

URBAN PLANNING DELEGATED COMMITTEE



MINUTES

(Open to the public)

Monday 22 March 2021

Council Chamber, 8 Inglesby Road, Camberwell and Delivered Online.

Commencement 6.34pm

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

Apologies Councillor Wes Gault

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Simon Mitchell	Manager Strategic & Statutory Planning
	David Thompson	Manager Governance & Legal
	Shiranthi Widan	Coordinator Strategic Planning
	Amanda Seymour	Senior Strategic Planner
	Elizabeth Manou	Senior Governance Officer

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1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Sinfield

That the minutes of the Urban Planning Delegated Committee meeting held on 1 March 2021 be adopted and confirmed.

CARRIED

2. Declaration of conflict of interest of any councillor or council officer

Refer to Item 3.1 Heritage Protection of 1207 Burke Road, Kew - Preliminary Consultation Outcomes - Councillor Parke

3. Presentation of officer reports

3.1 Heritage Protection of 1207 Burke Road, Kew - Preliminary Consultation Outcomes

The purpose of this report is to seek:

- adoption of the draft heritage citation for 1207 Burke Road, Kew; and
- a decision to write to the Minister for Planning to request authorisation to prepare and exhibit a planning scheme amendment to apply the Heritage Overlay to the property on a permanent basis.

Following the lodgement of planning permit application PP20/0781 in September 2020, officers received a number of community requests for Council to further investigate the heritage significance of 1207 and 1209 Burke Road, Kew, supported by new information.

Both properties had been assessed through the Kew Heritage Gap Study in 2017. Neither property was recommended for heritage protection by the study as they were not deemed to be of individual heritage significance for their aesthetic or architectural value and did not form part of a heritage precinct. Officers engaged heritage consultants Context to undertake a further assessment of the two properties given the new information submitted.

The feedback received by residents in September 2020, included information that 1207 Burke Road, Kew has an association with B.A Santamaria, a political activist who lived in the dwelling between 1960 and 1983. Context concluded the property to be of local historical (associative) significance to the City of Boroondara and recommended its inclusion in a Heritage Overlay (HO) as an individually significant heritage place. The draft heritage citation is provided in **Attachment 1**.

Preliminary consultation on the draft heritage citation was undertaken from 7 January to 8 February 2021. Fifty-Seven (57) submissions, including three (3) objecting and 54 supporting submissions, were received.

An application was made to the Minister for Planning on 4 December 2020 to request an interim HO be applied to the property. The interim HO request was made following the lodgement of a Section 29A application seeking demolition of 1207 Burke Road, Kew. The S29A application has been suspended. A Section 29A application has also been lodged for full demolition of 1209 Burke Road, Kew. Consent to demolish this dwelling has been granted, consistent with Council's adopted Section 29A decision making process, on the basis that the further heritage assessment undertaken by Context confirmed the property does not have individual heritage significance.

Council has been advised by the Department of Environment, Land, Water and Planning (DELWP) the interim HO request for 1207 Burke Road cannot be progressed until Council has:

- Endorsed the heritage citation 1207 Burke Road, Kew; and
- Resolved to seek authorisation to prepare a planning scheme amendment seeking equivalent permanent controls for the property.

DELWP advised the above must be completed before the end of March 2021 to ensure the interim HO request is processed in an appropriate timeframe.

DELWP's heritage advisor also requested a review of the heritage citation to consider if internal controls should be applied to the library of the dwelling.

Council's heritage consultant has reviewed the draft citation in light of DELWP's request and agreed internal alteration controls are appropriate and should be applied to the library. The house is currently tenanted so officers have not been able to confirm the state of the current library or gain access to the property. Notwithstanding this, it is believed the library still exists and the house remains worthy of heritage protection for its association with B.A Santamaria.

There will be further opportunities to gain access to the property and confirm the state of the library as part of the planning scheme amendment process, should the UPDC decide to proceed with a planning scheme amendment to include the property in the Heritage Overlay.

The heritage citation was updated following preliminary consultation to include internal alteration controls for the former library. The updated citation is located in **Attachment 1**.

Councillor Parke declared he had a general conflict of interest in Item 3.1 Heritage Protection of 1207 Burke Road, Kew - Preliminary Consultation Outcomes. Councillor Parke advised the nature of the interest was "I am a registered proprietor of real estate in close proximity to the subject site".

Councillor Parke left the chamber at 6.40pm prior to the consideration and vote on this item.

Election of Temporary Chairperson

The Manager Governance and Legal called for nominations for the position of temporary chairperson.

Councillor Sinfield nominated Councillor Thompson

Councillor Watson seconded the nomination

There being no further nominations, the Manager Governance and Legal declared Councillor Thompson elected as temporary chairperson.

Councillor Thompson assumed the chair.

*One speaker in support of the officers' recommendation addressed the meeting.
Two speakers opposed to the officers' recommendation addressed the meeting.*

MOTION

Moved Councillor Sinfield

Seconded Councillor Hollingsworth

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the feedback received (Attachment 2) and outcomes of the preliminary consultation process undertaken on the draft heritage citation.**
- 2. Endorse the officers' response to the preliminary feedback received and recommended changes to the draft heritage citation outlined in Attachment 2.**
- 3. Adopt the heritage citation for 1207 Burke Road, Kew contained in Attachment 1.**
- 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 1207 Burke Road, Kew in the Heritage Overlay.**
- 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

Councillor Parke entered the chamber at 7.26pm and resumed the chair.

4. General business**4.1 Criteria for Inclusion in a Planning Scheme Heritage Overlay - Criterion H (Associative Significance)**

The Mayor, Councillor Thompson requested Council officers and Councillors discuss in due course, Criterion H in the Planning Practice Note - Applying the Heritage Overlay and properties of social significance within the municipality.

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 7.27pm

Confirmed

Chairperson

Date
