



Department of Transport and Planning

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Mr Phillip Storer
Chief Executive Officer
Boroondara City Council
Private Bag 1
Camberwell VIC 3124

Attention: Nick Brennan, Senior Strategic Planner
Email: Nick.Brennan@boroondara.vic.gov.au

Dear Mr Storer

PROPOSED BOROONDARA PLANNING SCHEME AMENDMENT C404boro WATTLE ROAD & ENVIRONS, HAWTHORN, HERITAGE REVIEW

I refer to your council's application for authorisation to prepare an amendment to the Boroondara Planning Scheme. The amendment proposes to apply the Heritage Overlay to 11 individual places and two (2) precincts in Wattle Road, Wattle Grove and Finchley Court, Hawthorn on a permanent basis.

On 16 October 2023, your council was advised that the authorisation application required further review in accordance with section 8A of the *Planning and Environment Act 1987* (PE Act). The Department of Transport and Planning (DTP) requested further information on 21 November 2023, 7 March and 2 May 2024.

I acknowledge the delay in a decision on your authorisation request. The proposed amendment has required careful consideration and continued discussion with council officers about inconsistencies with previous heritage studies and recommendations, the merit and adequacy of the council's community nomination process, alignment with existing housing policies and council's housing strategy and site-specific issues.

Following further review and consideration of the further information provided by council officers, under delegation from the Minister for Planning, in accordance with section 8A of the PE Act I authorise your council as planning authority to prepare the amendment subject to the following conditions:

1. Remove 18, 41 & 43, 50, 51-53 and 88 Wattle Road, Hawthorn from the proposed amendment by amending the Schedule to Clause 43.01 (Heritage Overlay), the Schedule to Clause 72.04 (Incorporated Documents) and Planning Scheme Map No. 11HO.
2. Remove 57 Wattle Road, Hawthorn from the proposed amendment by amending the Schedule to Clause 43.01 (Heritage Overlay), the Schedule to Clause 72.04 (Incorporated Documents) and Planning Scheme Map No. 11HO, as agreed with council officers.

3. Make the following changes, as appropriate, to Statements of Significance:
 - a. Amend all Statements of Significance to:
 - i. Include the heritage consultant in the title consistent with the naming conventions for incorporated documents set out in the *Ministerial Direction – The form and content of planning schemes*; and
 - ii. Ensure that all criterion assessments under ‘Why is it significant?’ have clear, separate paragraphs for each criterion; and
 - iii. Amend references to the primary source document consistent with the naming conventions for background documents in the *Practitioner’s Guide to Victoria’s Planning Schemes* as follows ‘Wattle Road Heritage Study (GML Heritage, October 2023)’.
 - b. Amend the Statements of Significance for the Wattle Grove Precinct and Finchley Court Precinct to include a map legend that identifies the grading/s of the properties (i.e. non-contributory, contributory or significant).
 - c. Amend the Statements of Significance for 48 and 82-84 Wattle Road, Hawthorn to revise Criterion A (historical significance) to clearly and definitively express why the places are of historical significance, rather than just stating historical information.
 - d. Amend the Statement of Significance for 63 Wattle Road, Hawthorn to provide clear and definitive assessment against Criterion A (historical significance) by revising the sentence “...is of local historical significance as one of the earliest (if not the earliest) examples of a medium density ‘own-your-own’ residential unit development...” under ‘Why is it significant?’.
 - e. Consequential to the above-mentioned required changes to the Statements of Significance, amend all dates of the documents to reflect the date the required changes were made.
4. Revise the Instruction Sheet to ensure that it identifies the number of attached maps affected and use the current digitally accessible version. Please note that all future amendments must use the digitally accessible templates provided on the www.planning.vic.gov.au/planning-schemes/amendments/amendment-documentation-templates website.
5. Revise the Explanatory Report to:
 - a. Provide a comprehensive assessment of how the amendment supports and implements the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) including how the introduction of a Heritage Overlay will affect the housing or economic development objectives of the municipality, including with reference to considerations set out at Clause 15.03-1L (Heritage in Boroondara).
 - b. Include any consequential changes to reflect the authorisation conditions including to remove 18, 41 & 43, 50, 51-53, 57 and 88 Wattle Road, Hawthorn; and
 - c. Use the current digitally accessible version. Please note that all future amendments must use the digitally accessible templates provided on the www.planning.vic.gov.au/planning-schemes/amendments/amendment-documentation-templates website; and

- d. Make other changes as detailed in the enclosed DTP track change version dated 20 August 2024 as well as including new content as required by the current template.

DTP notes that previous studies commissioned to study the Hawthorn area date back to 1993, all of which have assessed the significance of properties within the proposed Amendment C404boro. These include:

- *Hawthorn Heritage Study* (Meredith Gould, April 1993); and
- *Review of C* Grade Buildings in the Former City of Hawthorn* (Lovell Chen, September 2006, Revised June 2007, Revised November 2009); and
- *Kew and Hawthorn Further Investigations – Assessment of Specific Sites* (Lovell Chen, February 2014); and
- *City of Boroondara Municipal-Wide Heritage Gap Study Volume 3: Hawthorn* (Context Pty Ltd, Revised 18 December 2018, Revised 20 July 2020); and
- *Hawthorn Heritage Precincts Study Volume 1 and 2* (Context Pty Ltd, April 2021).

In 2018, your council adopted the 'City of Boroondara Municipal-Wide Heritage Gap Study Volume 3: Hawthorn', a comprehensive study of heritage places in Hawthorn which was conducted by Context Pty Ltd, now GML Heritage. This study did not consider any proposed places and precincts in the proposed Amendment C404boro as the scope of all the Municipal-Wide Heritage Gap studies did not include properties already investigated in detail and determined to not meet the threshold for inclusion in the HO.

In 2012, your council adopted the 'City of Boroondara's Thematic Environmental History (Built Heritage, May 2012)' (TEH) which provides context for heritage places and areas that have been identified in the City of Boroondara through various themes, including the German community history along Wattle Road, Hawthorn. Specifically, it identifies that Wattle Road was Crown Allotments 45 and 46 that were acquired by migrant Edward Kobelke who later divided them into smaller blocks. These were transferred to other German settlers between 1851 and 1870, namely, Johann Fankhauser, August Aumann and members of the Finger family who ran a dairy herd on a paddock on Glenferrie Road.

Councils have a responsibility to ensure that buildings, areas and other places of scientific, aesthetic, architectural or historical interests are conserved under the PE Act. As your council has adopted comprehensive studies for the Hawthorn area (namely 2014, 2020 and 2021) and its TEH, it is expected that any new heritage processes should focus on those properties and precincts missed in previous studies or where new information is available given that the existing Schedule to Clause 43.01 (Heritage Overlay) is based on these past studies and revisiting their findings is considered inappropriate unless further information comes to light. For this reason, it is considered the application of the Heritage Overlay to 18, 41 & 43, 50, 51-53, 57 and 88 Wattle Road, Hawthorn has not been sufficiently justified in this instance, noting the findings of previous heritage studies and the absence of new information about the potential significance of these properties. I note that council officers have acknowledged factual inaccuracies in relation to the architect associated with 57 Wattle Road, Hawthorn and support the removal of this property from the proposed amendment.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report.

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically using the Amendment Tracking System (ATS).

If you would like further information, please contact me by email at melena.mckaskill@transport.vic.gov.au.

Yours sincerely



Melena McKaskill
Manager, Metropolitan Planning Services

3/10/2025