

BOROONDARA PLANNING SCHEME

AMENDMENT C388BORO

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of the Boroondara City Council.

Land affected by the amendment

The amendment applies to the properties identified in the Smythesdale Estate Precinct at 8, 10, 12, 14, 16 and 18 Carlyle Street and 81, 83, 85, 85A, 87 and 89 Harcourt Street, Hawthorn East.



Figure 1: Smythesdale Estate Precinct

What the amendment does

The amendment proposes to apply the Heritage Overlay (HO953) to the Smythesdale Estate Precinct comprising of twelve properties in Hawthorn East, on a permanent basis.

Specifically, the amendment proposes to:

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to apply the Heritage Overlay (HO953) to the properties identified in the Smythesdale Estate Precinct.
- Amend the Schedule to Clause 72.04 (Incorporated Documents) to introduce the *Smythesdale Estate Precinct Statement of Significance, November 2022* as an incorporated document.
- Amend the Schedule to Clause 72.08 (Background Documents) to introduce the *Smythesdale Estate Precinct Heritage Citation* (RBA, November 2022) as a background document.
- Amend Planning Scheme Map Nos. 12HO and 13HO to apply the Heritage Overlay (HO953) to the properties identified in the Smythesdale Estate Precinct.

Strategic assessment of the amendment

Why is the amendment required?

In 2021, Boroondara City Council engaged RBA heritage consultants to investigate the heritage significance of several properties in Harcourt Street, Hawthorn East in response to a community nomination. RBA conducted their review of the properties over 2021 and early 2022.

Following completion of the assessment, RBA found the Smythesdale Estate Precinct was of local heritage significance, which included the following twelve properties:

- 8, 10, 12, 14, 16 and 18 Carlyle Street, Hawthorn East
- 81, 83, 85, 85A, 87 and 89 Harcourt Street, Hawthorn East.

Preliminary consultation was undertaken on the draft precinct heritage citation between May and July 2022. On 3 October 2022, the council's Urban Planning Delegated Committee (UPDC) adopted the heritage citation that forms the basis of this amendment.

The significance of the precinct has been assessed against the standard criteria contained in *Planning Practice Note 01: Applying the Heritage Overlay* (DELWP, August 2018). The precinct is considered to meet the threshold for local heritage protection under the Heritage Overlay. An assessment against the criteria and the background for the precinct is found in the heritage citation.

The amendment is required to implement the heritage consultant's recommendations by including the precinct in the Heritage Overlay on a permanent basis.

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

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 at section 4 (1) of the *Planning and Environment Act 1987*:

“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 the heritage precinct are outlined in the heritage citation.

How does the amendment address any environmental, social and economic effects?

The amendment is expected to result in a net community benefit, 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 is 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 *Plan Melbourne* 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 Planning Policy Framework, in particular Clause 15.03-1S (Heritage Conservation) and gives effect to 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.

The amendment is consistent with and implements the Local Planning Policy, particularly Clause 15.03-1L (Heritage in Boroondara) which seeks to “preserve ‘significant’ heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm”.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment is consistent with and implements the Municipal Planning Strategy, particularly Clause 02.03-4 (Built Environment and Heritage), which sets the strategic direction to “protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance”.

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

The amendment uses the most appropriate Victoria Planning Provisions tool to achieve the strategic objectives of the scheme.

The Heritage Overlay is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified heritage places. The Heritage Overlay gives effect to the intended outcome of protecting identified heritage places and is consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

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

The views of relevant agencies will be sought through the public exhibition 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 given the small number of properties affected.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Boroondara City Council website at www.engage.boroondara.vic.gov.au/heritage-C388.

The amendment is available for public inspection, free of charge, during office hours at the following place:

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 Transport and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

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 **Monday 3 April 2023**.

A submission must be sent to:

Amendment C388boro
Planning & Placemaking 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 of 29 May 2023
- panel hearing: Week of 26 June 2023