

BOROONDARA PLANNING SCHEME

AMENDMENT C386boro

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 the following properties:

- 133, 133a, 135, 135a, 137, 139 and 141 Gordon Street, Balwyn (HO947)
- 41 Austin Street, Balwyn (HO948)
- 5 Creswick Street, Deepdene (HO949)
- 6 Creswick Street, Deepdene (HO950)
- 221 Whitehorse Road, Balwyn (HO951)

What the amendment does

The amendment proposes to introduce the Heritage Overlay to four individual properties and one heritage precinct comprising seven properties, on a permanent basis in Balwyn and Deepdene.

Specifically, the amendment proposes to:

1. Amend the Schedule to Clause 43.01 (Heritage Overlay) to apply the Heritage Overlay to the following new places:

HO Number	Description of Place	Property Address
HO947	Gordon Street Precinct	133, 133a, 135, 135a, 137, 139 and 141 Gordon Street, Balwyn
HO948	House	41 Austin Street, Balwyn
HO949	House	5 Creswick Street, Deepdene
HO950	Corra Lynn	6 Creswick Street, Deepdene
HO951	House	221 Whitehorse Road, Balwyn

2. Amend Planning Scheme Map No. 9HO to apply the Heritage Overlay to four individual heritage places and one heritage precinct.
3. Amend the Schedule to Clause 72.04 (Incorporated Documents) to include the Statements of Significance for four individual heritage places and one heritage precinct.

4. Amend the Schedule to Clause 72.08 (Background Documents) to include the Heritage Citations for four individual heritage places and one heritage precinct as background documents.

Strategic assessment of the amendment

Why is the amendment required?

Community nominations in 2020 lead to Boroondara City Council engaging a heritage consultant to undertake a review of the Balwyn Park Estate (Tramway Heights Estate), Deepdene Township Estate (including 5 Creswick Street, Deepdene) and 221 Whitehorse Road, Balwyn (as an individual property). The review was undertaken in 2021 and the properties and precinct comprising this amendment were identified by the council's heritage consultant as having local heritage significance. Preliminary consultation was undertaken between May and June 2022.

Amendment C386boro is required to implement the findings of a heritage assessment prepared by GML Heritage which recommends the inclusion of four individual heritage places and one heritage precinct in the Heritage Overlay.

The significance of the heritage places was assessed against the standard criteria contained in *Practice Note 01 Applying the Heritage Overlay* (August 2018) and are considered to meet the requirements and threshold for local protection through the Heritage Overlay.

The Heritage Overlay is the appropriate planning mechanism to protect the heritage values of the recommended properties as the Heritage Overlay requires a planning permit to be granted for buildings and works, including demolition, that could affect the significance of the heritage places.

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) of the *Planning and Environment Act 1987* which states:

- (a) 'to provide for the fair, orderly, economic and sustainable use, and development of land';
- (d) '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'; and
- (g) 'to balance the present and future interests of all Victorians.'

The heritage values associated with each heritage place proposed for inclusion in the Heritage Overlay are outlined in the Heritage Citations and Statements of Significance as completed by GML Heritage (2021-2022).

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 places 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. Therefore, 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 on 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.

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 places and precincts which have been identified and assessed as having local cultural heritage significance in the Schedule to the Heritage Overlay.

The amendment is consistent with and implements the Local Planning Policy particularly and Clause 15.03-1L (Heritage in Boroondara) which seeks to *'preserve 'significant' heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm'*.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment is consistent with and implements the Boroondara Planning Policy Framework, particularly Clause 02.03-4 (Built Environment and Heritage) of the Municipal Planning Strategy, which includes the direction to *'protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance'*.

Does the amendment make proper use of the Victoria Planning Provisions?

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

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

It is not expected that the new planning provisions will have any significant impact on the resource and administrative costs of the responsible authority given the small number of properties.

Where you may inspect this amendment

The amendment can be inspected free of charge at Boroondara City Council's website at www.boroondara.vic.gov.au/C386boro.

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.delwp.vic.gov.au/public-inspection, or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

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 5 December 2022.

A submission must be sent to:

Amendment C386boro
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: 6 March 2023
- panel hearing: 3 April 2023