO due to the building not being as intact as initially assessed, consistent with Panel recommendations.

The study area consists of all properties located outside the existing Heritage Overlay in Hawthorn East, with the exception of properties at 27-27A (HO55 & HO56), 29-29A (HO57 & HO58), 31-31A (HO59 & HO60) and 33-33A (HO61 & HO62) Havelock Road, Hawthorn East which is recommended to be amalgamated in the Havelock Road, Denmark Hill and Linton Court Precinct. As a result, the heritage citation prepared as part of this study supersedes the existing heritage citation and the Schedule to the Heritage Overlay has been updated to reflect the new Heritage Overlay number for this precinct (HO847).

The property at 5 Higham Road, Hawthorn East has been included under the Heritage Overlay 71 (HO71) with the adjoining property at 7 Higham Road, Hawthorn East. As mentioned in the heritage citation, the close similarity in form and detail of the buildings make it clear that the same designer was engaged (i.e. architect or master builder). Further detail is provided in the *City of Boroondara Municipal-Wide Heritage Gap Study Volume 6: Hawthorn East* background document.

The significance of the precincts and individual properties was assessed against the standard criteria contained in *Planning Practice Note 1 Applying the Heritage Overlay* (August 2018) and is considered to meet the requirements and threshold for local protection through the Heritage Overlay. Consequently, Amendment C308boro implements the findings of the Study by including the 17 individual heritage places, eight heritage precincts and one heritage precinct extension in the Heritage Overlay of the Boroondara Planning Scheme.

The Heritage Overlay is the appropriate planning mechanism to protect the heritage values of the precincts and individual properties as the Heritage Overlay requires a permit to be granted for building and works, including demolition, that could affect the significance of these precincts and individual properties.

### **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 the citations contained within the *City of Boroondara Municipal-Wide Heritage Gap Study Volume 6: Hawthorn East* background document and the Statements of Significance Incorporated Document.

### **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 municipality.

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. Therefore, 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 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 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 and implements the Local Planning Policy Framework, particularly Clause 21.04-5 (Heritage Conservation) 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*'.

**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 places and precincts.

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

The views of relevant agencies were sought through the public exhibition 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**

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 website at the Boroondara City Council website [www.boroondara.vic.gov.au](http://www.boroondara.vic.gov.au); or

The amendment is available for public inspection, free of charge, during office hours at the following places:

Boroondara City Council  
Planning Counter  
Level 1, 8 Inglesby Road

CAMBERWELL VIC 3124

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) or by contacting 1800 789 386 to arrange a time to view the amendment documentation.