

URBAN PLANNING DELEGATED COMMITTEE MINUTES



(Open to the public)

Monday 20 February 2023

Council Chamber - 8 Inglesby Road, Camberwell.

Commencement 6.32pm

Attendance

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

Apologies Councillor Wes Gault

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Scott Walker	Director Urban Living
	David Cowan	Manager Planning and Placemaking
	Bryan Wee	Manager Governance and Legal
	Christian Wilmsen	Coordinator Strategic Planning
	Jon Harper	Coordinator Urban Planning
	Elizabeth Manou	Senior Governance and Integrity Officer
	Amaya De Silva	Senior Urban Planner
	Emil Dickson	Strategic Planner

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1 Adoption and confirmation of the minutes of the Urban Planning Delegated Committee meeting held on 6 February 2023

MOTION

Moved Councillor Felicity Sinfield

Seconded Councillor Jim Parke

That the minutes of the Urban Planning Delegated Committee meeting held on 6 February 2023 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 Brickfields Environs Precinct Roseberry Street Heritage Extension

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the outcomes of the preliminary consultation process for the Brickfields Environs Precinct Roseberry Street Extension and the officers' response to the feedback.

The report also seeks a resolution to commence a planning scheme amendment, to extend the existing adjacent Brickfields Environs Precinct (HO841) to include properties in Roseberry Street, Hawthorn East in the Heritage Overlay on a permanent basis.

Background

The Brickfields Environs Precinct was included in the Heritage Overlay as part of the Hawthorn East Heritage Gap Study in February 2021. At the time, properties on Roseberry Street were not considered to meet the requisite threshold for inclusion in the Heritage Overlay (either as a standalone precinct or as part of the Brickfields Environs Precinct).

In July 2021, Council engaged two heritage consultants to undertake further reviews of Roseberry Street, in response to community requests. Both consultants concluded that Roseberry Street did not meet the threshold for inclusion in the Heritage Overlay as a standalone precinct or an extension to the existing Brickfields Environs Precinct.

In early 2022, further information was received relating to the history of Roseberry Street. This information carried some significance, to the extent that a further assessment of Roseberry Street in the context of the existing Brickfields Environs Precinct was deemed warranted. This further assessment, carried out by Landmark Heritage, centred on changing the strategic justification for the existing Brickfields Environs Precinct to allow inclusion of Roseberry Street (or part of it) as an extension to the Precinct.

On 17 October 2022, a report was presented to the Urban Planning Delegated Committee on the further assessment and analysis carried out by Council's heritage consultant. The report included a revised heritage citation for the Brickfields Environs Precinct (HO841) to include an extension into Roseberry Street. The UPDC resolved to commence a preliminary consultation process with relevant stakeholders, including property owners in the proposed precinct extension (Roseberry Street) and the existing Brickfields Environs Precinct (HO841).

Key Issues

Preliminary consultation on the draft amended citation was undertaken from 14 November to 16 December 2022. Owners and occupiers of the affected properties, as well as owners of adjoining and adjacent properties and relevant community and historical groups were notified in writing of the consultation period and invited to provide feedback.

Seventy-six (76) submissions were received, including two (2) opposing submissions, seventy (70) supporting submissions and four (4) partially supporting submissions.

The key issues raised in the feedback include:

- Previous studies and reports not identifying Roseberry Street properties as meeting the threshold for heritage protection.
- Potential risk that places currently protected under the Brickfield Environs Precinct (HO841) may lose heritage protection, if the strategic justification is altered.
- Concerns that the decision-making process is becoming unfair and not objective, as it has carried on for an inappropriate length of time, despite previous findings that an extension into Roseberry Street is not adequately justified.
- Concerns that the protection of homes in Roseberry Street is not supported by the wider community.
- Concerns regarding the use of ratepayer funds to facilitate the heritage protection process.
- Potential costs for maintenance and repairs, construction of new dwellings, ability to renovate and upgrade energy systems.
- A lack of connection between Roseberry Street and the former Brickworks and Brickfields Environs Precinct (HO841).
- Concerns around specific Roseberry Street properties being included in the proposed extension.
- Concerns that heritage protection does not address broader societal issues

Officers and council's heritage consultant have reviewed the feedback received and have provided a summary of and response to each feedback submission in the table at **Attachment 1**. Minor changes are recommended to the draft citation, namely the inclusion of additional information provided regarding the historic occupancy and ownership of homes in Roseberry Street (see **Attachment 1**, feedback submission #35).

Next Steps

Officers recommend that the amended Brickfields Environs Precinct heritage citation (with recommended changes included) at **Attachment 2** be adopted, and for the Committee to resolve to write to the Minister for Planning to request authorisation to prepare and exhibit a planning scheme amendment to implement the Heritage Overlay on a permanent basis.

Two speakers in support of the officers' recommendation addressed the meeting.

MOTION

Moved Councillor Di Gillies

Seconded Councillor Susan Biggar

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the feedback received and outcomes of the preliminary consultation process undertaken on the draft Brickfields Environs Precinct Roseberry Street Extension.**
- 2. Endorse the officers' response to the preliminary feedback received and recommended changes to the heritage citation as outlined in Attachment 1.**
- 3. Adopt the revised Brickfields Environs Precinct heritage citation contained in Attachment 2.**
- 4. Write to the Minister for Planning to request authorisation to prepare an amendment to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the *Planning and Environment Act 1987* to extend the existing Brickfields Environs Precinct to include part of Roseberry Street.**
- 5. Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.**
- 6. 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

3.2 PP22/0451 - UPDC Report - 4 Waterloo Street CAMBERWELL

4 Waterloo Street, Camberwell - demolition of existing dwelling and construction of two dwellings on a lot in a Heritage Overlay

Application no.: PP22/0451
Responsible director: Scott Walker, Directory Urban Living
Authorised by: David Cowan, Manager Planning and Placemaking
Report officer: Amaya De Silva, Senior Urban Planner

Report abstract

Proposal

The proposal seeks to demolish the existing dwelling on the land, and construct two (2) double storey attached dwellings on a lot in a Heritage Overlay

Issues

The following key issues are addressed in the Planning Assessment Report (Attachment 1):

- Heritage
- Neighbourhood Character
- Compliance with ResCode

Officer's response

Council officers have undertaken a thorough assessment of the proposal against the Boroondara Planning Scheme. Overall, the proposal achieves a high level of compliance with the requirements of the Neighbourhood Residential Zone and Clause 55 (ResCode).

The proposal is consistent with the objectives outlined in Clause 15.01-5L (Neighbourhood Character) of the Boroondara Planning Scheme and the objectives detailed in the Neighbourhood Character Precinct Statement applicable to this site. Furthermore, the development is consistent with the strategies outlined in Clause 15.03-1L (Heritage in Boroondara) of the Boroondara Planning Scheme.

The existing dwelling is a non-contributory dwelling. The design of the dwellings, massing, building height, setbacks and window treatment integrate the dwelling with the heritage streetscape. The proposal has a high level of compliance with Rescode, ensuring off-site amenity impacts, such as overshadowing, overlooking and visual bulk have been minimised. While architecturally contemporary in style, the design and materials are respectful and reflective of the neighbourhood character along Waterloo Street and surrounding streets.

Details of the proposal, discussion of all objections and assessment against relevant controls and policies are contained in the following attachments to this report:

- Attachment 1 - Planning Assessment Report
- Appendix A – Referral Comments
- Appendix B – Planning Policies
- Appendix C – Rescode Assessment
- Appendix D - Plans
- Appendix E - Zoning Map
- Appendix F - Locality Plan

Five speakers opposed to the officers' recommendation addressed the meeting. One speaker in support of the officers' recommendation addressed the meeting. Two submitters opposed to the officers' recommendation had their written submission read out at the meeting.

Procedural Motion - Adjournment

MOTION

Moved Councillor Jim Parke

Seconded Councillor Garry Thomson

That the Urban Planning Delegated Committee meeting be adjourned.

CARRIED

The Urban Planning Delegated Committee meeting adjourned at 8.36pm.

Procedural Motion - Resumption

MOTION

Moved Councillor Jim Parke

Seconded Councillor Susan Biggar

That the Urban Planning Delegated Committee meeting be resumed.

CARRIED

The Urban Planning Delegated Committee meeting resumed at 8.50pm with all councillors present except Councillor Gault.

MOTION

Moved Councillor Di Gillies

Seconded Councillor Garry Thompson

That the Urban Planning Delegated Committee resolve that a Notice of Refusal to Grant Planning Permit No. PP22/0451 for the demolition of the existing dwelling and the construction of two (2) dwellings at 4 Waterloo Street CAMBERWELL be issued under the Boroondara Planning Scheme for the following reasons:

- 1. The proposed design of the dwellings does not respect the existing and preferred character of the area, and is contrary to Clause 15.01-5L**

(Neighbourhood Character) and Clause 55.02-1 of the Boroondara Planning Scheme.

2. The proposal does not adequately respond to the heritage place with respect to the basement driveways, massing and design of the built form, contrary to Clause 15.03-1L (Heritage in Boroondara), of the Boroondara Planning Scheme.
3. The front setback does not comply with the objectives of Clause 55.03-1 (Street Setback) of the Boroondara Planning Scheme.

CARRIED

4 General business

4.1 Urban Design

Councillor Thompson requested a discussion take place with officers in the future regarding the involvement of urban designers in planning permit applications that include heritage matters.

The **Director Urban Living** noted the request.

4.2 Environmental Sustainable Design

Councillor Franco requested officers consider include environmental sustainable design matters in Urban Planning Delegated Committee reports moving forward.

The **Director Urban Living** noted a discussion regarding this matter will take place in due course.

5 Urgent business

Nil

6 Confidential business

Nil

The meeting concluded at 9.15pm

Confirmed

Chairperson

Date
