

BOROONDARA PLANNING SCHEME

AMENDMENT C318

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Boroondara, which is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to fifteen individual properties and one precinct in Balwyn, Balwyn North and Deepdene.

What the amendment does

The Amendment proposes to implement the recommendations of Stage 2 of the *Balwyn Heritage Study* peer review to introduce the Heritage Overlay on a permanent basis to 15 individual places and one precinct.

The Amendment

1. Amends the schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Maps 3HO and 8HO to apply the Heritage Overlay to the following places:

HO Number	Property Address	Description of Place
HO870	1 Mountain View Road, Balwyn North	House
HO871	1 Reumah Court, Balwyn	House 'Reumah'
HO872	3 Brenbeal Street, Balwyn	All Hallows' Catholic Church-School, former
HO873	7 Mangan Street, Balwyn	Flats
HO874	8 Kitchener Street, Deepdene	House 'Kahrtoum'
HO875	8 Boston Road, Balwyn	House 'Rexmoor'
HO876	9 Boston Road, Balwyn	House 'Aloha'
HO877	28 Leonard Street, Deepdene	House 'Mararoa'
HO878	32 Whitehorse Road, Deepdene	1st Deepdene Scout Hall
HO879	113 Yarrbat Avenue, Balwyn	House 'Bel-Air'
HO880	129-131 Yarrbat Avenue, Balwyn	'Silver Birches' (formerly 'Hillsborough') and garden
HO881	146 Yarrbat Avenue, Balwyn	Church House
HO882	171 Doncaster Road, Balwyn North	House and Garden
HO883	269 Union Road, Balwyn	House 'Evandale' (formerly 'Dewrang')
HO884	958A Burke Road, Deepdene	Former Frank Paton Memorial Church and Hall
HO885	1-13 Angle Road, Deepdene inclusive	Angle Road precinct, Deepdene

2. Amends Clause 72.04 (Schedule to Clause 72.04 documents incorporated in this Planning Scheme) to include the Statements of Significance for the 15 new individual places and one new precinct.

Strategic assessment of the Amendment

Why is the Amendment required?

The draft *Balwyn and Balwyn North Heritage Study (incorporating Deepdene and Greythorn)* (the draft Study) was completed in June 2014 and identified 26 properties and four precincts to be included in the Heritage Overlay. On 7 September 2015, the Urban Planning Special Committee (UPSC) resolved to not proceed with adopting the draft Study.

On 20 March 2017, the UPSC resolved to undertake a peer review of the draft Study. Following the completion of Stage 1 of the peer review (through Amendment C276 to the Boroondara Planning Scheme), on 2 September 2019 the UPSC adopted the sixteen heritage citations that form the basis of this amendment.

The significance of the precincts and individual properties has been assessed against the standard criteria contained in Practice Note 01 *Applying the Heritage Overlay* (September 2012) and are considered to meet the threshold for local heritage protection under the Heritage Overlay. Amendment C318 is required to implement the recommendations of the study and peer review by including the fifteen places and one precinct in the Heritage Overlay on a permanent basis.

The Heritage Overlay is the appropriate planning provision to protect the heritage values of the precincts and individual properties, as the Heritage Overlay requires a planning permit to be obtained for building and works, including demolition, that could affect the significance of these precincts and individual properties.

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:

“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.”

The heritage values associated with each heritage precinct and property proposed for inclusion in the Heritage Overlay are outlined in their respective heritage citation.

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 are not subject to bushfire risk or a Bushfire Management Overlay, and 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 is consistent 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 State 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.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is consistent with the Local Planning Policy Framework, particularly Clauses 21.05 (Heritage, Landscapes and Urban Character) and 22.03 (Heritage Policy), which relate specifically to the cultural heritage significance of places within the City of Boroondara. These policies seek to identify, protect and enhance the cultural heritage significance of places within the municipality.

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

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

How does the amendment address the views of any relevant agency?

The views of relevant agencies will be sought through the public exhibition phase 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

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

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

Where you may inspect this Amendment

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.planning.vic.gov.au/public-inspection.

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 13 December 2019.

A submission must be sent to:

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: Week commencing 23 March 2020
- panel hearing: Week commencing 4 May 2020