

## **BOROONDARA PLANNING SCHEME**

### **AMENDMENT C368boro**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Boroondara City Council, who 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 32 Corby Street, Balwyn North 3104.

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

The amendment seeks to apply Heritage Overlay HO940 to the land at 32 Corby Street, Balwyn North 3104 on a permanent basis.

Specifically, the proposed amendment seeks to:

- Amend planning scheme map 4HO to apply HO940 to 32 Corby Street, Balwyn North on a permanent basis.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to include 32 Corby Street, Balwyn North on a permanent basis.
- Amend the Schedule to Clause 72.04 (Incorporated Documents) to include the Statement of Significance for 32 Corby Street, Balwyn North.
- Amend the Schedule to Clause 72.08 (Background Documents) to include *[Former] Withers House, 32 Corby Street, Balwyn North Heritage Assessment* (Built Heritage, 14 July 2021).

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

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

###### *Balwyn and Balwyn North Heritage Study*

Council engaged heritage consultants, *Built Heritage Pty Ltd*, to prepare the *Balwyn and Balwyn North Heritage Study (incorporating Deepdene and Greythorn)* (the Study) in 2015. On 9 September 2015, Council's Urban Planning Specialist Committee (UPSC) resolved not to adopt the Study and not progress with a planning scheme amendment.

###### *Peer review of the Study*

To ensure that properties of heritage significance in Balwyn and Balwyn North are protected from demolition, Council's Urban Planning Special Committee resolved in March 2017 and August 2020 to carry out a peer review of the Study (the Review). The first two stages of the peer review have been completed and implemented through Amendments C276boro and C318boro which have been gazetted in the Boroondara Planning Scheme.

Council engaged heritage consultants, *Context Pty Ltd*, to undertake the third stage of the Review which comprised a review of draft heritage citations that had already been prepared as part of the draft Study. Context also proposed that the peer review (Stage 3) include a heritage assessment of four additional

properties identified in the draft Study master list for which a heritage citation had not yet been prepared. 32 Corby Street, Balwyn North is one of those properties.

Based on the *Context Pty Ltd* assessment, Council officers lodged an interim Heritage Overlay request with the Minister for Planning pursuant to Section 20(4) of the Planning and Environment Act 1987 (C357boro) in response to the council receiving an application under Section 29A of the *Building Act 1993* for full demolition of the property. In accordance with Section 29B, Council's Building Department suspended consideration of the Section 29A demolition application. Amendment C357boro was gazetted on 8 April 2022.

Following the lodgement of the interim Heritage Overlay request, Council officers, at the request of the property owner, engaged *Built Heritage Pty Ltd* to undertake a separate heritage assessment of the property. Council relies on this Built Heritage citation as the basis for this amendment.

#### Heritage significance

The Withers House at 32 Corby Street, Balwyn North, designed and built by Alistair Knox, is identified to be of local representative and aesthetic significance to the City of Boroondara. The Statement of Significance justifies the application of an HO to the property as the place is of local significance which is consistent with *Planning Practice Note 01 (Applying the Heritage Overlay)*.

The Heritage Overlay is the appropriate planning mechanism to protect the identified heritage values of the property as the Heritage Overlay requires a planning permit to be granted for any demolition or any buildings and works that could affect the significance of a heritage place.

#### **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)(d) 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 the place are outlined in the heritage citation.

#### **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 a place of cultural heritage significance 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, and 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 - 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.

The amendment also complies with Ministerial Direction No. 15 – The Planning Scheme Amendment Process.

**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 a place which has been identified and assessed as having local cultural heritage significance.

**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 (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'*.

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

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

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

The views of relevant agencies will be 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**

- **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 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).

**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 6 June 2022.

A submission must be sent to:

Strategic Planning Department  
Boroondara City Council  
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, 22 August 2022
- Panel Hearing: To commence in the week of Monday, 19 September 2022