

URBAN PLANNING DELEGATED COMMITTEE

MINUTES

(Open to the public)

Monday 18 July 2022

Online - Delivered via Webex Events.

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 Lisa Hollingsworth
Councillor Cynthia Watson
Councillor Nick Stavrou

Apologies

Councillor Di Gilles (leave of absence)
Councillor Susan Biggar

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Daniel Freer	Director Places and Spaces
	Mans Bassi	Director Customer and Transformation
	Scott Walker	Director Urban Living
	Amy Montalti	Chief Financial Officer
	David Cowan	Manager Strategic and Statutory Planning
	Bryan Wee	Manager Governance and Legal
	Kirstin Ritchie	Coordinator Governance
	Nick Brennan	Senior Strategic Planner
	Liam Merrifield	Senior Governance Officer

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	9 Seattle Street Balwyn North, 76 Wattle Road Hawthorn - Heritage Overlay	3
4.	General business	5
5.	Urgent business	5
6.	Confidential business	5

1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Gault

That the minutes of the Urban Planning Delegated Committee meeting held on 4 July 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 9 Seattle Street Balwyn North, 76 Wattle Road Hawthorn - Heritage Overlay

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the outcomes of the heritage assessments prepared by heritage consultants GML Heritage for 9 Seattle Street, Balwyn North and 76 Wattle Road, Hawthorn and to seek a resolution to request authorisation to prepare an amendment for permanent heritage protection and interim heritage protection (9 Seattle Street, Balwyn only).

Background

9 Seattle Street, Balwyn North and 76 Wattle Road, Hawthorn are both subject to live planning permit applications that imply demolition of the buildings with identified heritage significance. Without an interim or permanent Heritage Overlay the existing buildings cannot be retained in the event that a planning permit is issued.

9 Seattle Street, Balwyn North is subject to Planning Permit PP22/001 for the construction of two (2) dwellings on the lot. The owners of 9 Seattle Street, Balwyn North were notified of the building being of potential heritage significance and subject to a future detailed heritage assessment on 10 August 2021 as part of the Balwyn Heritage Study Peer Review Stage 3 process.

The property at 76 Wattle Road, Hawthorn was originally nominated for heritage protection as part of a community nomination of Wattle Road. The owners of 76 Wattle Road, Hawthorn were informed that the property was being investigated for heritage significance on 7 April 2022. The planning permit application proposes development of ten dwellings on the site and implies the demolition of the existing dwelling.

On 27 May 2022, an application for report and consent to demolish 76 Wattle Road, Hawthorn was lodged under Section 29A of the *Building Act 1993*. In response, officers have suspended the application for demolition and applied to the Minister for Planning for an interim Heritage Overlay for the property, in accordance with Council's adopted Section 29A process.

Key Issues

Based on heritage advice it is considered that 9 Seattle Road, Balwyn North is of local historical and aesthetic significance and is recommended for inclusion in the Heritage Overlay as an individually significant property. The house provides evidence of Boroondara as an area of leading architect-designed public and private buildings from the 1850s into the post-war period and is a fine and notably intact example of the Brutalist aesthetic as applied to residential architecture during the 1970s. The draft heritage citation is provided in **Attachment 1**.

76 Wattle Road, Hawthorn is also considered of local historical and representative significance and has been recommended to be included in the Heritage Overlay as an individually significant place based on heritage advice. The draft heritage citation is provided at **Attachment 2**.

Preliminary consultation on the draft heritage citation has not yet been undertaken, due to the time constraints with current planning permit for full demolition. DELWP will not progress or support the introduction of interim Heritage Overlays without a decision to commence the amendment process. Without approval of an interim Heritage Overlay, Council cannot formally consider heritage matters in the assessment and determination of the two planning permit applications. Council should not refuse the two applications on heritage grounds, if the sites are not subject to the Heritage Overlay.

A decision to commence the amendment process is required to increase the chances of protecting the buildings from demolition. A timely decision by the Minister on the interim Heritage Overlay before the planning permit applications need to be determined is important but not assured. Preliminary consultation would delay this decision by several months and significantly reduce the likelihood of successfully obtaining interim heritage protection and saving the buildings from demolition and is therefore not recommended. Property owners will have the opportunity to provide feedback on the proposed Heritage Overlay as part of the planning scheme amendment process.

It is therefore recommended that the UPDC resolve to adopt the two heritage citations and apply to the Minister for Planning for authorisation to prepare and exhibit a planning scheme amendment to introduce Heritage Overlays over 9 Seattle Street, Balwyn and 76 Wattle Road, Hawthorn on a permanent basis. It is also recommended that the UPDC resolve to write to the Minister for Planning requesting introduction of an interim Heritage Overlay over 9 Seattle Street, Balwyn.

*Three speakers opposed to the officers' recommendation addressed the meeting.
Five speakers in support of the officers' recommendation addressed the meeting.*

MOTION**Moved Councillor Gault****Seconded Councillor Parke****That the Urban Planning Delegated Committee:**

- 1. Adopt the heritage citations prepared by GML Heritage for 9 Seattle Street, Balwyn North and 76 Wattle Road, Hawthorn contained in Attachment 1 and Attachment 2.**
- 2. Write to the Minister for Planning to request authorisation to prepare an amendment to the Boroondara Planning Scheme in accordance with Section 8A(4) of the *Planning and Environment Act 1987* to include properties in the Heritage Overlay in accordance with the heritage citations prepared by GML Heritage.**
- 3. Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment 1987*.**
- 4. Write to the Minister for Planning to request that he prepare, adopt, and approve an amendment to the Boroondara Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987* to apply an interim Heritage Overlay to 9 Seattle Street, Balwyn North.**
- 5. Authorise the Director Urban Living to undertake administrative changes to the amendment that do not change the intent of the amendment, or any changes required under the Minister for Planning's Authorisation prior to the commencement of exhibition.**

CARRIED**4. General business**

Nil

5. Urgent business

Nil.

6. Confidential business

Nil.

The meeting concluded at 7:21pm.

Confirmed

Chairperson

Date
