

# URBAN PLANNING SPECIAL COMMITTEE

## MINUTES

(Open to the public)

**Monday 30 January 2012**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement**      6.36pm

**Attendance**              Councillor Brad Miles (Chairperson)  
Councillor Heinz Kreutz (Mayor)  
Councillor Kevin Chow  
Councillor Phillip Healey (6.50pm)  
Councillor Philip Meggs  
Councillor Dick Menting  
Councillor Coral Ross  
Councillor Nicholas Tragas  
Councillor Jack Wegman

**Apologies**                Councillor David Bloom

**Officers**                    Bruce Dobson - Acting Chief Executive Officer  
Simon Mitchell - Acting Director City Development and Amenity  
Johann Rajaratnam - Manager Strategic Planning  
Andrew Dowling - Acting Manager Governance  
Cassandra Rea - Coordinator Statutory Planning  
Anna Barclay - Senior Planner  
Seuna Byrne - Principal Planner  
Karen Adams - Acting Governance Projects Officer

### **Adoption and confirmation of the minutes**

**Moved Councillor Tragas**

**Seconded Councillor Meggs**

**That the minutes of the Urban Planning Special Committee meeting held on  
19 December 2011 be adopted and confirmed.**

**CARRIED**

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## 1. Declaration of conflict of interest of any councillor or council officer

Councillor Chow declared a direct Conflict of Interest in Item 1, 4/12 Maverston Street, Glen Iris in accordance with section 77B of the *Local Government Act 1989*. Councillor Chow advised the nature of the interest was "The proposal has implicates (sic) for my residential amenity as I am moving into the adjacent dwelling".

## 2. Presentation of officer reports

### UPC1 4/12 Maverston Street, Glen Iris

**Application no.:** PP11/00522

**Responsible Acting Director** Simon Mitchell  
City Development and Amenity

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

**Report officer:** Kathy Fletcher,  
Planning Officer Statutory Planning

### Proposal

The proposal seeks to extend an existing dwelling on a lot less than 500 square metres at upper floor level. The application dwelling is the rear most dwelling out of four dwellings on a lot.

Following initial objector concerns, the applicant has reduced the upper floor footprint of the addition. The floor area was originally 56.8sqm which has now been reduced to 45.2sqm. The amended plans were readvertised on 16 November 2011.

### Issues

The following are key issues in respect of this application:

- Neighbourhood character;
- Visual bulk;
- Amenity impacts including overshadowing and overlooking.

### Officer's response

Examples of double storey dwellings and upper floor additions are commonplace along Maverston Avenue and the surrounding area, with an upper storey addition being found at 1/12 Maverston Avenue, the front dwelling on the lot.

The addition complies with the objectives and standards of ResCode.

The proposed upper floor addition will be sufficiently setback from all boundaries and will leave adequate areas of the existing roof exposed. The upper floor addition will be well articulated and will not create significant visual bulk. The street view will remain largely unaltered with only glimpses of the proposed addition available. Setbacks, overlooking and overshadowing comply with the ResCode standards.

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

Councillor Chow declared a direct Conflict of Interest in this item in accordance with Section 77B of the *Local Government Act 1989*. Councillor Chow advised the nature of the interest was "The proposal has implicates (sic) for my residential amenity as I am moving into the adjacent dwelling".

Councillor Chow left the Chamber at 6.42pm prior to the consideration and vote on this item.

*Councillor Healey entered the Chamber at 6.50pm and took his seat.*

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

## **MOTION**

**Moved Councillor Kreutz**

**Seconded Councillor Tragas**

**That Council resolve that a Notice of Decision to Grant Planning Permit No. PP11/00522 to extend an existing dwelling on a lot less than 500 square metres in accordance with the endorsed plans at 4/12 Maverston Street, Glen Iris be issued under the Boroondara Planning Scheme subject to the following conditions:**

### **Amended Plans**

**1. Before the development starts, amended plans must be submitted to and endorsed by the Responsible Authority. The plans must be drawn to scale with dimensions and three (3) copies provided. When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the advertised plans but modified to show:**

**(a) The west facing first floor windows to have a nominated sill height of 1.7 metres above finished floor level.**

### **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.**

### **Permit to expire**

**3. This permit will expire if:**

**(a) The development and use do 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.**

**CARRIED**

**UPC2 6-8 Montrose Street, Hawthorn East****Application no.:** PP11/01146 (File 40/409/16230)**Responsible Acting Director** Simon Mitchell  
City Development and Amenity**Authorised by:** Anthony DePasquale  
Acting Manager Statutory Planning**Report officer:** Seuna Byrne  
Principal Planner Statutory PlanningProposal

The proposal seeks to construct a ten (10) storey building over a basement car park. The building will be used for a 65-seat cafe and two (2) offices on the ground floor, with 126 dwellings (a mix of 1 and 2-bedroom dwellings) on the floors above.

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 used for residences;
- 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 in metres, but not building height measured in storeys;
- Public realm improvements to create a pedestrian zone in Lilydale Grove (west).

Officer's response

The proposal responds adequately to the key issues. An assessment by Council's Traffic Engineers finds that there is a surplus of 10 car spaces proposed. The applicant has agreed to undertake significant public realm improvements to improve the pedestrian environment surrounding the site, including the creation of a pedestrian zone in the western extension of Lilydale Grove, between the site and Auburn Railway Station.

The development is consistent with the objectives of Council's adopted Activity Centre Strategy as it complies with the mandatory maximum building height (being 30m) and maximum street wall/podium height (being 11m) and minimum setback for floors above the podium (being 3m), notwithstanding that it does not comply with the mandatory maximum number of storeys (being 8, 10 storeys is proposed).

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

*Councillor Chow entered the Chamber at 7.02pm and took his seat.*

*Councillor Chow left the Chamber at 7.03pm and resumed his seat at 7.06pm.*

*Councillor Kreutz left the Chamber at 7.05pm and resumed his seat at 7.06pm.*

*Councillor Chow left the Chamber at 7.06pm and resumed his seat at 7.29pm.*

*Councillor Chow left the Chamber at 7.30pm and resumed his seat at 7.31pm.*

*Five speakers opposed to and one speaker in support of the officers' recommendation addressed the meeting.*

## MOTION

Moved Councillor Wegman

Seconded Councillor Healey

That Council resolve that Notice of Decision to Grant Planning Permit No. PP11/01146 for: use of the land for a food and drink premises (café) and 126 dwellings; construction of a 10 storey building over a basement car park; a reduction in the car parking requirements associated with dwellings; and waiver of the loading requirements associated with the food and drink premises; on land affected by the Environmental Audit Overlay at 6 & 8 Montrose Street, Hawthorn East 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 (Project No. 1121, Drawing Nos. TP02 - TP18, dated 30 November 2011, all prepared by CBG Architects Pty Ltd) but modified to show:

#### General:

- a) The provision of a minimum clearance of 3.0m above the widened footpath level. Any necessary reconfiguration of the dwellings must maintain the provision of private open space for each dwelling;
- b) The provision of a shower and change room within Office 1;
- c) The provision of a solid screen around the roof-top plant area, with a minimum height of 500mm above the tallest plant or equipment;
- d) The provision of a door directly from the Montrose Street lobby into Office 1;
- e) An annotation noting that the stormwater harvested on the site will be used for the retail/commercial toilets and for irrigation of the planter boxes located on the ground floor and third floor;
- f) An annotation noting the provision of energy efficient lighting within the undercroft areas to Lilydale Grove (west) and Montrose Street to the satisfaction of the Responsible Authority;
- g) The use of glazing and door seals with acoustic properties for the dwelling windows and doors on the northern facade of the building;
- h) Modification to the proposed schedule of materials to replace "translucent" glazing and/or balcony balustrades with "obscure" or "opaque" glazing (maximum 25% transparency) and/or balcony balustrades where it is intended that the glazing is screened for privacy reasons, to the Responsible Authority;
- i) The provision of a schedule of materials showing the proposed palette of materials and finishes (including samples of the proposed metal materials (M1, M2 and M3) and the stone - textured limestone appearance) selected for all sides of the building. The palette should demonstrate the high quality of finishes selected and their compatibility with each other and the streetscape;
- j) The provision of photomontages or 3D images of the proposal, seen within the context of adjoining streets, from close and more distant view points, to the satisfaction of the Responsible Authority.

**Basement carpark and accessways:**

- k) The creation of a pedestrian zone in Lilydale Grove (west);
- l) The provision of a minimum of 152 car spaces, including 126 car spaces for dwelling residents, 11 for office staff, 4 for cafe staff and 11 for visitors;
- m) The TrendVario 4200 car stacker, in place of the Klaus P210 car stacker, and any modifications as necessary to the car park layout so that it achieves the minimum manufacturer specifications. The car stacker must be capable of accommodating a vehicle with a minimum height of 1.7m on each level. This must be achieved without necessitating any increase in the overall building height or overall street wall/podium height;
- n) The type of bicycle rack/rail proposed for visitors;
- o) Column locations to be revised in accordance with Figure 5.2 of AS/NZS 2890.1:2004;
- p) Reconfiguration of the access ramp to decrease the gradient at the Lilydale Grove entrance to the satisfaction of the Responsible Authority;
- q) Minimum head clearances to be shown on all section plans;
- r) The incorporation of a convex mirror or flashing lights or similar to the satisfaction of the Responsible Authority on the west side of the proposed vehicle accessway to Lilydale Grove to improve visibility and awareness for other vehicles;
- s) Details of any security gates and intercom systems at each car park entrance;
- t) 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. The following minimum number of car spaces must be provided:

- 126 for dwelling residents;
- 11 for office staff;
- 4 for the café;
- 11 for visitors.

These numbers may only be varied with the prior written approval and to the satisfaction of the Responsible Authority.

### Conditions required by the Director of Public Transport

5. Before the use of land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority following consultation with the Department of Transport (Public Transport Division). The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include the following:
  - a) A description of the location in the context of alternative modes of transport and objectives for the Green Travel Plan;
  - b) Outline Green Travel Plan measures for the development including, but not limited to:
    - i. Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
    - ii. Include a minimum of 10 by 2 hour metcard (zone one / two) within the household welcome pack or a myki pass (of equivalent value) and registration information;
  - c) Bicycle parking and facilities available on the land;
  - d) Pedestrian routes to key destinations.
6. The Green Travel Plan must not be amended without written consent of the Responsible Authority following consultation with the Department of Transport (Public Transport Division).
7. Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by residents / owners to the satisfaction of the Responsible Authority.

### Landscape Plan

8. 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) an accurate survey of all existing vegetation to be removed and retained and other natural features;
  - b) the area(s) set aside for landscaping;
  - c) a schedule of all proposed planting, including within planter boxes, 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) paving, retaining walls and other landscape works including areas of cut and fill and finished site levels;
  - e) the use of drought-tolerant plant species;

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

9. 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

10. 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.

### Waste Management

11. 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

12. 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

13. 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.
14. Notwithstanding the provisions of Condition 13 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 13:
  - 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.

15. 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.
16. 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.

17. 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.
18. 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.

#### Widened footpath and creation of pedestrian zone

19. Before the development starts, engineering drawings for the construction of the pedestrian zone within Lilydale Grove (west) and the widened footpath within Montrose Street (where it abuts the subject site) must be submitted to, and approved in writing, by the Responsible Authority. The plans must provide for the construction of a pedestrian zone within Lilydale Grove (west) and should include the following to the satisfaction of the Responsible Authority:
  - Materials, surface treatment and levels for the widened footpath within Montrose Street, where it abuts the subject site;
  - Modification of the T-intersection at Lilydale Grove and Montrose Street so that the continuing road is Montrose Street into Lilydale Grove (east);
  - An entry treatment to Lilydale Grove (west);
  - Raise the pavement level of Lilydale Grove (west) to the height of adjacent footpaths;
  - Distinguish the shared zone, such as through the raised pavement and different or coloured pavement;
  - Maintenance of two-way flow for traffic and adequate access for service vehicles;
  - Provide a suitable pedestrian area based on the desire lines;
  - The use of bollards, trees or garden beds to separate pedestrian and trafficable areas;
  - Highlighting of possible areas for public seating, bins, bicycle racks and street lights;
  - Drainage;
  - Any necessary upgrades to underground infrastructure; and
  - Any changes to on-street line marking and parking restriction signs.
20. Before the development is occupied, the widened footpath within Montrose Street (where it abuts the subject site) and the pedestrian zone within Lilydale Grove (west) must be constructed in accordance with the approved engineering drawings to the satisfaction of the Responsible Authority.

#### Driveways and Car Parking areas to be constructed

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

to the satisfaction of the Responsible Authority.

#### Use of car parking spaces and driveways

22. 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.

23. All vehicles entering and exiting the ground floor and basement level car park must do so in a forwards direction.

#### Parking to be free of charge

24. The areas set aside for car 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.

#### Access to basement car park controlled

25. Before the use starts or any building is occupied:

(a) Traffic signals must be installed on or near the basement access ramp. Such traffic control measures must include appropriate hold points and detector loops; and

(b) A convex mirror must be installed at the top of the access ramp.

#### Model of car stacker in the basement car park

26. Unless otherwise agreed in writing by the Responsible Authority, the model of car stacker used in the basement car park is to be the TrendVario 4200.

#### Car stackers installed

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

#### Maintenance of car stackers

28. 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

29. 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

30. 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

31. 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

32. 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

33. 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

34. 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 on the site 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

35. 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 36;
- 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

36. 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

### Hours of operation (cafe/food and drink premises)

37. The cafe/food and drink premises use allowed under this permit may operate only during the following hours, except with the prior written consent of the Responsible Authority:

- Monday to Sunday: 7:00am to 7:00pm.

#### Cafe/food and drink premises seating to be restricted

38. No more than 65 seats are to be made available at any one time to patrons of the cafe/food and drink premises (both indoor and outdoor seating) without the prior written consent of the Responsible Authority.

#### Hours for deliveries (cafe/food and drink premises)

39. Deliveries to the cafe/food and drink premises must be conducted so as to not cause any unreasonable disturbance to nearby residential properties and may only take place between the hours of 7:00am and 7:00pm Monday to Sunday, to the satisfaction of the Responsible Authority. Newspaper deliveries may take place outside these hours.

#### Amenity of Area

40. 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.

#### Cost of public realm works

41. Prior to the commencement of the development, a schedule of costs for the construction of the civil works must be submitted to the Council.

#### Fees prior to commencement of the public realm works

42. Prior to the commencement of the development, a supervision fee equal to 2.5% of the cost of construction of the civil works must be paid to the Council.

Prior to the issue of a statement of compliance, a maintenance deposit equal to 5% of the value of the civil works must be lodged with the Council and retained thereafter for a minimum of three (3) months.

Prior to the issue of a statement of compliance, an engineering plan checking fee representing 0.75% of the civil works must be paid to the Council.

#### Release of maintenance deposit monies

43. Before the release of the maintenance deposit for any infrastructure works, the owner must submit to the Responsible Authority:
- Approved construction plans in a format to the satisfaction of the Responsible Authority;
  - A schedule which provides specific information (in accordance with the attachment 1) in relation to the assets created.

#### Public realm works to be completed prior to occupation of the building

44. All public realm works must be completed in accordance with the approved engineering drawings at the expense of the permit holder prior to the occupation of the building to the satisfaction of the Responsible Authority.

## Permit to Expire

45. 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.*

LOST

**MOTION**

**Moved Councillor Wegman**

**Seconded Councillor Healey**

**That Council resolve that a Notice of Refusal to Grant Planning Permit No. PP11/01146 for use of the land for a food and drink premises (café) and 126 dwellings; construction of a 10 storey building over a basement car park; a reduction in the car parking requirements associated with dwellings; and waiver of the loading requirements associated with the food and drink premises; on land affected by the Environmental Audit Overlay at 6 - 8 Montrose Street, Hawthorn East be issued under the Boroondara Planning Scheme on the following ground:**

- 1. The development will have an unreasonable impact on the amenity of the dwellings at 2A Montrose Place, Hawthorn East and the dwelling at 2 Lilydale Grove, Hawthorn East by way of visual bulk, reduced solar access and acoustic privacy.**

**CARRIED**

**MOTION****Adjournment****Moved Councillor Wegman****Seconded Councillor Healey****That the Urban Planning Special Committee meeting be adjourned.****CARRIED**

*The Urban Planning Special Committee meeting adjourned at 8.26pm.*

*The Urban Planning Special Committee meeting resumed at 8.34pm with all councillors present except Councillor Bloom*

**UPC3 200 Through Road, Camberwell****Application no.:** PP11/00928 (File 40/409/14398)**Responsible Director** Phillip Storer  
City Development and Amenity**Authorised by:** Simon Mitchell  
Manager Statutory Planning**Report officer:** Amy Hodgen, Statutory Planner and  
Anna Barclay, Senior Planner, Statutory Planning**Proposal**

The proposal seeks to use the land for the purpose of operating a restaurant, to sell and consume liquor in association with a restaurant and cafe liquor licence, reduce the car parking requirement, waive the bicycle parking and loading bay requirements and construct building and works (kitchen flue) in a Business 2 Zone.

**Issues**

The following are key issues in respect of this application:

- Whether the parking demand for the 80-seat restaurant can be accommodated within the surrounding road network.
- The appropriateness of an 80-seat restaurant in this locality.
- The appropriateness of a cafe/restaurant liquor licence in the "Dry Area".

**Officer's response**

There are sufficient available car parking spaces within the area to cater for the proposed restaurant of both short and long term spaces. Two (2) staff car spaces are provided on-site and two (2) bicycle spaces are required by condition. The site is also well served with public transport with both a tram and a bus stop within 50 metres of the subject site.

The restaurant is a complementary activity to the mixture of shops and services in the Through Road Neighbourhood Activity Centre.

The proposed cafe/restaurant licence requires that the predominant activity on the land must be the preparation and serving of meals. This requirement will be supported by conditions on permit to ensure that the activity cannot evolve into a hotel or tavern. It is also noted that the restaurant is to be open no later than 7pm. Consequently it is not anticipated that the amenity of the surrounding area will be affected by the cafe/restaurant liquor licence within the " Dry Area".

A condition of the permit will restrict seat numbers, staff numbers to a maximum of 12 at any one time and require a waste management plan to be submitted to ensure that waste is collected from Through Road, not the rear laneway.

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

*Three speakers opposed to and one speaker in support of the officers' recommendation addressed the meeting.*

## **MOTION**

**Moved Councillor Kreutz**

**Seconded Councillor Menting**

**That Council resolve that a Notice of Decision to Grant a Planning Permit No. PP11/00928 use as a restaurant, to sell and consume liquor in association with a restaurant and cafe liquor licence, reduce the car parking requirement, waive the bicycle parking and loading bay requirements and construct building and works (kitchen flue) in a Business 2 Zone at 200 Through 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 submitted with the application but modified to show:**
  - a) Two parking spaces dimensioned in accordance with the relevant Australian Standard clearly within the area leased for this use;**
  - b) The location and dimension of the bin storage area clearly within the area leased for this use;**
  - c) Any changes to the plans, such as pedestrian gates or fencing changes required to comply with the Waste Management Plan in accordance with Condition 16 of this permit;**
  - d) The location of two (2) bicycle spaces as required by Condition 6 of this permit;**
  - e) An elevation plan of the kitchen exhaust flue indicating the height above natural ground level.**
  - f) A reduction in seating to no more than 50 seats;**
  - g) Deletion of the outdoor seating.**

**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.

**Drainage**

3. The site must be drained to the satisfaction of the Responsible Authority.

**Number of car parking spaces**

4. A minimum of two car parking spaces must be provided on the land to the satisfaction of the Responsible Authority.

**Use of car parking spaces**

5. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

**Green Travel Plan**

6. Prior to the commencement of the use a Green Travel Plan (GTP) must be prepared by a suitably qualified person. The plan must:

- a) Describe the location in the content of alternative modes of transport and objective for the plan.
- b) Outline GTP measures for the development including, but not limited to:
  - i. Public transport routes and cycle parking available;
  - ii. Incentives to encourage staff and customers to use the public transport and cycling infrastructure available;
  - iii. Details of how this information will be distributed, such as website advertising and signage on-site;
  - iv. Responsibility for the management of the plan; and
  - v. Monitoring and review;

to the satisfaction of the Responsible Authority.

Once approved the GTP must form part of the planning permit or any ongoing Management Plan for the site to ensure the plan continues to be implemented by owners to the satisfaction of the Responsible Authority.

**Bicycle Parking**

7. Prior to commencement of the use, a minimum of two (2) bicycle spaces must be made available on site. Alternatively the applicant may fund two bike spaces on Council's asset (footpath) to be installed by the Responsible Authority within close proximity to the site.

**Amenity of area**

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

- (a) Transport of materials, goods or commodities to or from the land; and/or

- (b) Appearance of any building, works, stored goods or materials; and/or**
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or oil; and/or**
- (d) The presence of vermin;**

or in any other way, to the satisfaction of the Responsible Authority.

#### **Number of staff**

- 9. No more than 12 staff may be present on the subject land at any one time without the further written consent of the Responsible Authority.**

#### **Hours of operation**

- 10. The use allowed under this permit must operate only during the following hours, except with the prior written consent of the Responsible Authority:**

**Monday to Saturday – 7am to 7pm**

**Sunday – 10am to 7pm**

**ANZAC Day and Good Friday – 12noon to 7pm**

#### **Licensed premises**

- 11. The predominant activity carried out on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises.**
- 12. Tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time, to the satisfaction of the Responsible Authority.**

#### **External lighting**

- 13. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the Responsible Authority.**

#### **Security alarms**

- 14. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standards published by Standards Australia International Ltd and must be connected to a registered security service, to the satisfaction of the Responsible Authority.**

#### **Noise from commercial/industrial premises**

- 15. Noise levels emanating from the premises must not exceed the relevant levels prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.**

#### **Noise from public premises**

- 16. Noise levels emanating from the premises must not exceed the relevant levels prescribed under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.**

#### **Seating to be restricted**

- 17. No more than 50 seats are to be made available only within the building at any one time to patrons without the prior written consent of the Responsible Authority.**

**Waste Management Plan**

18. Prior to the endorsement of the plans in Condition 1, a waste management plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of this permit. In the preparation of the waste management plan, specific attention must be made to the following items (but not limited to):

- (a) That all waste collection occurs from the Through Road curb side and no waste collection will occur from the rear of the site or the laneway;
- (b) Hours and frequency of waste collection;
- (c) How the collection of refuse and recycling material will be managed;
- (d) Details of how the bin storage area will be maintained in a clean and secure condition including details of screening and ventilation;
- (e) The frequency for the removal of such refuse and recycling materials;
- (f) How it is intended to control the emission of odour caused by such refuse and recycling material when it is being stored within the site;
- (g) The adequacy of the bin storage areas for the amount of waste that will be produced;
- (h) The type and number of bins that will be used on the site;
- (i) The private collection of bins;
- (j) Responsibility for taking refuse and recycling bins in and out for collection, where this will occur and how collection of refuse and recycling materials will be managed;
- (k) Compaction of refuse and the breaking up of bottles not occurring whilst the collection vehicle is standing stationary at or near the site.

The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

**Permit to expire**

19. This permit will expire if the use is not started within two (2) years of the issue date of this permit.

The Responsible Authority may extend the time 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.*

*This is not a Building Permit. A Building Permit may be required prior to the commencement of any works associated with the proposed development. This includes compliance with the Disability Discrimination Act.*

*This permit shall have no force or effect until such time as an On-Premises Licence is issued by Liquor Licensing Victoria.*

*Staff of the restaurant approved by this permit will not be issued resident parking permits*

*Pavement seating is subject to a separate Commercial Street Furniture Local Law Permit.*

*Prior to the commencement of the use, the details of any kitchen, food preparation area or other relevant facility requiring health approval must be submitted to Council's Health Department and the premises registered with Council under the Food Act 1984.*

**CARRIED**

**UPC4 VCAT Decisions and decisions under delegation December 2011**

This report sets out the delegated planning decisions made and VCAT decisions received during December 2011.

**MOTION**

**Moved Councillor Menting**

**Seconded Councillor Ross**

**That Council resolve to receive and note the Delegated Planning Permit Decisions by Ward report and the VCAT Decisions by Ward report for December 2011.**

**CARRIED****3. General business****GB1 Borrowed light in single bedroom dwellings**

**Councillor Healey** noted concerns were raised with respect to Item 2, 6-8 Montrose Street, Hawthorn East regarding "borrowed light" and requested officers prepare a briefing paper for councillors regarding the assessment of planning permit applications for residential developments that relied on borrowed light.

*Councillor Menting left the Chamber at 9.25pm and resumed his seat at 9.26pm.*

**GB2 Appeal rights for residential developments in business zones**

**Councillor Kreutz** noted concerns expressed in relation to appeal rights regarding Item 2, 6-8 Montrose Street, Hawthorn East, and requested officers prepare a report for Council outlining residents' appeal rights in relation to planning permit applications for residential developments in business zones.

**4. Urgent business****UB1 Provision of Car Parking for Residential Developments in Business Zones.**

**Councillor Ross** noted the outcome with respect to Item 2 - 6-8 Montrose Street, Hawthorn East, expressing concern that Council's current policy position does not require residential developments in business zones to provide for resident or visitor parking and requested a motion on the issue be admitted as an item of Urgent Business.

**MOTION**

**Moved Councillor Wegman**

**Seconded Councillor Healey**

**That that provision of car parking for residential developments in business zones be admitted as an item of Urgent Business.**

**CARRIED**

**MOTION**

**Moved Councillor Ross**

**Seconded Councillor Healey**

**That Council resolve to receive a report at a future Council meeting regarding the provision of visitor car parking for residential developments in Business 2 zones.**

**CARRIED**

**5. Confidential business**

Nil

**The meeting concluded at 9.35pm**

**Confirmed**

**Chairperson** \_\_\_\_\_

**Date** \_\_\_\_\_