

# URBAN PLANNING DELEGATED COMMITTEE

## MINUTES

(Open to the public)

**Monday 7 February 2022**

Online - Delivered via Webex Events.

**Commencement** 6.31pm

**Attendance**

Councillor Garry Thompson (Chairperson)  
Councillor Jane Addis (Mayor)  
Councillor Felicity Sinfield  
Councillor Wes Gault  
Councillor Di Gillies  
Councillor Lisa Hollingsworth  
Councillor Jim Parke  
Councillor Cynthia Watson  
Councillor Susan Biggar  
Councillor Nick Stavrou

**Apologies**

Councillor Victor Franco (due to illness)

**Officers**

Phillip Storer	Chief Executive Officer
David Cowan	Acting Director Urban Living
Carolyn McClean	Director Community Support
Adele Thyer	Acting Manager Governance & Legal
Robert Costello	Principal Strategic Planner
Kirstin Ritchie	Coordinator Governance
Christian Wilmsen	Coordinator Strategic Planning
Helen Pavlidis	Senior Governance Officer
Elizabeth Manou	Senior Governance Officer

## Table of contents

<b>1.</b>	<b>Adoption and confirmation of the minutes</b>	<b>3</b>
<b>2.</b>	<b>Declaration of conflict of interest of any councillor or council officer</b>	<b>3</b>
<b>3.</b>	<b>Presentation of officer reports</b>	
3.1	Amendment C337boro - Ashburton Heritage Gap Study - Consideration of Panel Report	3
<b>4.</b>	<b>General business</b>	<b>5</b>
<b>5.</b>	<b>Urgent business</b>	<b>5</b>
<b>6.</b>	<b>Confidential business</b>	<b>5</b>

**1. Adoption and confirmation of the minutes****MOTION**

**Moved Councillor Sinfield**

**Seconded Councillor Hollingsworth**

**That the minutes of the Urban Planning Delegated Committee meeting held on 6 December and 13 December 2021 be adopted and confirmed.**

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

Councillor Garry Thompson - refer to Item 3.1 Amendment C337boro - Ashburton Heritage Gap Study - Consideration of Panel Report.

**Election of temporary chairperson**

The Acting Manager Governance and Legal called for nominations for the position of temporary chairperson.

**Councillor Addis nominated Councillor Parke**

**Councillor Stavrou seconded the nomination**

**There being no further nominations, the Acting Manager Governance and Legal declared Councillor Parke elected as temporary chairperson.**

**Councillor Parke assumed the chair**

**3. Presentation of officer reports****3.1 Amendment C337boro - Ashburton Heritage Gap Study - Consideration of Panel Report****Purpose**

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the Panel's recommendation for Amendment C337boro and the officers' response to the Panel's recommendation. The report also seeks a resolution to endorse Amendment C337boro and refer the updated amendment to an Ordinary Meeting of Council for adoption.

**Background**

Amendment C337boro to the Boroondara Planning Scheme seeks to implement the recommendations of the Ashburton Heritage Gap Study (the Study). As exhibited, the amendment proposed to apply the Heritage Overlay (HO) to nine (9) individual heritage places and one heritage precinct on a permanent basis.

Exhibition of the amendment and the Study was undertaken between 6 May to 7 June 2021. Council received a total of 14 submissions including 6 opposing submissions, 6 supporting submissions and 2 partially supporting submissions. On 6 September, the UPDC resolved to request the appointment of an independent panel to consider submissions to the amendment.

A Panel hearing to consider the submissions received to Amendment C337boro was held on 3 November 2021. Two parties presented at the Panel hearing.

### Key Issues

On 1 December 2021, officers received the Panel's report for Amendment C337boro which is contained in **Attachment 1**. The Panel generally supports the amendment and recommends it be adopted subject to the post-exhibition change to the Statement of Significance for the individually significant heritage place at 1 Keyes Street, Ashburton.

The change amends the Statement of Significance to identify alterations made to the property since 1953 and to inform they are not significant. The change was endorsed by the UPDC on 6 September 2021, following public exhibition of the amendment and consideration of submissions.

Officers have reviewed the Panel Report and agree with the Panel's recommendation.

### Next Steps

The UPDC must now decide whether to accept the officers' response to the Panel's recommendation, endorse the amendment subject to further changes, or abandon the amendment.

It is considered that the UPDC should endorse the officers' response to the Panel's recommendation and refer the amendment to an Ordinary Meeting of Council for adoption and submission to the Minister for Planning for final approval.

*Councillor Thompson declared a Material Conflict of Interest in Item 3.1 Amendment C337boro - Ashburton Heritage Gap Study - Consideration of Panel Report in accordance with section 128 of the Local Government Act 2020 and the Governance Rules.*

*Councillor Thompson advised the nature of the interest was "I am a Director of a Company, where my Company is the architect to St Michael's Catholic Primary School. The item under consideration relates to the application of a Heritage Overlay over a portion of the school site considered through Architectural Master Plan to be demolished. Both the school and my Company has an interest in the outcome."*

*The Mayor, Councillor Thompson retired from the meeting at 6.36pm prior to the consideration and vote on this item.*

*One speaker opposed to the officers' recommendation addressed the meeting.*

**MOTION****Moved Councillor Watson****Seconded Councillor Stavrou****That the Urban Planning Delegated 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 recommendation to Amendment C337boro to the Boroondara Planning Scheme, as discussed in this report.**
- 3. Adopt the revised Ashburton Heritage Gap Study as shown at Attachment 2.**
- 4. Refer the updated Amendment C337boro to an Ordinary Meeting of Council to be adopted in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 5. Authorise the Director Urban Living to undertake administrative changes to the amendment and associated planning controls that do not change the intent of the controls.**

**CARRIED****4. General business**

Nil

**5. Urgent business**

Nil

**6. Confidential business**

Nil

**The meeting concluded at 6.47pm****Confirmed****Chairperson** \_\_\_\_\_**Date** \_\_\_\_\_