

URBAN PLANNING SPECIAL COMMITTEE



MINUTES

(Open to the public)

Monday 18 February 2019

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.34pm

Attendance Councillor Cynthia Watson (Chairperson)
Councillor Jane Addis (Mayor)
Councillor Jim Parke
Councillor Phillip Healey
Councillor Lisa Hollingsworth
Councillor Steve Hurd
Councillor Coral Ross
Councillor Felicity Sinfield
Councillor Jack Wegman
Councillor Garry Thompson

Apologies Nil

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Simon Mitchell	Manager Statutory Planning
	David Thompson	Manager Governance
	Marjorie Kennedy	Statutory Planning Coordinator
	Thomas Albert	Statutory Planner
	Elizabeth Manou	Governance Projects Officer

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1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Hollingsworth****Seconded Councillor Hurd****That the minutes of the Urban Planning Special Committee meeting held on 4 February 2019 be adopted and confirmed.****CARRIED****2. Declaration of conflict of interest of any councillor or council officer**

Nil.

3. Presentation of officer reports**Procedural motion****MOTION****Moved Councillor Parke****Seconded Councillor Thompson****That the following items:****3.1 VCAT decisions and decisions under delegation December 2018****3.2 VCAT decisions and decisions under delegation January 2019****be moved en bloc as per the officers' recommendation subject to the ward "Gardiner" being replaced with "Studley" on Decision Number 65, as appearing in Attachment 3.1.1) and the VCAT Decisions by Ward report for December 2018.****CARRIED****3.1 VCAT decisions and decisions under delegation December 2018**

This report sets out the delegated planning decisions made and VCAT decisions received during December 2018.

There were no speakers wishing to make submissions to Council for this item.

MOTION**Moved Councillor Parke****Seconded Councillor Thomson**

That the Urban Planning Special Committee resolve to receive and note the Delegated Planning Permit Decisions by Ward report (subject to the ward “Gardiner” being replaced with “Studley” on Decision Number 65, as appearing in Attachment 3.1.1) and the VCAT Decisions by Ward report for December 2018.

CARRIED**3.2 VCAT decisions and decisions under delegation January 2019**

This report sets out the delegated planning decisions made and VCAT decisions received during January 2019

There were no speakers wishing to make submissions to Council for this item.

MOTION**Moved Councillor Parke****Seconded Councillor Thompson**

That the Urban Planning Special Committee resolve to receive and note the Delegated Planning Permit Decisions by Ward report and the VCAT Decisions by Ward report for January 2019.

CARRIED**Procedural Motion - Adjournment****Moved Councillor Healey****Seconded Councillor Parke**

That the Urban Planning Special Committee meeting be adjourned.

CARRIED

The Urban Planning Special Committee meeting was adjourned at 6.41pm.

Procedural Motion - Resumption

Moved Councillor Healey

Seconded Councillor Parke

That the Urban Planning Special Committee meeting be resumed.

CARRIED

The Urban Planning Special Committee meeting resumed at 6.44pm with all councillors present.

3.3 14 Loma Linda Grove, Balwyn North

Proposal

The proposal seeks to construct three two-storey dwellings on a lot.

Issues

The following are key issues in respect of this applications:

- *Neighbourhood Character (pages 28 - 34).*
- *Landscaping and impact on trees (pages 14 - 15 and 29).*
- *Buildings and works over the easement (pages 17-21).*
- *Off-site amenity impacts (pages 41 - 51).*
- *Objections received (pages 13-14 and 56-59).*

Officer's response

Overall, the design achieves a high level of compliance with the requirements of the Neighbourhood Residential Zone, Clause 22.05 (Neighbourhood Character) and Clause 55 (ResCode) of the Boroondara Planning Scheme. Further, the proposal is fully compliant with the statutory car parking requirements at Clause 52.06.

The application fully complies with ResCode Standards and Council's Residential design policy subject to a proposed condition. The proposed building heights, setbacks and window treatment ensure off-site amenity impacts, such as overshadowing, overlooking and visual bulk are minimised. Further, the design and materials are respectful of neighbourhood character.

It is noted that concerns have been raised by residents of a 'single dwelling covenant' and 'single dwelling policy', which may affect the subject site. The Certificate of Title indicates that no such covenant exists on the land. Further, the Neighbourhood Residential Zone does not limit the amount of dwellings a lot can contain, rather it prescribes mandatory height limits (9 metres and two-storeys) and garden area requirements. The development is compliant in this regard.

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 the officers' recommendation addressed the meeting.
One speaker in support of the officers' recommendation addressed the meeting.*

MOTION

Moved Councillor Sinfield

Seconded Councillor Parke

That the Urban Planning Special Committee resolve that a Notice of Decision to Grant a Planning Permit No. PP18/01002 for the construction of three dwellings on a lot at 14 Loma Linda Grove be issues under the Boroondara Planning Scheme, subject to the following conditions:

Amended plans required

- 1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved 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 first floor study windows of Dwelling 2 and Dwelling 3 off-set from one another to prevent internal overlooking or, screen one first floor study room window to prevent overlooking in accordance with standard B23 of ResCode;**
 - (b) The submission of a storm water statement (STORM report), the recommendations of which are to be included on a site layout plan showing the location of the proposed storm water treatment measures;**
 - (c) A schedule of construction materials, external finishes and colours (including swatch samples);**
 - (d) The Tree Protection Zone of the Tree 1, 2, 3, 4 and 11 drawn on all site and floor plans;**
 - (e) Notation on all site and floor plans that Tree 1, 2, 3, 4 and 11 is to be retained and protected in accordance with the endorsed Tree Management Plan required by Condition 6 of this permit;**
 - (f) A Landscape Plan in accordance with Condition 3 of this permit;**
 - (g) An Arborist Report in accordance with Condition 6 of this permit; and**
 - (h) The rear of the garage for Dwelling 3 fitted with a roller door.**

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.**

Landscape plan

3. A landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and three (3) copies provided. When endorsed, the plan will form part of the permit. The landscape plan must show:

- (a) A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;**
- (b) Details of the surface finish of all pathways, paved areas and access ways;**
- (c) All hard surfaces proposed within the tree protection zone of retained trees must be constructed of a permeable material in accordance with water sensitive urban design (WSUD) industry best practices, constructed above current grade, and note that all works must be supervised by a qualified project arborist;**
- (d) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and the quantities of each plant;**
- (e) One (1) canopy tree (minimum two metres tall when planted and must achieve a minimum mature height of 10 metres and canopy spread of 7 metres) in the front setback of dwelling two;**
- (f) One (1) canopy tree (minimum two metres tall when planted and must achieve a minimum mature height of 10 metres and canopy spread of 7 metres) in the front setback of dwelling one;**
- (g) One (1) small tree (minimum two metres tall when planted and must achieve a minimum mature height of 5 metres) in the secluded private open space of dwelling two and three;**
- (h) All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;**
- (i) All trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;**
- (j) All trees must be planted more than 1 metre from any structures, property boundaries, existing trees or shrubs;**
- (k) A notation on the plans that any landscaping within the easement will be of a species with shallow root systems;**
- (l) Landscaping and planting within all open areas of the site; and**
- (m) Landscaping required by any other condition of this permit.**

Completion of landscaping works

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

Landscaping maintenance

5. All landscaping works shown on the endorsed landscape plan/s must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

Tree management plan

6. Prior to the endorsement of the plans referred to in Condition 1 of this permit, a Tree Management Plan must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of Tree 1, 2, 3, 4 and 11 identified on the site plan. The Tree Management Plan must be approved by the Responsible Authority prior to the commencement of any works including demolition and levelling of the site. The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the responsible authority ensuring that the tree remains healthy and viable during construction.

(a) A tree protection plan to scale is to be submitted along with the tree management plan that is to show:

- i. Tree protection zones and structural root zones of all trees to be retained,
- ii. All tree protection fenced off areas and areas where ground protection systems will be used
- iii. The type of footings within the tree protection zone
- iv. All services to be located within the tree protection zone and a notation to state that all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist; and
- v. A notation to refer to the tree management plan for specific detail on what actions are required within the tree protection zone.

(b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist.

(c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority;

(d) All remedial pruning works that are required to be performed on the tree development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

(e) The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Contractors to be advised of trees to be retained

7. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

Regulation of activities in Tree Protection Area

8. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Documentation and Certification by Project Arborist

9. Evidence of the appointment of the project arborist must be submitted to boroondara@boroondara.vic.gov.au, quoting the planning permit number and property address;
10. A supervision timetable and certification of tree management activities required by the Project Arborist must be recorded and maintained at each stage of construction to the satisfaction of the responsible authority. A signed and dated copy of each stage of the supervision timetable certified by the project arborist must be submitted to boroondara@boroondara.vic.gov.au, quoting the planning permit number and property address.

Drainage

11. The site must be drained to the satisfaction of the Responsible Authority.
12. The owner must make an arrangement with Council for the provision of drainage and the acceptance of surface and stormwater from the subject land directly or indirectly into Council's drainage system and a final inspection shall be carried out to determine the completion of drainage in accordance with the approved plans, to the satisfaction of the Responsible Authority.
13. Planting of trees within drainage easements/adjacent to Council drains being limited to species with shallow root system (shrubs) which will not prejudice or damage the stormwater drain.

Sediment laden run-off

14. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

Vehicle crossovers

15. The width of the proposed crossovers servicing dwellings 1, 2 and 3 to be 3.0 metres each.
16. 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

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

Boundary walls

18. The external faces of walls on or facing boundaries must be cleaned and finished to an acceptable standard 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:

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

Permit 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.*
- *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 (Asset Management).*
- *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.*
- *Stormwater drainage plans must include the location of any existing or proposed trees within the vicinity of drainage works and document how any potential conflicts between trees and drains will be addressed during and after construction.*
- *Stormwater drainage runoff shall be collected in a complete and effective system of drains and connected to the Approved Point of Stormwater Discharge.*
- *No groundwater or anything other than Stormwater is to be discharged into an open discharge system. (Kerb & channel, made surface of a right of way or similar surface drainage system).*
- *A Control pit is to be located in an appropriate location and a suitable path is to be designed for stormwater which surcharges from the pit once the design storm has been exceeded.*
- *Discharge to the approved point of discharge will be allowed subject to the flow being limited to a rate equivalent to 0.35 coefficient of runoff for 1 in 5 year rainfall event. Any additional discharge is to be temporary detained on site with a minimum storage volume for 1 in 10 year rainfall event, via an approved stormwater detention system designed to Council specifications.*

- ***There may be private services within a private/common services within private/shared easement of the development and therefore prior written consent is required from the relevant parties.***
- ***The proposed crossover will impact private or Council drainage assets. Therefore Council's Asset Management Department should be contacted prior to the construction of any works on the site.***
- ***Prior to the commencement of any works on the site, the owner / developer must submit any new vehicular crossover or modification or alteration to an existing crossover proposal for assessment and approval by the Responsible Authority (Asset Management).***
- ***The Tree Protection Local Law 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/our-city/trees/significant-trees>. A Local Law Tree Permit is also required to remove, damage kill or destroy any identified 'Canopy Tree' which may include any excavation within the tree protection zone of a 'canopy tree'. The Tree Protection Local Law identifies a 'Canopy tree' as any tree with a single trunk circumference of 110cm or a combined circumference of a multi stemmed tree of 110cm or greater measured at 1.5m above ground level. A Planning Permit does not constitute a Local Law Tree Permit or permission to remove, damage kill or destroy a significant or canopy tree. The Tree Protection Local Law is available to download at <http://www.boroondara.vic.gov.au/our-city/trees/tree-works-permits> alternatively please contact Council's Arborist – Statutory Planning (telephone 9278 4888) 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 Protection of Council Assets and Control of Building Sites Local Law 2011.***
- ***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.***
- ***The applicant is required to obtain prior written consent from Council and any and all Public Authorities for alteration or reinstatement of (street) assets or services affected as a result of the development. Full compliance with any and all conditions is required. The applicant must provide copies of said written approvals / agreements to Council's Asset Management Department. All costs are to be borne by the developer.***
- ***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, land filling/excavation and landscaping, over any easement or underground services under the control of a public authority including sewers, drains, pipes, wires or cables.***

- ***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. The Residential Parking Permit Policy is available to download at http://www.boroondara.vic.gov.au/your_council/local-laws-policies/traffic. Alternatively please contact Council on 9278 4444.***

The owner must accept all reinstatement costs in carrying out repairs to any buildings, works or landscaping over the easements should such buildings, works or landscaping be disturbed by any works undertaken by Council in the future.

CARRIED

3.4 139 Belford Road, Kew East

Proposal

The proposal seeks to construct a new double storey dwelling and removal two (2) trees in a Design and Development Overlay Schedule 31 and Significant Landscape Overlay Schedule 1.

Issues

The following are key issues in respect of this application:

- Whether the proposed removal of two (2) trees in a Significantly Landscape is appropriate
- Whether the proposed landscaping is appropriate to the character of the Yarra River Corridor and Environs
- Whether the proposed site coverage and permeability is appropriate within the Yarra River Corridor and Environs
- Whether the proposed height and bulk and proposed materials of the new dwelling are appropriate within the Yarra River Corridor and Environs

Officer's response

The Section 57A amended plans have decreased both the site coverage and hard surfaces within the proposal to 40%, which is both consistent with the discretionary control within the DDO31 and is an improvement on the existing 50.2% hard surfaces.

The proposal removal of two weed species (Tree 5 and 6) is supported by Council's Arborist and will be replaced with a minimum of three canopy trees, two metres at time of planting in the front and rear setback of the site. This is an improved landscape outcome.

The proposed overall height of 9 metres is less than the with the mandatory height control of the Neighbourhood Residential Zone Schedule 3 and Design and Development Overlay Schedule 31 (10m).

The proposal will not be visible from the Yarra River, Eastern Freeway or Willsmere Park. The dominant view of the proposal from the Willsmere Walkway as a consequence of the proposed 9 metre setback, retained trees and proposed planting will be the landscape setting. The proposed materials of grey render and matt charcoal tiled roof are not reflective and will not detract from the landscape setting.

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

One speaker opposed to the officers' recommendation addressed the meeting.

MOTION

Moved Councillor Healey

Seconded Councillor Thompson

The Urban Planning Special Committee resolve to issue a Notice of Decision to Grant Planning Permit No. PP18/00666 for the construction of a dwelling and removal of two (2) trees within a Significant Landscape Plan Schedule 1 and Design and Development Overlay Schedule 31 at 139 Belford Road, Kew East 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 31 January 2019 but modified to show:**
 - a) Change in wall material from grey render to face brick (or similar) in a tone which complements the natural landscape character setting;**
 - b) The Tree Protection Zones of the Tree 1, 2, 3, 4, 7, 8, 9, 10, 11, and 12 drawn on all site and floor plans;**
 - c) Notation on all site and floor plans that Tree 1, 2, 3, 4, 7, 8, 9, 10, 11, and 12 are to be retained and protected in accordance with the endorsed Tree Management Plan required by Condition 6 of this permit;**
 - d) Notation on all site and floor plans that the retaining wall within the Tree Protection Zone of Tree 11 must be retained**
 - e) A north south section through the basement entry confirming the basement projects no more than 1.2m above NGL;**
 - f) Any changes required by the Tree Management Plan in accordance with Condition 6**
 - g) Any changes required by the Landscape Plan in accordance with Condition 3.**

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.

Landscape plan

4. Concurrent with the endorsement of the plans referred to in Condition 1 of this permit a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The landscape plan must be generally in accordance with the landscape concept plan L-TP1 prepared by Etched Landscape Architects dated December 2018, but modified to show:
 - a) A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;
 - b) Details of the surface finish of all pathways, paved areas and access ways;
 - c) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and the quantities of each plant;
 - d) A minimum of one (1) canopy tree, 2 metres at time of planting, in the rear setback of the site capable of reaching a height at maturity of 10 metres;
 - e) A minimum of one (1) canopy tree, 2 metres at time of planting, in the rear setback of the site capable of reaching a height at maturity of 10 metres;
 - f) No canopy trees to be planted within the drainage easement at the rear of the property
 - g) Any changes required to decking and permeable pathways as a consequence of the Tree Management Plan;
 - h) Planting required by any other condition of this permit;

Completion of landscaping works

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

Tree Management Plan

6. Prior to the endorsement of the plans referred to in Condition 1 of this permit, a Tree Management Plan (TMP) must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of Tree 1, 2, 3, 4, 7, 8, 9, 10, 11, and 12. The TMP must be approved by the Responsible Authority prior to the commencement of any works including demolition and levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the responsible authority ensuring that the tree remains healthy and viable during construction.

- a) A tree protection plan to scale is to be submitted along with the TMP that shows:

- I. Tree protection zones and structural root zones of all trees to be retained,

- II. All tree protection fenced off areas and areas where ground protection systems will be used
- III. The type of footings within the tree protection zone
- IV. All services to be located within the tree protection zone and a notation to state that all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist; and
- V. A notation to refer to the tree management plan for specific detail on what actions are required within the tree protection zone.
 - b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist.
 - c) Evidence of the appointment of the project arborist must be submitted to boroondara@boroondara.vic.gov.au, quoting the [planning permit number and property address](#);
 - d) A supervision timetable and certification of tree management activities required by the Project Arborist must be recorded and maintained at each stage of construction to the satisfaction of the responsible authority. A signed and dated copy of each stage of the supervision timetable certified by the project arborist must be submitted to boroondara@boroondara.vic.gov.au, quoting the [planning permit number and property address](#);
 - e) All remedial pruning works that are required to be performed on the tree development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
 - f) The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Contractors to be advised of trees to be retained

7. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

Regulation of activities in Tree Protection Area

8. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Permit to expire:**9. 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:

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

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

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.

All storm water runoff from roofed and paved areas is to be directed to the Legal Point of Discharge specified by Council.

CARRIED**4. General business****4.1 Victorian Government Planning Strategy - Plan Melbourne**

Councillor Hurd queried whether Plan Melbourne Refresh provisions allowed three dwellings to be built on the property at 14 Loma Linda Grove, Balwyn North.

The Manager Statutory Planning informed Councillors that Plan Melbourne is the Victorian Government metropolitan planning strategy that defines the future shape of the city and state over the next 35 years. He clarified that Plan Melbourne Refresh provided the policy context, however the Planning Scheme Amendments which introduced the reformed residential zones provided the specific controls.

The removal of the density controls within the Neighbourhood Residential Zone by the Victorian Government has resulted in applications greater than two dwellings, including the three dwelling proposal in Balwyn North, being able to be lodged and considered by Council, as they are no longer prohibited.

4.2 Major Planning Reforms - Community Resource

Councillor Healey requested officers explore the possibility of creating a resource that incorporated a timeline to assist the Boroondara community better understand the impact that major planning reforms introduced by State governments from both side of politics had on the residential amenity of Boroondara.

Councillor Healey expressed concern that the planning reforms had eroded the planning powers of Council to make decisions reflecting the interests of the community councillors were democratically elected to serve.

Councillor Parke noted that planning reforms affect Victoria as a whole and suggested that the outcome sought could potentially be achieved through representation to the Municipal Association of Victoria (MAV).

The Chief Executive Officer noted the comments from councillors and highlighted the practical difficulties of accurately capturing all the planning reforms over the last 25 years. The Chief Executive Officer informed councillors that he would discuss this request with the Director City Planning and request that he take the appropriate action.

5. Urgent business

5.1 Amendment 309 (Hawthorn East Heritage Gap Study Interim Heritage Overlays) to the Boroondara Planning Scheme

Procedural Motion

Moved Councillor Ross

Seconded Councillor Parke

The Urban Planning Special Committee resolve to admit the matter of Amendment 309 (Hawthorn East Heritage Gap Study Interim Heritage Overlays) to the Boroondara Planning Scheme as a matter of urgent business because it relates to or arises out of a matter which has arisen since the distribution of the agenda and cannot conveniently be deferred until the next Ordinary Council meeting.

CARRIED

MOTION

Moved Councillor Ross

Seconded Councillor Parke

That the Urban Planning Special Committee resolve:

- 1. To authorise the Mayor write to the Minister for Planning requesting urgent approval and gazettal of Amendment C309 (Hawthorn East Heritage Gap Study interim Heritage Overlays) to the Boroondara Planning Scheme as several properties are under imminent threat of demolition.**
- 2. A copy of the letter be forwarded to the Member for Hawthorn, John Kennedy MP.**

CARRIED

6. Confidential business

Nil

The meeting concluded at 8.01pm

Confirmed

Chairperson _____

Date _____