

URBAN PLANNING DELEGATED COMMITTEE

MINUTES

(Open to the public)

Monday 6 March 2023

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.35pm

Attendance

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

Apologies Nil

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Scott Walker	Director Urban Living
	David Cowan	Manager Planning & Placemaking
	Bryan Wee	Manager Governance & Legal
	Christian Wilmsen	Coordinator Strategic Planning
	Elizabeth Manou	Senior Governance & Integrity Officer
	Emil Dickson	Strategic Planner
	Rachel Brien	Strategic Planner

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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 20 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 High Street Ashburton Commercial Precinct - Outcomes of peer review process

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the outcomes of the peer review of the High Street Commercial Precinct, Ashburton prepared by heritage consultants GJM Heritage and to seek a resolution to commence preliminary consultation on the heritage citation for the revised precinct.

Please note the High Street Commercial Precinct Heritage Citation - Context (2019) was attached twice in error in the original distribution of the agenda. This was noticed by officers and a revised agenda was published which included the additional High Street Commercial Precinct, Ashburton Citation – GJM Heritage (2021) as Attachment 3.

Background

The High Street Commercial Precinct was initially identified in the Draft Ashburton Heritage Gap Study which recommended nine individual heritage places and two heritage precincts for inclusion in the Heritage Overlay. A copy of the original precinct citation prepared by Context is provided at **Attachment 1**.

Following preliminary consultation of the Draft Ashburton Heritage Gap Study in November/December 2019, the Urban Planning Special Committee resolved to defer consideration of the High Street Commercial Precinct being included in the Heritage Overlay, and commission an independent peer review by a suitably qualified heritage consultant. A key factor in the decision to defer consideration of the High Street Commercial Precinct was the challenging retail and business conditions which traders were facing due to Covid-19 lockdowns and restrictions on trading.

Key Issues

Following the decision by the UPSC, GJM Heritage was commissioned to carry out a peer review of the High Street Commercial Precinct.

GJM Heritage found the recommendation to include the High Street Commercial Precinct in the Heritage Overlay to be strategically justified as an intact shopping strip from the Interwar era, subject to the following changes:

- Include additional properties at 261-281 High Street (east of Y Street) and 216 High Street in the precinct.
- Regrade the three Post-war buildings at 188-192 High Street from 'contributory' to 'non-contributory'.
- Regrade the two Interwar buildings at 237-239 High Street from 'non-contributory' to 'contributory'.
- Include additional comparative analysis of the precinct with other Post-war commercial high streets within the City of Boroondara.

GJM Heritage also concluded the precinct does not satisfy Criterion E (aesthetic significance), and important attributes of the proposed precinct, including its very high level of consistency of built form, were not well articulated in the citation or the Statement of Significance. The letter of advice from GJM Heritage is provided at **Attachment 2**.

Based on the advice provided from GJM Heritage, officers commissioned a revised heritage citation, provided at **Attachment 3**.

Next Steps

Given trading restrictions have returned to normalised settings, the matter should be revisited. It is recommended to undertake preliminary consultation on the revised citation for an expanded precinct as recommended by GJM Heritage. Following a preliminary consultation process, a report will be prepared for consideration by the Urban Planning Delegated Committee.

Councillor Gillies declared a general conflict of interest in accordance with Section 127 of the *Local Government Act 2020*. Councillor Gillies advised the nature of the interest was *"I am a member of an advisory committee relevant to one of the traders and to several of the meeting's presenters."*

Councillor Gillies left the Chamber at 6.44pm prior to the consideration and vote on this item.

Five speakers opposed to the officers' recommendation addressed the meeting.

MOTION

Moved Councillor Thompson

Seconded Councillor Gault

That the Urban Planning Delegated Committee resolve to:

1. Receive and note the outcomes of the peer review of the High Street Commercial Precinct, Ashburton prepared by heritage consultants GJM Heritage.
2. Abandon the peer review of the High Street Commercial Precinct, Ashburton, not proceed to preliminary consultation and not implement its recommendations.

3. Remove the precinct identified in the peer review of the High Street Commercial Precinct, Ashburton from Council's list of 'possible' heritage properties.
4. Write to all owners and occupiers of directly affected and adjoining properties as well as previous submitters to inform them of this resolution.

LOST

Division

Councillor Thompson called for a division

Affirmative

Councillor Garry Thompson
Councillor Victor Franco
Councillor Wes Gault
Councillor Cynthia Watson

Negative

Councillor Nick Stavrou (Chairperson)
Councillor Felicity Sinfield (Mayor)
Councillor Jim Parke
Councillor Lisa Hollingsworth
Councillor Jane Addis
Councillor Susan Biggar

The Chairperson declared the Motion **LOST**

MOTION

Moved Councillor Sinfield

Seconded Councillor Hollingsworth

That the Urban Planning Delegated Committee resolve to:

1. **Note the draft heritage citation prepared by GJM Heritage following the peer review of the recommendation to include the High Street Commercial Precinct in the Heritage Overlay through the Ashburton Heritage Gap Study (Attachment 3).**
2. **Include the additional properties identified by GJM for inclusion in the precinct on the Possible Heritage Layer and monitor for any Section 29A demolition Report and Consent Applications and planning permits implying demolition.**
3. **Commence preliminary consultation on the draft heritage citation prepared by GJM Heritage in November 2022.**
4. **Following preliminary consultation, prepare a report for the Urban Planning Delegated Committee on the outcomes of the consultation and consider feedback received.**

CARRIED

Councillor Gillies entered the Chamber at 8.09pm and resumed her seat.

3.2 Amendment C386boro - Balwyn Interwar Heritage Assessment - Outcomes of Exhibition and Request for Panel

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the outcome of the exhibition of Amendment C386boro which relates to the Balwyn Interwar Heritage Assessment and to outline the officers' response to the submissions. The report also seeks a resolution to request the Minister for Planning to appoint a Planning Panel, and to refer all submissions to an independent planning panel for consideration.

Background

In February 2021 Council engaged GML Heritage (formerly Context) to undertake a review of several areas in Balwyn and Deepdene to carry out heritage assessments for a number of properties of potential local heritage significance. The review responded to community interest in the protection of these areas.

Following the detailed assessment, Council's heritage consultant identified the following properties as having local heritage significance:

- 133, 133a, 135, 135a, 137, 139 and 141 Gordon Street, Balwyn (Gordon Street Precinct)
- 41 Austin Street, Balwyn
- 5 Creswick Street, Deepdene
- 6 Creswick Street, Deepdene
- 221 Whitehorse Road, Balwyn

Following a preliminary consultation process in May/June 2022, the UPDC resolved on 5 September 2022 to:

- adopt the heritage citations for the Gordon Street Precinct, 41 Austin Street, Balwyn, 221 Whitehorse Road, Balwyn, 5 Creswick Street, Deepdene and 6 Creswick Street, Deepdene; and
- write to the Minister for Planning to request authorisation to prepare an amendment to introduce the Heritage Overlay (HO) on a permanent basis to the subject properties.

Authorisation was granted to prepare and exhibit Amendment C386boro on 27 September 2022.

Key Issues

Exhibition of the amendment commenced on 3 November 2022 and closed on 5 December 2022. Six (6) submissions were received, including four (4) objecting and two (2) supporting submissions.

The key issues raised in the submissions include:

- The inconsistency between the recommendations and findings of earlier heritage studies in the area;
- The heritage value of the properties and their ability to meet the requisite criteria for inclusion under the Heritage Overlay;
- Inaccuracies in the heritage citations used to justify the amendment;
- The lack of intactness of the Gordon Street Precinct;
- The level of change in the area undermining the homes' heritage status;

- Potential increased maintenance costs under the Heritage Overlay;
- Improper valuation of properties with regards to council rates;
- Perceived lack of transparency in the amendment process.

Officers and Council's heritage consultant have reviewed the submissions and provided a response to each submission and the key issues raised in the table at **Attachment 1** and Section 4 of this report.

In response to the submissions received, some changes are recommended to the heritage citations for 6 Creswick Street, Balwyn North. No properties are recommended to be removed from the amendment.

Next Steps

Sections 22 and 23 of the *Planning and Environment Act 1987* state that Council must consider submissions received during an amendment exhibition period and sets out Council's options for action in response to submissions.

These options are to:

- Change the amendment in the manner requested; or
- Refer the submission to an independent panel; or
- Abandon the amendment or part of the amendment.

It is recommended that the UPDC resolve to request appointment of a planning panel and refer all submissions received for consideration.

One speaker opposed to the officers' recommendation addressed the meeting.

Procedural Motion - Adjournment

MOTION

Moved Councillor Thompson

Seconded Councillor Sinfield

That the meeting be adjourned due to technical issues.

CARRIED

The Urban Planning Delegated Committee meeting adjourned at 8.24pm.

Procedural Motion - Resumption

MOTION

Moved Councillor Parke

Seconded Councillor Watson

That the meeting be resumed.

CARRIED

The meeting resumed at 8.45pm with all councillors present.

Three speakers opposed to the officers' recommendation addressed the meeting.

MOTION

Moved Councillor Watson

Seconded Councillor Sinfield

That the Urban Planning Delegated Committee resolve to:

Request for Panel (UPDC)

- 1. Receive and note the submissions to Amendment C386boro (Attachment 1) to the Boroondara Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987*.**
- 2. Endorse the officers' response to submissions and recommended changes to Amendment C386boro as shown at (Attachment 1).**
- 3. Request that the Minister for Planning appoint a Planning Panel under Section 153 of the *Planning and Environment Act 1987* to consider all submissions to Amendment C386boro.**
- 4. Refer the amendment and all submissions to a Planning Panel in accordance with Section 23(1) of the *Planning and Environment Act 1987*.**
- 5. Authorise the Director Urban Living to undertake administrative changes to Amendment C386boro that do not change the intent of the amendment prior to a Panel Hearing.**

CARRIED**4. General business**

Nil.

5. Urgent business

Nil.

6. Confidential business

Nil.

The meeting concluded at 9.08pm

Confirmed

Chairperson

Date
