

URBAN PLANNING DELEGATED COMMITTEE



MINUTES

(Open to the public)

Monday 21 February 2022

Online - Delivered via Webex Events.

Commencement 6.34pm

Attendance

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

Apologies Nil

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Scott Walker	Director Urban Living
	David Cowan	Acting Manager Strategic & Statutory Planning
	Adele Thyer	Acting Manager Governance & Legal
	Christian Wilmsen	Team Leader Strategic Planning
	Robert Costello	Principal Strategic Planner
	Kirstin Ritchie	Coordinator Governance
	Elizabeth Manou	Senior Governance Officer

A handwritten signature in blue ink, appearing to be "C. Storer", is located at the bottom right of the page.

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1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Parke****Seconded Councillor Hollingsworth**

That the minutes of the Urban Planning Delegated Committee meeting held on 7 February 2022 be adopted and confirmed.

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

Nil

3. Presentation of officer reports**3.1 Roseberry Street, Hawthorn East - Heritage Assessment**Purpose

The purpose of this report is to brief the Urban Planning Delegated Committee (UPDC) on the outcomes of professional heritage advice provided by Extent Heritage and Natica Schmeder (GML Heritage; formerly Context) subsequent to the resolution made by the UPDC on 4 October 2021.

Background

On 29 July 2021, Council received a community nomination to include Roseberry Street, Hawthorn East in the Heritage Overlay. Roseberry Street was not identified by Council's heritage consultant for inclusion in the Heritage Overlay through the Hawthorn East Heritage Gap Study (HEHGS) due to its markedly low-level of intactness. Additionally, Council did not receive any submissions from property owners or other parties during preliminary consultation or the public exhibition of Amendment C308boro seeking inclusion of properties in Roseberry Street in the Heritage Overlay.

Following consideration of the community nomination, the Urban Planning Delegated Committee (UPDC) considered a report on 4 October 2021 summarising the professional advice from two heritage consultants. Both heritage consultants did not support the inclusion of Roseberry Street in the Heritage Overlay. Officers therefore recommended no further action be taken. However, based on community submissions about further supporting evidence being available, the UPDC resolved to allow more time for residents to submit additional supporting documentation to Council for review and consideration. The outcomes of the further assessment were to be presented in a report addressing the viability of including the more intact section of Roseberry Street with a report to be tabled at the UPDC meeting on 6 December 2021.

On 8 November 2021, officers tabled a report seeking to defer the further report to early 2022 on the basis of Council's heritage consultants being unable to respond to the additional information in time. The UPDC resolved as follows:

1. *Note the resolution made on 4 October 2021 by the UPDC with respect to consideration of a report and further submissions on the Roseberry Street Heritage Assessment at its meeting on 6 December 2021.*
2. *Receive a further report from officers on the heritage significance of Roseberry Street, Hawthorn East at the first available Urban Planning Delegated Committee meeting in February 2022 rather than 6 December 2021.*

Key Issues

Council has received additional supporting documentation submitted by interested parties including correspondence from Gary Vines (archaeologist; Biosis) and a report prepared by Nigel Lewis, heritage consultant. All this additional information was provided to both heritage consultants for review on behalf of Council.

Extent Heritage has maintained its earlier advice that insufficient strategic justification exists to apply the Heritage Overlay to Roseberry Street either in full or in part based on the low built form intactness of the street. Extent Heritage has not been persuaded by the additional supporting information and arguments presented including the advice from Mr Vines and Mr Lewis.

Similarly, GML Heritage has concluded there is insufficient strategic justification for including properties in Roseberry Street in the Heritage Overlay as an extension to the existing Brickfields Environs Precinct. The street is of markedly lower built form intactness and does not satisfy the criteria which justified the Brickfields Environs Precinct as part of Amendment C308boro. On this basis, Roseberry Street cannot be considered a logical extension of the precinct. GML Heritage also does not consider a stand-alone precinct justifiable.

However, GML Heritage also formed the view that if there was a different citation and strategic basis for the existing Brickfields Environs Precinct, then the inclusion of (some) properties in Roseberry Street in the Heritage Overlay could potentially be justified. This would require Council to restart the planning scheme amendment process for the entire Brickfields Environs Precinct in order to change the citation to identify the late 19th century era of the Fritsch Holzer Brickworks, when Hawthorn Black bricks were manufactured at the factory, as the most important period of its existence (rather than the entire period of its existence as set out in the current precinct citation). GML Heritage have outline that if such a shift in the consideration of why the Brickfields Environs Precinct is of heritage value it would mean housing built in the late nineteenth century (when the majority of Roseberry Street was developed) would be elevated in significance. This might provide some justification for including certain properties in Roseberry Street in an extended precinct. However, this shift in emphasis would downgrade the importance of housing built outside the late 19th century and would risk the removal of these existing properties from the Brickfields Environs Precinct. Furthermore, this change to the citation would not address the issue of low integrity of the dwelling stock within Roseberry Street with many houses still considered to be non-contributory.

If such an approach was considered, this would require a full review of the existing precinct citation for the Brickfields Environs Precinct, the gradings of individual properties and the Statement of Significance.

This would open the door for properties already protected by the Heritage Overlay to be scrutinised and challenged. The re-evaluation of why the Brickfields Environs Precinct is of significance could also mean properties outside the late 19th century period might be regraded to non-contributory. This in turn might result in the precinct boundaries being redrawn to exclude existing properties from the Heritage Overlay. These risks are not recognised or addressed in Mr Lewis's heritage assessment provided on behalf of the residents.

For the above reasons, this alternative approach is not recommended as it risks reducing the overall level of heritage protection, while involving significant additional resource commitments. The recommended approach is not to proceed with adding properties from Roseberry Street to the Heritage Overlay and to maintain the existing heritage citation for the Brickfields Environs Precinct.

Next Steps

Officers recommend the Urban Planning Delegated Committee take no further action on this matter.

*Six speakers opposed to the officers' recommendation addressed the meeting.
Two speakers in support of the officers' recommendation addressed the meeting.*

MOTION

Moved Councillor Gillies

Seconded Councillor Bigger

That the Urban Planning Delegated Committee resolve to:

- 1. Defer consideration of the item to enable officers to further explore the risks to existing properties within the Brickfields Environs Precinct associated with revising the precinct heritage citation and Statement of Significance.**
- 2. Prepare a further report for consideration by the UPDC on the outcomes of the heritage consultant's assessment and recommended next steps.**

CARRIED

4. General business**4.1 Protection of neighbourhood character outside of Heritage and Fritsch Holzer Parkland**

Councillor Gillies asked officer's the following two questions:

1. Could officers consider and advise on policy initiatives for the planning scheme that can help protect neighbourhood character which falls outside of Heritage Overlays.
2. Could officers provide advice on how Council could recognise and further secure protection of the Fritsch Holzer parkland.

The Chief Executive Officer made the observation that when it comes to trying to strengthen the protection of the character of our city it is important to keep in mind the context. The State Government is proposing to make planning reforms which will include changes to the planning system. The impact of which is to negate the impact of the Council's neighbourhood character statements. The Chief Executive officer informed the Committee that he understood a Bill would be introduced to Parliament this week which would set out at least some of the reforms. He suggested that it might be wise to wait until Council has had the opportunity to see the Bill before any commitments to undertake further work is made. The Chief Executive Officer concluded by stating that he understands the points that have been made tonight and is happy to provide further information to councillors once available.

Councillor Gillies responded that it is very important that Council is kept well informed with any information that does come through.

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 8:18pm

Confirmed

Chairperson

Date