

URBAN PLANNING SPECIAL COMMITTEE

AGENDA

6.30pm, Monday 20 February 2012

Council Chamber, 8 Inglesby Road, Camberwell.

Order of business

1. **Apologies**
2. **Adoption and confirmation of the minutes of the Urban Planning Special Committee meeting held on 30 January 2012**
3. **Declaration of conflict of interest of any councillor or council officer**
4. **Presentation of officer reports**
 1. 476 Camberwell Road, Camberwell
 2. 673-681 Glenferrie Road, Hawthorn
 3. 290 Balwyn Road, Balwyn North
 4. 8-12 Queens Avenue, Hawthorn
 5. 589 Burke Road, Camberwell
 6. VCAT Decisions and decisions under delegation January 2012
5. **General business**
6. **Urgent business**
7. **Confidential business**

Close of meeting

9 February 2012
(Date of Issue)

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UPC1 476 Camberwell Road, Camberwell

Application no.: PP10/00224 (File 40/409/16895)

Responsible Acting Director David Thompson
City Development and Amenity

Authorised by: **Anthony De Pasquale**
Acting Manager Statutory Planning

Report officer: **Seuna Byrne**
Principal Planner Statutory Planning

Abstract

Proposal

The proposal seeks permission to construct a three (3) storey building comprising 10 dwellings on the land, above a basement car park. The car park would contain 13 car spaces. There would be a mix of seven (7) x 2-bedroom dwellings, plus three (3) x 3-bedroom dwellings.

Issues

The following are key issues in respect of this application:

- Neighbourhood character;
- Non-compliances with Clause 55 (Rescode) requirements relating to the front setback, visitor car parking, private open space, storage and the setback to the second floor from the western boundary;
- Objector concerns.

Officer's response

An assessment of the character of the area finds that building form, scale and setbacks vary. Subject to the recommended permit conditions, the development will make a positive contribution to the character of the area, in a location that is well suited for increased residential densities.

Permit conditions have been recommended to ensure that the front setback, setback from the western boundary and the provision of storage for the dwellings are brought into compliance with the requirements of Rescode.

Council's Traffic Engineers are satisfied that adequate on-site parking is provided, noting that there is opportunity for two (2) visitor cars to be accommodated on Camberwell Road, directly adjacent to the frontage of the subject site.

Dwelling 1 does not satisfy Standard B28 of Rescode with respect to private open space. The dwelling is a 1-bedroom apartment and it is provided with 26.32m² of north-facing open space. This is considered adequate to meet the recreational needs of future occupants. Resident needs are further supplemented by the proximity of the site to Camberwell Sports Ground (460m), Willison Park (500m) and Fordham Gardens (700m).

Officers' recommendation

That Council resolve that **Notice of Decision to Grant Planning Permit No. PP11/00224** for construction of a three (3) storey building comprising 10 dwellings and creation of access to a road in a Road Zone, Category 1 at **476 Camberwell Road, Camberwell** be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When the plans are to the satisfaction of the Responsible Authority they will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and three (3) copies provided, substantially in accordance with the advertised plans (Job No. AA/C013, Drawings TP03 Revision C dated 7 October 2011, TP04 Revision B dated 14 October 2011, TP05 Revision B dated 14 October 2011, TP06 Revision B dated 14 October 2011, TP07 Revision B dated 14 October 2011, TP08 Revision C dated 14 October 2011, TP09 Revision A dated 30 May 2011, TP10 Revision A 30 May 2011, TP11 Revision A dated 30 May 2011, TP12 Revision A dated 30 May 2011 and TP13 Revision A dated 30 May 2011, all prepared by Ammache Architects) but modified to show:

General:

- a) Removal of all existing vegetation from the site;
- b) The ground and first floor setback increased to a minimum of 7.7m from the northern (Camberwell Road) boundary. The increased setback must be absorbed into the building envelope to the satisfaction of the Responsible Authority;
- c) An increase in the setback of that part of the basement containing the storage units from the northern (Camberwell Road) boundary to a minimum of 7.7m to enable increased in-ground planting within the front setback to the satisfaction of the Responsible Authority;
- d) An increase in the first floor setback to Dwelling 8 from the southern boundary to a minimum of 5.0m and an increase in the first floor setback to Dwelling 8 (to that part of the dwelling presently occupied by the living room and powder room only) from the eastern boundary to a minimum of 5.6m. The increased setbacks must be absorbed into the building envelope to the satisfaction of the Responsible Authority;
- e) An increase in the setback to the stairwell and liftwell so that the building setbacks from the western boundary comply with Standard B17 to the satisfaction of the Responsible Authority;
- f) The provision of 6m³ storage space for each dwelling. Where the storage is to be located above a car space, adequate clearances must be demonstrated to the satisfaction of the Responsible Authority;
- g) Further details of the proposed garage door. The material comprising the garage door is required to be of a high quality to the satisfaction of the Responsible Authority;
- h) Further details of the proposed feature wall on the northern elevation, including a section view at a scale of 1:20 and a detailed, dimensioned section at a scale of 1:2;
- i) Further details of the proposed Detail 1: Window Screen, at a scale of 1:2 to demonstrate compliance with the objectives of Rescode Standard B22 to the satisfaction of the Responsible Authority;

- j) An annotation on the elevations that stained timber used in the building will be maintained in good order and appearance to the satisfaction of the Responsible Authority;
- k) Modifications to the proposed materials and finishes schedule to reduce palette of materials and colours proposed, to streamline the appearance of the building and avoid the creation of a busy building composition and to achieve a more coherent and unified composition to the satisfaction of the Responsible Authority. A sample of the material comprising the front feature wall should be supplied;

Basement/accessways:

- l) The height of the retaining wall located along the north-western side of the vehicle accessway to not exceed 900mm for the first 2.5m into the site (measured from the northern boundary) to provide adequate sightlines to pedestrians on the footpath to the satisfaction of the Responsible Authority;
- m) The proposed bicycle storage spaces to be a "Ned Kelly" design, or similar, to the satisfaction of the Responsible Authority, with dimensions, access and clearances as per the Bicycle Victoria Handbook or Clause 52.34-4 of the Boroondara Planning Scheme;
- n) The allocation of the car spaces to the dwellings, so that all 2-bedroom dwellings are allocated one (1) car space and all 3-bedroom dwellings are allocated two (2) car spaces;

Layout not to be Altered

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Conditions required by VicRoads

- 3. Unless otherwise agreed by VicRoads in writing the proposed vehicular crossover on Camberwell Road must be constructed in accordance with the submitted plan Ref: Ammache Architects, Job No. AA/C013, Dwg No. TP03, Basement Floor Plan, Dated 14 Oct 2011, to the satisfaction of the Responsible Authority.
- 4. The edges of the vehicular crossover on Camberwell Road shall be angled at 60 degrees to the road reserve boundary, to improve entry and exit conditions to the satisfaction of the Responsible Authority.

Maintenance of stained timber

- 5. Stained timber used in the building must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Driveways and Car Parking areas to be constructed

- 6. Before the use starts the areas set aside for car parking, access lanes and driveways shown on the endorsed plans must be:
 - a) Constructed;
 - b) Formed to such levels and properly drained so that they can be used in accordance with the endorsed plans;
 - c) Surfaced with an all weather seal coat;
 - d) Line-marked to indicate each car space and clearly marked to show the direction of traffic along the access lanes and driveways; and
 - e) Drained;

to the satisfaction of the Responsible Authority.

Use of car parking spaces and driveways

7. Car spaces, access lanes and driveways shown on the endorsed plan must not be used for any other purpose and may be used by occupants of or visitors to the site and the general public to the satisfaction of the Responsible Authority.
8. All vehicles entering and exiting the car park must do so in a forwards direction.

Landscape Plan

9. Concurrent with the endorsement of the plans referred to in Condition 1 of this permit, a landscape plan prepared by a landscape architect or suitably qualified and experienced person or firm incorporating:
 - a) The removal of all existing vegetation from the site;
 - b) The area(s) set aside for landscaping located within common property;
 - c) A schedule of all proposed trees, shrubs and ground cover, which will include the location, number, size at the time of planting, height and spread at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
 - d) The details of all proposed planter boxes, including but not limited to soil depth and composition;
 - e) Four (4) trees with a spreading canopy located within the front setback. The trees must have a minimum height of 2.5m when planted;
 - f) One (1) tree with a spreading canopy located within the south-east corner of the site. The tree must have a minimum height of 3.5m when planted;
 - g) The provision of hard landscaping (i.e. retaining walls) and planting with a maximum height (at maturity) that does not exceed 900mm within the pedestrian sight triangle area (measured 2.0m along the property frontage and extending 2.5m into the site) on the west side of the vehicle accessway nominated on the development plans;
 - h) Paving, retaining walls, fence design details, and other landscape works including areas of cut and fill and finished site levels;

must be submitted to the satisfaction of the Responsible Authority. When the landscape plan is to the satisfaction of the Responsible Authority it will be endorsed and will form part of this Permit.

Completion of Landscaping Works

10. Landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority prior to the occupation of the development.

Landscaping Maintenance

11. All landscaping works shown on the endorsed landscape plans must be maintained and any dead, diseased or damaged plant replaced, all to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Report

12. Concurrent with the endorsement of any plans pursuant to Condition 1, an Environmentally Sustainable Design (ESD) Report must be submitted to the Responsible Authority for approval. The report must address ESD principles proposed for the site including, but not limited to, energy efficiency, stormwater collection and re-use on the site, waste and building materials. Any recommended changes to the building must be incorporated into the plans required by Condition 1. Once approved, such a plan must be implemented prior to the occupation of the dwellings to the satisfaction of the Responsible Authority.

External Lighting

13. All outdoor lighting of communal areas must be designed, baffled and located to prevent light from the site causing any detriment to the locality, to the satisfaction of the Responsible Authority.

Waste Management Plan

14. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The approved plan must be implemented to the satisfaction of the Responsible Authority. The plan must provide the following details of a regular waste collection service (including recyclables) for the subject land including:

- a) The type/s and number of waste/recycling bins, including the use of bins shared between dwellings, to minimize the total number of bins for waste and recycling collection;
- b) Type/size of trucks;
- c) The location of waste collection point/s;
- d) Frequency of waste collection;
- e) Delivery of bins to waste collection points and retrieval of bins once collected or location of collection points within basement;
- f) Times/days for waste collection;

to the satisfaction of the Responsible Authority.

Hours and Location for Private Waste Collection

15. Private collection of waste must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:

Monday to Friday:	7:00am to 8:00pm
Saturday & Sunday:	No collection allowed

to the satisfaction of the Responsible Authority.

Concealment of Pipes

16. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.

Boundary walls

17. The external faces of walls on or facing boundaries are to be cleaned and finished to the same standard as such walls within the development site to the satisfaction of the Responsible Authority.

Construction Management Plan

18. Prior to the commencement of any buildings and works, a Construction Management Plan must be submitted to the Responsible Authority for approval. No works are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan must be implemented to the satisfaction of the Responsible Authority. The Plan must provide details of the following:

- a) Hours for construction activity (including demolition) in accordance with the requirements of Condition 19;
- b) Measures to control noise, dust, water and sediment laden runoff;

- c) The location and design of a vehicle wash-down bay for construction vehicles on the site;
- d) The location of parking areas for construction and sub-contractors' vehicles on the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises and traffic flows, with any basement car park on the land being made available without delay for use by sub-contractors/tradespersons upon completion of such basement car park areas;
- e) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- f) Contact details of key construction site staff;
- g) The location of any site sheds and the like;
- h) Vehicle access locations and truck routes; and
- i) Any other relevant matters.

Hours for Demolition and Construction Work

19. All works including earthworks, demolition and construction activity associated with the approved development must take place only during the following hours, except with the prior written consent of the Responsible Authority:

Monday to Friday:	7:00am to 6:00pm
Saturday:	9:00am to 5:00pm
Sunday & Public Holidays:	No construction

Permit to expire

20. This permit will expire if:

- a) The development does not start within two (2) years of the issue date of this permit; or
- b) The development is not completed within four (4) years of the issue date of this permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

Notes:

- *Headings are for ease of reference only and do not affect the interpretation of permit conditions.*
- *Pursuant to Council's Residential Parking Permit Policy (2011), the owners and occupiers of dwellings approved in this development will not be eligible to obtain resident or visitor parking permits.*
- *This is not a Building Permit. A Building Permit may be required prior to the commencement of any works associated with the proposed development.*
- *Prior to the commencement of any works on the site, the owner/developer must submit drainage plans for assessment and approval by the Responsible Authority (Engineering and Traffic Department).*
- *Stormwater drains are to be connected to a legal point of discharge approved by Council. Drainage Connections within a road reserve, right-of-way, parkland, within an easement or to a Health Act drain must be to Council's standards. A Council Supervision Permit is required for this work. All fees and charges associated with the connection are to be borne by the applicant.*

- *Tree Protection Local Law No. 1F requires that a Local Law Tree Permit be sought from Council for the removal and/or lopping of a Significant Tree and/or excavation within the critical root zone of a Significant Tree. A list of Significant Trees is available at http://www.boroondara.vic.gov.au/environment/trees/significant_tree. A Local Law Tree Permit is also required to remove a canopy tree with a trunk circumference of 110cm or more measured at 1.5m above ground level. A Planning Permit does not constitute a Local Law Tree Permit. Please contact Council's Arborist – Statutory Planning (telephone 9278 4844) should a Local Law Tree Permit be required.*
- *An Asset Protection Permit is required prior to the commencement of site works in accordance with Council's Local Law 1E.*
- *Prior consent from Council and any and all public authorities is required to be obtained for alteration or reinstatement of assets or services affected as a result of the development.*
- *The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.*
- *Prior to the issue of a building permit, the owner must obtain the consents of all relevant authorities for any buildings or works, including any paving, fences and landscaping, over any easement or underground services under the control of a public authority including sewers, drains, pipes, wires or cables.*
- *The new vehicle crossover will need to be approved and constructed to the satisfaction of the responsible authority and utility service providers.*

UPC2 673-681 Glenferrie Road, Hawthorn

Application no.: PP10/00811 (File 40/409/05049)

Responsible Acting Director David Thompson
City Development and Amenity

Authorised by: **Anthony De Pasquale**
Acting Manager Statutory Planning

Report officer: **Marjorie Kennedy**
Senior Planner Statutory Planning

Abstract

Proposal

At the Urban Planning Special Committee Meeting on 16 May 2011 Council moved the motion that had an Application for Review not been lodged, Council would have determined to issue a Notice of Decision to Grant Permit No. PP10/01109 for buildings and works and consent for car parking in association with a 927 seat cinema and in a Heritage Overlay.

An application to amend the permit pursuant to Section 87a of the Planning and Environment Act was served on Council on the 17 October 2011 for the construction of an upper floor addition and to display floodlit high wall major promotional signage and consent for car parking in association with a cinema use in a Heritage Overlay. The purpose of this report is to set a Council position for the mediation listed for the 23 February 2012 and the merits hearing listed for 21 and 22 February 2012.

It is noted that the Heritage Overlay is an interim control which is due to expire 29 February 2012. Council has requested an extension to the interim control, but at the time of writing of this report Council had not received a response from The Minister.

Issues

The following are key issues in respect of this applications:

- Non compliance with Glenferrie Structure Plan
- Impact on Glenferrie Road Heritage Precinct
- Impact of signage in a heritage streetscape
- Traffic and parking
- Potential noise issues of cinema

Officer's response

The non compliances with the Glenferrie Structure Plan, Heritage Policy and Signage Policy and the potential noise issues from the cinema will form part of Council's Statement of Grounds against the proposed amendment.

It is recommended that traffic and car parking are not included in the statement of grounds. The proposed amendment will result in 129 additional seats to the previously approved cinema. Due to the access to public transport, the retention of patron caps during peak car parking periods and the availability of car parking in off peak car parking periods the proposed additional seating is considered appropriate.

Details of the proposal, discussion of all statements of grounds and assessment against relevant controls and policies are contained in the attachment to this report.

Officers' recommendation

That Council resolve that the following statement of grounds for the 87a amendment application PA11/0174 be circulated to all parties for the construct buildings and works, display floodlit high wall major promotional signage and consent for car parking in association with a cinema use and in a Heritage Overlay at 673-681 Glenferrie Road, Hawthorn

1. The proposed upper floor addition is inconsistent with the context and heritage Urban Design Principals pursuant to Clause 15.01-2 of the Boroondara Planning Scheme.
2. The setback, design and illumination of the proposed upper floor addition will have an adverse impact on the Glenferrie Road heritage streetscape and is inconsistent with Council's Heritage Policy pursuant to Clause 22.05 of the Boroondara Planning Scheme.
3. The size, location and illumination of the proposed floodlit high wall major promotional signage on the Glenferrie Road frontage will have an adverse impact on the heritage streetscape of Glenferrie Road.
4. The proposed high wall major promotional signage on both frontages is inconsistent with Council's Advertising Signs Policy pursuant to Clause 22.01 of the Boroondara Planning Scheme.
5. Insufficient detail on the acoustic treatment of the proposed upper floor addition to ensure the proposal will not adversely impact on the surrounding area.
6. The proposed upper floor addition is inconsistent with the intent of the Design and Development Overlay Schedule 15 (Glenferrie Major Activity Centre) in Planning Scheme Amendment C139.

UPC3 290 Balwyn Road, Balwyn North

Application no.: PP11/00985 (File 40/409/17309)

Responsible Acting Director David Thompson
City Development and Amenity

Authorised by: **Anthony DePasquale**
Acting Manager Statutory Planning

Report officer: **Sandra Stewart**
Subdivision Officer - Statutory Planning

Abstract

Proposal

The proposal seeks to subdivide the site into two lots. Lot 1 will have area of 513m² and will retain the existing dwelling with a relocated car space to replace the carport which will be demolished. Lot 2 will have area of 501m² and the existing carport, a swimming pool and sheds will all be removed. The application is seeking a building envelope consisting of three storeys and a basement however it is recommended conditions be imposed to significantly reduce the height of the building envelope.

Issues

This application has the following key issues:

- The site is within an area generally covered by a single dwelling covenant and subdivision into smaller lots may not be in keeping with the neighbourhood character.
- The height and scale of the proposed building envelope.
- Setbacks of the proposed building envelope.

Officer's response

The lots on the opposite side of Stephens Street were subdivided and contain two dwellings on what was originally one lot, so the two lot subdivision is not a precedent in the area.

Each lot has a frontage width of over 16m, therefore from the street will be in character with the area. In order to ensure that future development on the vacant lot 2 respects the existing neighbourhood character, a building envelope is required. The building envelope should allow a dwelling which is in keeping with the neighbourhood, particularly in relation to setbacks to allow reasonable open space around the dwelling.

The proposed envelope is excessive, with setbacks to Stephens Street which are not in keeping with the area and allow three storeys and a basement. The owners have stated that they accept that the envelope should be setback further from Stephens Street, but do not accept that the envelope should be reduced to two storeys and are not willing to alter their plans until a permit issues. Conditions will require an increase in setbacks to Stephens Street and a reduction in the height of the envelope, to ensure that any future dwelling is in keeping with the character of the area.

Details of the proposal, discussion of all objections and assessment against relevant controls and policies are contained in the attachment to this report.

Officers' recommendation

That Council resolve that a **Notice of Decision to Grant Planning Permit No. PP11/00985** for a two lot subdivision at **290 Balwyn Road, Balwyn North** be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended plans required

1. Prior to certification of the subdivision, amended plans must be submitted to the satisfaction of the Responsible Authority. When the plans are to the satisfaction of the Responsible Authority they will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and three (3) copies provided, substantially in accordance with the plans submitted with the application but modified to show:
 - a) the minimum setback from Stephens Street to the building envelope at basement, ground and first floor to be 5.5 metres;
 - b) the balconies shown on the building envelope at first floor to be removed;
 - c) the roller door shown adjacent to the south west corner of the envelope plan removed from the plan;
 - d) the deletion of the second floor (penthouse level) envelope; and
 - e) the maximum building height to be no more than 81.5m AHD.

Endorsed Plans Not to be Altered

2. The size layout and location of the lots as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Demolition

3. Prior to certification, the carport and that part of the deck contained within lot 2 are to be removed from the site to the satisfaction of the Responsible Authority.

Agreement under Section 173 of the *Planning and Environment Act 1987*

4. Prior to the issue of the Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and such agreement shall require that:
 - (a) Without the further written consent of the Responsible Authority, no dwelling is to be constructed outside the building envelope shown on the plans endorsed under Planning Permit PP11/00985.

A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

Referral Authority Requirements

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas, and telecommunication services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Time for Starting and Completion

8. This Permit will expire if one of the following circumstances applies:
 - (a) The subdivision is not certified within two (2) years of the issue date of this Permit.
 - (b) The subdivision is not registered within five years of the date of certification.

The Responsible Authority may extend the periods referred to if a request is made in writing before the Permit expires or within three months afterwards.

UPC4 8-12 Queens Avenue, Hawthorn

Application no.: PP11/01054 (File 40/409/02477)

Responsible Acting Director **David Thompson**
City Development and Amenity

Authorised by: **Anthony DePasquale**
Acting Manager Statutory Planning

Report officer: **Seuna Byrne**
Principal Planner Statutory Planning

Abstract

Proposal

An application has been made to Council for construction of a seven (7) storey building. The building will be used for 27 dwellings.

Issues

The following are key issues in respect of this application:

- The building scale and impact on the public realm and nearby Business-zoned properties;
- The provision of on-site car parking;
- Whether it is acceptable that the development satisfies the Activity Centre Strategy proposed mandatory requirements with respect to building height measured metres, but not building height measured in storeys;
- Whether it is acceptable that the building does not incorporate a retail or office use on the ground floor.

Officer's response

The proposal responds adequately to the key issues. An assessment by Council's Traffic Engineers finds that there is sufficient on-site car parking proposed, subject to the provision of additional on-site bicycle parking spaces and the provision of two (2) motorcycle/scooter parking spaces to enhance the uptake of modes of transport other than the private motor vehicle.

The development is consistent with the objectives of Council's adopted Activity Centre Strategy as it complies with the mandatory maximum building height (being 22m) and maximum street wall/podium height (being 11m) and minimum setback for floors above the podium (being 5m), notwithstanding that it does not comply with the mandatory maximum number of storeys (being 6, as 7 storeys are proposed).

Council's Strategic Planning Department and Urban Designer are satisfied that the building design adequately activates the ground floor facade to Queens Avenue.

Details of the proposal, discussion of all objections and assessment against relevant controls and policies are contained in the attachment to this report.

Officers' recommendation

That Council resolve that **Notice of Decision to Grant Planning Permit No. PP11/01054** for use and development of the land for a seven (7) storey building comprising 27 dwellings on land affected by the Environmental Audit Overlay and a reduction in the associated car parking requirements at **8-12 Queens Avenue, Hawthorn** be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When the plans are to the satisfaction of the Responsible Authority they will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and three (3) copies provided, substantially in accordance with the plans submitted with the application (Job No. 1420, Drawing Nos. TP-10, TP-11, TP-12, TP-13, TP-14, TP-15TP-16 and TP-17, all Revision A, dated 28 October 2011, all prepared by Ascui Edwards Architects Pty Ltd) but modified to show:

General:

- a) The provision of a 10,000 litre water tank to harvest rainwater for re-use flushing toilets within the dwellings;
- b) Opening up of the northern-most bedrooms of Dwellings 1 and 7 so that the space is integrated into the living/dining areas of the respective dwellings to create an open study nook or additional living space to the satisfaction of the Responsible Authority;
- c) Details of the location of solar hot water plant or equipment;
- d) The provision of a solid screen around any noise generating roof-top plant, with a minimum height of 500mm above the tallest plant or equipment;
- e) All windows on the east elevation to have obscure glazing to a minimum height of 1.7m above finished floor level;
- f) A notation that all obscure glazed windows are fixed/un-openable to a minimum height of 1.7m above finished floor level;
- g) Use of green coloured glazing (in a shade of green that matches or complements Dulux "Leaf tea") in place of the green vitra panel compressed sheeting in the area surrounding the pedestrian entry lobby to the satisfaction of the Responsible Authority
- h) Modification to the proposed schedule of materials to replace the black manganese face brick with a green coloured brick that matches or complements the green feature colour (Dulux "Leaf tea") used throughout the building;
- i) The provision of a schedule of materials showing the proposed palette of materials and finishes (including a sample of the proposed face brick. The palette should demonstrate the high quality of finishes selected and their compatibility with each other and the streetscape.

Basement carpark and accessways:

- j) The provision of 26 storage spaces and 18 resident bicycle parking spaces ("Ned Kelly" design as per the Bicycle Victoria Handbook) within the basement;
- k) A 4.1m wide vehicle crossing to Queens Avenue;
- l) Pedestrian warning flashing lights and signs at the car park entry to the satisfaction of the Responsible Authority;
- m) Two (2) motorcycle / scooter parking bays within the car park;

- n) Confirmation that the Klaus Stack Parker Standard Type 4300 car stacker can accommodate vehicles with a height of up to 1.7m on both platforms with no subsequent increase in the height of the building or street wall / podium;
- o) Allocation of the car spaces so that the dwellings without allocated car spaces are 1-bedroom apartments;
- p) Details of any security gates and intercom systems (to enable access to the visitor bicycle parking spaces) at the car park entrance;
- q) Redundant crossovers reinstated with footpath, kerb and channel to the satisfaction of the Responsible Authority.

Layout of Buildings and Uses not to be Altered

- 2. The layout of the site and the size, levels, design and location of buildings and works and the description of the uses on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Maintenance of Buildings and Works

- 3. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Car spaces to be provided:

- 4. A minimum of 24 car parking spaces and two (2) motorcycle / scooter parking spaces must be provided on the land. Allocation of the car spaces must be carried out so that the dwellings without allocated car spaces are 1-bedroom apartments. The motorcycle / scooter parking spaces are to remain in common property. These requirements may only be varied with the prior written approval and to the satisfaction of the Responsible Authority.

Waste Management

- 5. Prior to the commencement of the development, a Waste Management Plan must be submitted to the Responsible Authority for approval. Such Plan must provide details of a regular garbage and recyclables collection service, including information regarding the type of refuse bin/s, type/size of trucks, means of accessing bins and frequency of refuse collection, to the satisfaction of the Responsible Authority. Once approved, such Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Waste Collection

- 6. Collection of waste must be conducted so as not to cause any disturbance to nearby residential properties and may only occur between the hours of 7:00am to 7:00pm Monday to Friday to the satisfaction of the Responsible Authority.

Land Suitable for a Sensitive Use

- 7. Prior to the commencement of construction of the building hereby approved:
 - a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for a sensitive use.

8. Notwithstanding the provisions of Condition 7 the following works can be carried out before a Statement of Environmental Audit or a Certificate of Environmental Audit is provided to the Responsible Authority under Condition 7:
 - a) Buildings and works that necessarily form part of the Environmental Audit process; and
 - b) Buildings and works that the Environmental Auditor engaged by the owners advised must be carried out before a Statement or Certificate of Environmental Audit can be issued.

These works must be carried out in accordance with the works plan approved by the Environmental Auditor engaged by the owner. A copy of the works plan must be provided to the Responsible Authority before the commencement of the buildings and works for the purposes of this condition.

9. Before the construction of the building hereby approved commences, a copy of the certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.
10. The development and use allowed by this permit must comply with the directions and conditions of any statement of environmental audit issued for the land.
11. Prior to the occupation of the dwellings, a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all construction and remediation works necessary and required by an environmental audit or statement have been carried out.
12. Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the Environment Protection Act 1970.

Driveways and Car Parking areas to be constructed

13. Before the use starts the areas set aside for car / motorcycle parking, access lanes and driveways shown on the endorsed plans must be:
 - a) Constructed;
 - b) Formed to such levels and properly drained so that they can be used in accordance with the endorsed plans;
 - c) Surfaced with an all weather seal coat;
 - d) Line-marked to indicate each car space and clearly marked to show the direction of traffic along the access lanes and driveways; and
 - e) Drained;

to the satisfaction of the Responsible Authority.

Use of car parking spaces and driveways

14. Car / motorcycle spaces, access lanes and driveways shown on the endorsed plan must not be used for any other purpose and may be used by occupants of or visitors to the site and the general public to the satisfaction of the Responsible Authority.
15. All vehicles entering and exiting the car park must do so in a forwards direction.

Parking to be free of charge

16. The areas set aside for car / motorcycle parking shown on the endorsed plans must be made available for use free of charge to residents, employees and visitors at all times and must not be used for any other purpose.

Model of car stacker in the basement car park

17. Unless otherwise agreed in writing by the Responsible Authority, the model of car stacker used in the basement car park is to be the Klaus Stack Parker Standard Type 4300 and Klaus Stack Parker 2062-205.

Car stackers installed

18. Before the use starts or any building is occupied, car stackers must be installed in accordance with the endorsed plans.

Maintenance of car stackers

19. The car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.

External Lighting

20. All outdoor lighting of publicly accessible areas must be designed, baffled and located to prevent light from the site causing any detriment to the locality, to the satisfaction of the Responsible Authority.

Concealment of Pipes

21. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.

Vehicle crossovers

22. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

Removal of redundant vehicle crossovers

23. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, kerb and channel to the satisfaction of the Responsible Authority.

Boundary walls

24. The external faces of walls on or facing boundaries are to be cleaned and finished to the same standard as such walls within the development site to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Report

25. Concurrent with the endorsement of any plans pursuant to Condition 1, an Environmentally Sustainable Design (ESD) Report which is to the satisfaction of the Responsible Authority must be prepared by a suitably qualified expert and submitted to the Responsible Authority for approval. The report must address ESD principles proposed for the site including, but not limited to, energy efficiency, stormwater collection and re-use to flush toilets on the site, the incorporation of solar gas hot water and waste and building materials. Any recommended changes to the building must be incorporated into the plans required by Condition 1. Once approved, such a plan must be implemented prior to the occupation of the dwellings to the satisfaction of the Responsible Authority.

Construction Management Plan

26. Prior to the commencement of buildings and works, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan must be implemented to the satisfaction of the Responsible Authority. The Plan must provide details of the following:

- a) Measures to ensure that construction workers, including sub-contractors and tradespersons operating on the site are aware of the trees to be retained;
- b) hours for construction activity (including demolition) in accordance with the requirements of Condition 28;
- c) measures to control noise, dust, water and sediment laden runoff;
- d) the location and design of a vehicle wash-down bay for construction vehicles on the site;
- e) the location of parking areas for construction and sub-contractors' vehicles on the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises and traffic flows with any basement car park on the land being made available without delay for use by sub-contractors/tradespersons upon completion of such basement car park areas;
- f) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- g) contact details of key construction site staff;
- h) the location of any site sheds and the like; and
- i) any other relevant matters.

Hours for Demolition and Construction Work

27. All works including earthworks, demolition and construction activity associated with the approved development is to be limited to the following hours, unless with the prior written consent of the Responsible Authority:

Monday to Friday:	7:00am to 6:30pm
Saturday:	9:00am to 5:00pm
Sunday & Public Holidays:	No construction

Amenity of Area

28. The amenity of the area must not be adversely affected by the use or development as a result of:

- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works, stored goods or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products or oil; or
- d) the presence of vermin;

to the satisfaction of the Responsible Authority.

Permit to Expire

29. This Permit will expire if:

- a) The development does not start within two (2) years of the issue date of this Permit; or
- b) The development is not completed within four (4) years of the issue date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the Permit expires or within the three (3) months afterwards.

Notes:

- *Pursuant to Council's Residential Parking Permit Policy (2011), the owners and occupiers of dwellings approved in this development will not be eligible to obtain resident or visitor parking permits.*
- *Permits may be required to be obtained pursuant to Council's Local Law 1F for the removal of trees from the site.*
- *The applicant is required to obtain an Asset Protection Permit prior to the commencement of site works in accordance with Council's Local Law 1E.*
- *The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.*
- *Headings are for ease of reference only and do not affect the interpretation of permit conditions.*

UPC5 589 Burke Road, Camberwell

Application no.: PP11/00602 (File 40/409/17109)

Responsible Acting Director David Thompson
City Development and Amenity

Authorised by: **Anthony De Pasquale**
Acting Manager - Statutory Planning

Report officer: **Anna Barclay**
Senior Planner - Statutory Planning

Abstract

Proposal

The proposal seeks to construct four (4) dwellings on a lot and alter access to a Road Zone, Category 1 (Burke Road).

Issues

The following are key issues in respect of this application:

- Whether or not the design response is appropriate for the site and the character of the area; and
- Amenity impacts on adjoining properties.

Officer's response

The proposed design response is considered to be consistent with the main road location and the mixed character of the area. Comments from Council's Urban Designer indicate that the layout of the dwellings, one behind the other, is an appropriate design response. The building is well articulated and it provides a high level of internal amenity as each unit has a northern orientation.

The design responds to the topography of the land by cutting in towards the rear of the site which reduces the overall building height at the rear. The use of a flat roof also assists to reduce the height of the building. The flat roof in this case is acceptable because there is no consistent roof pitch or style in the area and the modern approach is consistent with the mixed character of the area.

Following advertising, the plans were informally amended to remove the void areas on the first floor of the south elevation to provide breaks in the upper level and indents on the north side of the basement to allow for more planting opportunities. This ensures that the building is well articulated and appropriate landscaping is provided. The plans were informally circulated to the affected objector and are reflected in the conditions.

The amended plans also show a separate pedestrian entry to the front unit which improves the interface with the public domain. It is considered that the proposal for medium density housing is appropriate given the main road location which has excellent access to public transport, public open space and direct access to Camberwell Junction.

In regard to amenity impacts, the proposal is fully compliant with the relevant amenity standards of ResCode and has a high level of compliance with Council's RDP. All windows are screened in accordance with the relevant ResCode standard to prevent overlooking to adjoining properties. In response to concerns raised by the objector to the south, a condition has been added to the landscape plan that requires screen planting to be provided along the south boundary. Following further consultation between the objector and the applicant, the applicant has agreed to install a 2.5m high acoustic fence along the south boundary. This is recommended to be included in the conditions.

There is also adequate space for planting in the front setback and in the open space areas for each unit. A full landscape plan is required to be provided by condition to ensure that appropriate species are selected and the amount of soil available is adequate to maintain the species selected.

There is one non-compliance with the RDP backyard setback on the south elevation. This non-compliance occurs where Unit 3 is opposite part of the open space of the adjoining property at No. 587 Burke Road. It is noted that due to the site cut, the upper level setback of Unit 4 complies with Council's RDP backyard setback. The non-compliance is acceptable as it is opposite a large open space area (approx. 370m²) and the wall is well articulated. Importantly, the setback is increased to 5.8m from the south boundary between Units 3 and 4 for a length of 5m. This provides relief of the building form where the pool is located on the adjoining property. In addition, the height of the building is reduced where it is cut in at the rear of the site. This ensures that the amenity of the adjoining property is protected.

Details of the proposal, discussion of all objections and justification for the non-compliances with Council's RDP are contained in the attachment to this report.

Officers' recommendation

That Council resolve that a **Notice of Decision to Grant a Planning Permit No. PP11/00602** to construct four (4) dwellings on a lot and alter access to a Road Zone, Category 1 at **598 Burke Road, Camberwell** be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When the plans are to the satisfaction of the Responsible Authority they will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and three (3) copies provided, substantially in accordance with the plans advertised with the application but modified to show:
 - a) The removal of the first floor void on the south side of each unit generally in accordance with the plans submitted to Council on 23 January 2012;
 - b) A pedestrian entry and garden fence of Unit 1 amended in accordance with the plans submitted to Council on 23 January 2012;
 - c) The north side of the basement indented to allow space for landscaping in accordance with the plan submitted to Council on 23 January 2012;
 - d) The ramp grades of the basement entry amended to comply with the relevant Australian Standard;
 - e) Details of acoustic glazing or similar treatment to the bedroom windows of Unit 1;
 - f) A landscape plan generally in accordance with Condition 4 of this permit;
 - g) The provision of a 2.5m high acoustic fence on the south boundary. The fence must be located between the front of the dwelling on the adjoining property (16m from the east boundary) and the rear (west) boundary.

Layout not to be Altered

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Maintenance of Site

3. Buildings, engineering works and fences must be maintained to the satisfaction of the Responsible Authority.

Landscape Plan

4. A landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. The plan must be drawn to scale with dimension and three copies must be provided.
 - a) A survey (including botanical names) of all existing vegetation to be retained and /or removed;
 - b) Details of surface finishes of pathways and driveways;
 - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) Landscaping and planting within all open areas of the site;
 - e) Screen planting along the south boundary in front of Units 3 and 4, planted at 2m high at time of planting and capable of reaching a mature height of 4m; and
 - f) Planting required by any other Condition of this permit;

Completion of Landscaping Works

5. Landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority prior to the occupation of the development.

Landscaping Maintenance

6. All landscaping works shown on the endorsed landscape plans must be maintained and any dead, diseased or damaged plant replaced, all to the satisfaction of the Responsible Authority.

Drainage

7. The land must be drained to the satisfaction of the Responsible Authority and all drainage works must be completed prior to the occupation of the building.

Construction of Driveways and Car Parking Areas

8. Before the use starts or any building is occupied, area/s set aside for car parking, access lanes and driveways shown on the endorsed plans must be constructed and formed to such levels and properly drained so that they can be used in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

Paved Surfaces

9. External driveways and parking areas must be constructed with dark coloured concrete or bitumen coloured patterned concrete, interlocking paving blocks or brick paving to the satisfaction of the Responsible Authority.

Use of Car Parking Spaces

10. Car spaces must not be used for any other purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

VicRoads Conditions

11. Unless otherwise agreed by VicRoads in writing the proposed vehicular crossing on Burke Road must be constructed in accordance with the submitted amending plans Re No. TP004 and TP006, Job 1103, Revision 1, 'Basement Floor Plan' and 'ground Floor Plan', received by VicRoads on 29 December 2011, to the satisfaction of the Responsible Authority.
12. The edges of the vehicular crossover must be angled at 60 degrees to the road reserve boundary, to improve entry and exit conditions, to the satisfaction of the Responsible Authority.
13. The redundant vehicle crossover on Burke Road must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

External Lighting

14. All outdoor lighting must be designed, baffled and located to prevent light from the site causing any detriment to the locality, to the satisfaction of the Responsible Authority.

Bin Storage

15. Garbage containers must be stored out of general view, to the satisfaction of the Responsible Authority.

Clotheslines

16. All clotheslines must be positioned so as not to be visible from any nearby street, to the satisfaction of the Responsible Authority.

Concealment of Pipes

17. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.

Reticulated Electricity to be Provided Underground.

18. Reticulated electricity must be provided underground to the subject land and all buildings on the land, to the satisfaction of the Responsible Authority.

Permit to Expire

19. This Permit will expire if:

- (a) The development does not start within two (2) years of the issue date of this Permit; or
- (b) The development is not completed within four (4) years of the issue date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the Permit expires or within the three (3) months afterwards.

Notes:

The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.

Headings are for ease of reference only and do not affect the interpretation of permit conditions.

This is not a Building Permit. A Building Permit may be required prior to the commencement of any works associated with the proposed development. Prior to the commencement of any works on the site, the owner/developer must submit drainage plans for assessment and approval by the Responsible Authority (Engineering and Traffic Department).

Stormwater drains are to be connected to a legal point of discharge approved by Council. Drainage Connections within a road reserve, right-of-way, parkland, within an easement or to a Health Act drain must be to Council's standards. A Council Supervision Permit is required for this work. All fees and charges associated with the connection are to be borne by the applicant.

Tree Protection Local Law No. 1F requires that a Local Law Tree Permit be sought from Council for the removal and/or lopping of a Significant Tree and/or excavation within the critical root zone of a Significant Tree. A list of Significant Trees is available at http://www.boroondara.vic.gov.au/environment/trees/significant_tree. A Local Law Tree Permit is also required to remove a canopy tree with a trunk circumference of 110cm or more measured at 1.5m above ground level. A Planning Permit does not constitute a Local Law Tree Permit. Please contact Council's Arborist – Statutory Planning (telephone 9278 4844) should a Local Law Tree Permit be required.

An Asset Protection Permit is required prior to the commencement of site works in accordance with Council's Local Law 1E.

Prior consent from Council and any and all public authorities is required to be obtained for alteration or reinstatement of assets or services affected as a result of the development.

The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.

Residents of the development will not be eligible for residential parking permits in accordance with Council's Residential Parking Permit Policy (2011).

UPC6 VCAT Decisions and decisions under delegation January 2012

Abstract

This report sets out the delegated planning decisions made and VCAT decisions received during January 2012.

Officers' recommendation

That Council resolve to receive and note the Delegated Planning Permit Decisions by Ward report and the VCAT Decisions by Ward report for January 2012.

Responsible acting director: David Thompson
City Development and Amenity

1. Purpose

The purpose of this report is to provide Council with a list of the delegated planning permit decisions made by officers and decisions made by the Victorian Civil and Administrative Tribunal (VCAT) during January 2012.

2. Policy implications and relevance to council plan

This report is intended to promote the principles of good governance through regular reporting on planning permit applications that have been determined, as requested by Council.

The report is consistent with Council objective 1.2: *Ensure a high standard of democratic and corporate governance through open and transparent processes and strong accountability to the community.*

3. Background

The report is provided at the request of Councillors and will be provided on a monthly basis.

4. Outline of key issues/options

Attached to this report are the following documents:

- **Attachment 1** – Delegated Planning Permit Decisions by Ward – January 2012.
- **Attachment 2** – VCAT Decisions by Ward – January 2012.

5. Consultation/communication

The report is provided to inform Council of planning permit applications that have been determined during January 2012.

6. Financial and resource implications

There are no financial or resource implications arising from this report.

7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities, including Council's Victorian Charter of Human Rights and Responsibilities Compatibility Assessment Matrix (Version 1, August 2011). It is considered that the purpose of the officer's report does not negatively impact on the values identified in the Charter.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

There are no social or environmental issues arising from this report.

9. Conclusion

That the Delegated Planning Permit Decisions by Ward report and VCAT Decisions by Ward report be noted.

Acting manager and report officer: Anthony DePasquale, Statutory Planning