

URBAN PLANNING DELEGATED COMMITTEE MINUTES



(Open to the public)

Monday 5 June 2023

Council Chamber - 8 Inglesby Road, Camberwell.

Commencement 6:35pm

Attendance

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

Apologies

Cr Victor Franco

Officers

Phillip Storer	Chief Executive Officer
Scott Walker	Director Urban Living
Kate McCaughey	Director Community Support
Daniel Freer	Director Places and Spaces
Bryan Wee	Manager Governance and Legal
David Cowan	Manager Planning and Placemaking
Kirstin Ritchie	Coordinator Governance
Christian Wilmsen	Coordinator Strategic Planning
Nick Brennan	Senior Strategic Planner
Liam Merrifield	Senior Governance Officer

Table of Contents

1 Adoption and confirmation of the minutes of the Urban Planning Delegated Committee meeting held on 15 May 2023 and 22 May 2023.....	3
2 Declaration of conflict of interest of any councillor or council officer	3
3 Presentation of officer reports	3
3.1 86 Wattle Road, Hawthorn - Preliminary consultation outcomes and request for permanent Heritage Overlay	3
4 General business.....	5
5 Urgent business.....	5
6 Confidential business.....	5

1 Adoption and confirmation of the minutes of the Urban Planning Delegated Committee meeting held on 15 May 2023 and 22 May 2023

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Gault

That the minutes of the Urban Planning Delegated Committee meeting held on 15 May 2023 and 22 May 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 86 Wattle Road, Hawthorn - Preliminary consultation outcomes and request for permanent Heritage Overlay

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee of an application to demolish the property at 86 Wattle Road Hawthorn, and to seek a resolution to request authorisation to prepare and exhibit a planning scheme amendment to place a Heritage Overlay over the property on a permanent basis.

Background

In March 2021, a request was received from residents that Council investigate the heritage significance of Wattle Road, Hawthorn.

Officers engaged GML Heritage to carry out an investigation. GML Heritage have prepared draft citations for a number of properties in Wattle Road, including 86 Wattle Road. Consultation is currently underway on the potential heritage for those properties with the outcome of the consultation expected to be considered by the UPDC in the coming months.

On 6 March 2023 an application for report and consent to demolish the property was lodged under Section 29A of the *Building Act 1993*. In response, the application for demolition has been suspended and an application made to the Minister for Planning for an interim Heritage Overlay for the property, in accordance with Council's adopted Section 29A process. To date, the Minister has not made a decision regarding the application.

Officers from the Department of Transport and Planning (DTP) have now advised that a request for authorisation for permanent Heritage Overlay must be lodged by early June to support the interim Heritage Overlay request (as required by *Planning Practice Note 29 - Ministerial powers of intervention in planning and heritage matters*). If authorisation is not lodged within the specified timeframe, the interim

Heritage Overlay is likely to be refused. If the Council's request for interim heritage protection is refused, Council must consent to the demolition of the property.

Lodging the request for a permanent Heritage Overlay means that DTP will undertake a merits assessment of the application rather than refusing it outright. It does not guarantee that the interim Heritage Overlay will be approved.

Key Issues

Officers carried out preliminary consultation on the draft citations from 10 February to 22 April 2023. One submission was received that specifically related to 86 Wattle Road, Hawthorn.

Key issues raised in the submission include:

1. The property has only recently been purchased by the owner and they were not aware of the proposal prior to purchasing.
2. The house is in poor repair and is uninhabitable.
3. It had been proposed to demolish the existing property and build a new house on the property.
4. The existing house is small, poorly sited and not as impressive as surrounding properties.

A response to the points raised in the submission is included in **Attachment 1**. No changes are proposed to the heritage citation and the site is recommended for inclusion in the Heritage Overlay as an individually significant place.

Officers also note that there were a number of submissions that expressed general support or opposition to the heritage study without specifically referring to 86 Wattle Road, Hawthorn.

The deadline set by DTP means that progressing 86 Wattle Road, Hawthorn to a planning scheme amendment must be prioritised. The feedback received for other properties in Wattle Road recommended for heritage protection is still being reviewed and will be considered at a future UPDC meeting.

Next Steps

Officers recommend that the UPDC resolve to adopt the draft heritage citation for 86 Wattle Road, Hawthorn and to seek authorisation to prepare and exhibit a planning scheme amendment to place a Heritage Overlay over the property.

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

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

MOTION

Moved Councillor Biggar

Seconded Councillor Parke

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 Wattle Road heritage study specifically related to 86 Wattle Road, Hawthorn.**
- 2. Endorse the officers' response to the preliminary feedback received and recommended changes to the draft heritage citation outlined in Attachment 1.**
- 3. Adopt the heritage citation for 86 Wattle Road, Hawthorn 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 include the property in the Heritage Overlay on a permanent basis.**
- 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:**
 - a. administrative changes to the amendment that do not change the intent of the amendment; or**
 - b. 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 Urban Planning Delegated Committee meeting concluded at 7:30pm

Confirmed

Chairperson

Date
