

URBAN PLANNING DELEGATED COMMITTEE



MINUTES

(Open to the public)

Monday 2 May 2022

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.35pm

Attendance

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

Apologies

Councillor Nick Stavrou

Officers

Phillip Storer	Chief Executive Officer
Scott Walker	Director Urban Living
David Cowan	Manager Statutory & Strategic Planning
Bryan Wee	Manager Governance & Legal
Kirstin Ritchie	Coordinator Governance
Christian Wilmsen	Coordinator Strategic Planning
Elizabeth Manou	Senior Governance Officer
Nick Brennan	Senior Strategic Planner

A handwritten signature in black ink, appearing to be a stylized name.

Table of contents

1.	Adoption and confirmation of the minutes	3
2.	Declaration of conflict of interest of any councillor or council officer	3
3.	Presentation of officer reports	3
3.1	Amendment C333boro Glen Iris Heritage Gap Study - Consideration of panel report	3
3.2	Amendment C353boro - Kew individual sites - Panel Report and Recommendations	8
4.	General business	9
5.	Urgent business	9
6.	Confidential business	9

1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Hollingsworth****Seconded Councillor Gillies****That the minutes of the Urban Planning Delegated Committee meeting held on 21 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 Amendment C333boro Glen Iris 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 C333boro and the officers' response to the Panel's recommendation. The report also seeks a resolution to endorse Amendment C333boro, split the amendment and refer both amendments to an Ordinary Meeting of Council for abandonment (Part 1) and adoption (Part 2).

Background

Amendment C333boro to the Boroondara Planning Scheme seeks to implement the recommendations of the Glen Iris Heritage Gap Study (the Study). As exhibited, the amendment proposed to apply the Heritage Overlay (HO) to 15 individual heritage places and four (4) heritage precinct on a permanent basis.

The Amendment was formally exhibited under section 19 of the *Planning and Environment Act 1987* from 12 February to 12 March 2021. Council received 166 submissions to the Amendment (including 6 late submissions) which comprised 42 supporting, 115 opposing, 9 partially supporting and 2 neutral submissions.

On 6 September 2021, the UPDC resolved (amongst other things) to request the appointment of an independent panel to consider submissions to the amendment. The UPDC also endorsed changes to the Glen Iris Heritage Gap Study and amendment.

A Panel hearing to consider the submissions received to Amendment C333boro was held over four days from 29 November to 3 December 2021. 22 parties presented at the Panel hearing with most presenters arguing against the application of the Heritage Overlay.



Key Issues

On 20 January 2022, Council received the Panel's report for Amendment C333boro (**Attachment 1**). The Panel generally supports the amendment and considers it to be well founded, strategically justified and consistent with the relevant Ministerial Directions. Accordingly, the Panel recommends adoption of the amendment subject to several changes. The key changes recommended include:

- *Individually significant heritage places:* The Panel supports all individually significant places and recommends changes to the heritage citations for 14 and 29 Alfred Road and 148 Summerhill Road, Glen Iris consistent with Council's submission to the Panel.

Officers recommend adopting the change as recommended by the Panel.

- *Mont Iris Estate and Environs Precinct:* The Panel recommends abandoning this precinct due to a lack of coherence and a high degree of non-contributory properties in some sections that undermine the overall integrity of the precinct. Recognising there are very coherent parts of the precinct that would warrant inclusion in the Heritage Overlay, the Panel recommends a further review and assessment of the precinct as part of a separate process.

Council's heritage consultant agrees with some of the Panel's key conclusions and acknowledges that a further comprehensive review is warranted to determine whether one or more smaller precincts can be identified to protect the most intact groups of Interwar housing in this area. Identification of new precinct(s) will include the preparation of new heritage citations (including further comparative analysis) and will therefore be considered a transformative change to the amendment. Accordingly, the review should be carried out as a separate process.

Officers recommend adopting the changes as recommended by the Panel and undertake a further review of the Mont Iris Estate and Environs Precinct through a separate process.

- *Summerhill Estate Precinct:* The Panel considers the Summerhill Estate to be the most coherent of the proposed precincts and supports its inclusion in the Heritage Overlay. The Panel recommends excluding some non-contributory properties located at the edge of the precinct where it considers future redevelopment will not detrimentally impact the precinct. Council's heritage consultant supports the exclusion of 1 Hortense Street, 2 and 4 Prosper Parade, 2 Montana Street, 67 and 69 Celia Street, 70 and 72 Florizel Street, Glen Iris, 64 Brandon Street, Glen Iris from the precinct.

However, the removal of 11 to 17 Adrian Street, Glen Iris is not supported. Council's heritage consultant does not accept the Panel's conclusion that these properties are in an edge location where future development would have limited impact on the precinct. Instead, their location in the centre of a street otherwise covered by the Heritage Overlay, means that future redevelopment on these sites could have significant detrimental visual impact on adjoining contributory properties (9, 19, 8 & 14 Adrian Street) and heritage streetscape. Without the Heritage Overlay, Council will have no means of ensuring development is sympathetic to its heritage context.

Officers recommend adopting the changes as recommended by the Panel except for retaining 11, 13, 15 and 17 Adrian Street, Glen Iris within the precinct.

- *Summerhill Estate Precinct:* The Panel recommends re-grading several properties to non-contributory including 38 and 40 Brandon Street, 69 Florizel Street and 23 Montana Street, Glen Iris consistent with Council's submission to the Panel.

However, Council's heritage consultant does not support re-grading 56 Hortense Street, Glen Iris to non-contributory. Council's heritage consultant does not agree that this place is predominantly post-war in form and design. This place is almost identical to other contributory houses in the street where the Panel does not question their grading. While the Summerhill Estate is predominantly Interwar, postwar houses retain a strong continuity of styles, forms and materials.

Officers recommend adopting the changes as recommended by the Panel except for retaining 56 Hortense Street, Glen Iris as a contributory property.

- *Violet Farm Estate:* The Panel supports the inclusion of the Violet Farm Estate Precinct in the Heritage Overlay but recommends the re-grading of 21 Parkin Street to non-contributory consistent with Council's submission to the Panel (the dwelling has been legally demolished).

Officers recommend adopting the changes as recommended by the Panel.

Officers also recommend retaining the interim Heritage Overlay in its current form until the further investigation of the Mont Iris Estate and Environs Precinct is complete. Once the new precinct boundaries are known, it is recommended to remove the interim Heritage Overlay from those sites not included in the new precinct(s). This will ensure the continued protection of properties from demolition while the review is carried out.

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 entirely.

Given the advice from Council's heritage consultant, 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 abandoning (Part 1) and adoption (Part 2) and submission to the Minister for Planning for final approval.

Four speakers opposed to the officers' recommendation addressed the meeting. One speaker in support of the officers' recommendation addressed the meeting.

Procedural Motion - Adjournment

MOTION

Moved Councillor Sinfield

Seconded Councillor Watson

That the Urban Planning Delegated Committee meeting be adjourned.

CARRIED



The Urban Planning Delegated Committee meeting adjourned at 7.41pm.

Procedural Motion - Resumption

MOTION

Moved Councillor Sinfield

Seconded Councillor Biggar

That the Urban Planning Delegated Committee meeting resume.

CARRIED

The Urban Planning Delegated Committee meeting resumed at 7.55pm with all councillors present except Councillor Stavrou.

MOTION

Moved Councillor Franco

Seconded Councillor Parke

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 recommendations and recommended changes to Amendment C333boro to the Boroondara Planning Scheme, as shown at Attachment 2.**
- 3. Split Amendment C333boro into two parts:**
 - a. Part 1 relating to the proposed Mon Iris Estate and Environs Precinct;**
 - b. Part 2 relating to all individually significant properties, the Summerhill Estate Precinct, the Glen Iris Heights and Cherry's Hill Precinct and the Violet Farm Estate Precinct.**
- 4. Adopt the revised Glen Iris Heritage Gap Study as shown at Attachment 4.**
- 5. Refer Amendment C333boro Part 1 to an Ordinary Meeting of Council recommending that it be abandoned in accordance with Section 28 of the Planning and Environment Act 1987.**
- 6. Refer the updated Amendment C333boro Part 2 to an Ordinary Meeting of Council to be adopted in accordance with Section 29(1) of the Planning and Environment Act 1987.**

7. 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.
8. Immediately commence the further heritage assessment of the Mont Iris Estate and Environs Precinct, broadly focussing on but not limited to, High Street, Munro Avenue, Tower Hill Road and Hilltop Avenue to determine whether one or more smaller precincts and any individually significant properties can be identified as meeting the threshold for inclusion in the Heritage Overlay. The review should be completed within 4 months (subject to heritage consultant engagement and capacity).
9. Request retention of the current interim Heritage Overlay over the Mont Iris Estate from the Minister for Planning.
10. Upon completion of heritage assessments of the Mont Iris Estate and Environs Precinct, write to the Minister for Planning to request:
 - a. Authorisation to prepare an amendment(s) to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the Planning and Environment Act 1987 to apply the Heritage Overlay to identified properties.
 - b. The removal of the interim Heritage Overlay from properties not part of the new precinct(s) or not identified for individual significance.
11. Write to all property owners to notify of the outcomes of the review and whether their property is identified for inclusion in the Heritage Overlay as part of a new precinct or as an individually significant place.
12. Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the Planning and Environment Act 1987.

CARRIED

3.2 Amendment C353boro - Kew individual sites - Panel Report and Recommendations

Purpose

The purpose of this report is to provide an update on the outcomes and recommendations of the independent Planning Panel process into Amendment C353boro Part 2 to the Boroondara Planning Scheme.

Background

Amendment C353boro gives effect to the Urban Planning Special Committee (UPSC) resolution from the 20 July 2020. The Amendment completes outstanding heritage matters which arose from the independent Panel's recommendations for Amendment C294 to the Boroondara Planning Scheme which implemented the *City of Boroondara Municipal-Wide Heritage Gap Study Volume 4: Kew*. Specifically, the amendment relates to properties at 26 Goldthorns Ave, Kew and 97 Argyle Street, Kew and proposes to include the properties in the Heritage Overlay as individually significant places.

Amendment C353boro was exhibited from 22 July 2021 to 27 August 2021. Three submissions were received.

At the Urban Planning Delegated Committee (UPDC) meeting of 8 November 2021, the UPDC resolved to split the amendment into two parts, and to refer objecting submissions and relevant properties to an independent Planning Panel for consideration.

Key Issues

As no submitters wished to address the Panel in person, the Panel was held 'on the papers' and a public hearing did not take place.

The Panel considered the written submissions made to the amendment by the respective property owners, as well as additional written submissions by one of the property owners and Council.

The Panel report and recommendations were received on 9 March 2022. The report was made public on 23 March 2022.

The Panel has supported Council's recommendations that 26 Goldthorns Avenue and 97 Argyle Street, Kew be included in the Heritage Overlay, subject to some changes to the heritage citations to include additional information about the properties. The changes recommended are consistent with Council's submission to the Panel.

Next Steps

Officers recommend that the UPDC resolve to receive and acknowledge the Panel's report, adopt the updated heritage citations and refer Amendment C353boro Part 2 to an Ordinary Meeting of Council to be adopted.

There were no speakers wishing to make submissions to Council for this item.

MOTION**Moved Councillor Sinfield****Seconded Councillor Gillies****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. Adopt the revised citations for the following individual properties:
 - 26 Goldthorns Avenue, Kew (Attachment 2).
 - 97 Argyle Road, Kew (Attachment 3).
3. Refer the updated Amendment C353boro Part 2 to an Ordinary Meeting of Council to be adopted in accordance with Section 29(1) of the *Planning and Environment Act 1987*.
4. 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 8.08pm**Confirmed****Chairperson****Date**16.05.2022