

URBAN PLANNING SPECIAL COMMITTEE



MINUTES

(Open to the public)

Monday 20 May 2019

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.35pm

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

Apologies Councillor Jack Wegman (Leave of Absence)

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Shiran Wickramasinghe	Director City Planning
	Carolyn Terry	Acting Director Environment and Infrastructure
	Marjorie Kennedy	Acting Manager Statutory Planning
	David Thompson	Manager Governance
	Christopher Mullan	Senior Statutory Planner
	Daniela Splitgerber	Para Planner
	Eren Cakmakkaya	Media and Advocacy Specialist
	Helen Pavlidis	Governance Projects Officer

Table of contents

1.	Adoption and confirmation of the minutes	3
2.	Declaration of conflict of interest of any councillor or council officer	3
3.	Presentation of officer reports	
3.1	VCAT decisions and decisions under delegation April 2019	3
3.2	69 Stevenson Street, Kew	4
4.	General business	
4.1	Monterey Cypress - 71 Stevenson Street, Kew	10
5.	Urgent business	10
6.	Confidential business	10

1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Thompson****Seconded Councillor Hurd****That the minutes of the Urban Planning Special Committee meeting held on 6 May 2019 be adopted and confirmed.****CARRIED****2. Declaration of conflict of interest of any councillor or council officer**

Nil.

3. Presentation of officer reports**3.1 VCAT decisions and decisions under delegation April 2019**

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

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

MOTION**Moved Councillor Hollingsworth****Seconded Councillor Ross****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 April 2019.****CARRIED**

3.2 69 Stevenson Street, Kew

Proposal

The proposal seeks to amend Planning Permit 15/00440 which granted a planning permit for the construction of two dwellings and a front fence greater than 1.5m in height at 69 Stevenson Street, Kew.

The proposed amendment is limited to the construction of basements below both dwellings and the addition of light wells and lifts to serve the basements. The amended plans also seek to address the conditions of Planning Permit No. PP15/00440.

Issues

The following are key issues in respect of this application:

- The internal amenity of the habitable rooms within the proposed basements.
- Potential impacts on the health of neighbouring trees as a result of the proposal.
- Impacts on the neighbourhood character and the amenity of neighbouring properties as a result of additional height associated within the lift overruns.

Officer's response

This amendment application is made pursuant to Section 72 of the *Planning and Environment Act 1987*. The scope of considerations is confined to only those parts of the approved development that are proposed to be amended.

The proposed lift overruns do not increase the previously approved maximum building height of the dwellings and will not result in any overshadowing impacts on surround properties. The lifts will also improve the accessibility of the dwellings.

The proposed basement and associated light courts do not result in any reduction in open space, landscaping opportunities or garden area. The internal amenity of the basements is addressed by Condition 1r) in the Officers recommendation.

The proposed amendment does not increase the previously approved encroachment into the TPZs of neighbouring trees.

The assessment of this amendment is necessary to form a position for the hearing scheduled for one day on 17 July 2019 at the Victorian Civil and Administrative Tribunal.

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

The additional conditions proposed to be added to the permit are shown in bold for ease of reference.

*5 speakers opposed to the officers' recommendation addressed the meeting.
1 speaker in support of the officers' recommendation addressed the meeting.*

MOTION**Moved Councillor Healey****Seconded Councillor Parke**

That the Urban Planning Special Committee resolve that a position of approval be circulated to the Victorian Civil and Administrative Tribunal and all parties in relation to Planning Permit Amendment No. Post17/01224 at 69 Stevenson Street, Kew 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 plan A0, A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13 and A14, Rev. M, Ref. No. 1437TP, dated 30 November 2017, prepared by Cramer Building Designers and Development Consultants but modified to show:**
 - a) Decked walkway in the front setback of Dwelling 2 reduced in width from 2 metres to 1.4 metres;**
 - b) All decking in the secluded private open space area of Dwelling 1 to be lowered to a maximum of 400mm above NGL;**
 - c) All decking in the secluded private open space area of Dwelling 2 to be lowered to a maximum of 500mm above NGL;**
 - d) A plan notation that all obscured windows are to have a maximum of 25% transparency;**
 - e) The western boundary fence to be increased in height to a minimum of 1.8 metres above the finished floor level of the deck in the secluded private open space of Dwelling 2;**
 - f) Dwelling 1 to have a corner splay or area at least 50% clear of visual obstructions extending at least 2 metres along the west side of the Stevenson Street vehicle accessway;**
 - g) The average height of the garage constructed along the western boundary to be reduced to a maximum of 3.2 metres above NGL;**
 - h) Dwelling 2 to be provided with 6 cubic metres of externally accessible storage space;**
 - i) First floor South facing window of Bedroom 3 of Dwelling 1 screened in accordance with the ResCode Standard B22;**
 - j) The ground floor western wall on boundary of Bedroom 1 of Dwelling 2 setback 1.0 metre off the western boundary;**
 - k) The Tree Protection Zone of the Monterey Cypress in the front setback of the neighbouring property at No.71 Stevenson Street, Kew drawn on all site and floor plans;**
 - l) Notation on all site and floor plans that the Monterey Cypress in the front setback of the neighbouring property at No.71 Stevenson Street, Kew is to be protected in accordance with the endorsed Tree Management Plan required by Condition 6 of this permit;**
 - m) A Tree Management Plan in accordance with Conditions 6;**
 - n) A Landscape Plan in accordance with Condition 3;**

- o) Provide spacing for water flows in all timber decking depicted in the rear private open space of both units;**
- p) Increase or extend the boundary fencing by an additional 200mm from the edge of the garage on the east side;**
- q) Delete any excavation and associated structures from the structural root zone of the Monterey Cypress tree at No. 71 Stevenson Street if they are inconsistent with the tree management plan in condition 6 of this permit;**
- r) *The Dwelling 1 Guest Bed within the basement modified to a non-habitable room;***
- s) *The eastern setbacks of the Dwelling 1 Rumpus, Storage and Wine Cellar within the basement to align with the ground floor walls above;***
- t) *The notation which states "9.0M height to apex of roof" to be removed;***
- u) *Section elevations to be provided through each dwelling to dimension the maximum height of the lift overruns above natural ground level;***
- v) *The R.L. heights of the lift overruns to be no greater than the R. L. heights of the roofs to the Dwelling 1 first floor Bed 1 and Dwelling 2 first floor Bed 1; and***
- w) *The roof plan to show each tier of roofing in accordance with the elevation.***

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. The landscape plan must be generally in accordance with the landscape concept plan received by Council on 2 September 2015 prepared by *John Patrick* except that the plan must show:**
 - (a) Landscaping in the sight triangle splay required by Condition 1(f) not to exceed a height of 900mm;**
 - (b) Landscaping and planting within all open areas of the site; and**
 - (c) 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 Monterey Cypress in the front setback of the neighbouring property at 71 Stevenson Street, Kew (Tree no. 3), *the Bay Tree within the rear yard of 71 Stevenson Street, Kew (Tree No. 20) and the neighbouring trees within the rear yard of No. 15 Carson Street (Tree Nos. 8, 9, 10, 12, 13, 14 and 15)*, and 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 incorporate the recommendations set out by Mr Rob Galbraith in his Statement of Evidence on Arboricultural Issues dated 7 June 2016. 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. all tree protection zones and structural root zones;
 - 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 or bored under the tree protection zone; 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) Specification that a suitable time must be arranged with Council's Arborist, who must be present to supervise any root excavation within the tree protection zone in relation to the Monterey Cypress in the front setback of the neighbouring property at 71 Stevenson Street, Kew;
 - d) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority;
 - 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.
 - g) Except with the further consent of the responsible authority, no new excavation is permitted in front of the existing building line within the structural root zone of the Monterey cypress at No. 71 Stevenson Street, and any 'replacement' excavation may not be deeper than existing footings.

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.

Drainage

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

Turntable maintenance

10. The turntable in the garage of Dwelling 2 must be kept in good working order, to the satisfaction of the Responsible Authority.

Boundary walls

11. 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:

12. 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.

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.

Residents of the proposed development will not be eligible for resident or visitor car parking permits.

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).

All new works should be serviced via a fully and suitably designed and independent stormwater drainage system. 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.

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.

Discharge to the legal point of discharge will be allowed subject to the flow being limited to a rate equivalent to pre-development levels or less. Any additional discharge and / or runoff above the pre-development level is to be detained on site, via an approved storm water detention system. This matter should be discussed with Council's Engineering Department.

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 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.

The appointed building surveyor be advised that the site at 71 Stevenson Street, Kew supports a building of heritage significance and made aware of the potential impact of the proposed excavation on this building.

CARRIED

4. General business

4.1 Monterey Cypress - 71 Stevenson Street, Kew

Councillor Healey referred to comments made earlier in the meeting by submitters with respect to access to 69 Stevenson Street, Kew for maintenance of the Monterey Cypress at 71 Stevenson Street, Kew.

Councillor Healey sought clarification from Council officers in relation to access and maintenance of the Monterey Cypress.

The **Director City Planning** informed the Urban Planning Special Committee that there was no simple solution.

The Monterey Cypress was located on the property adjacent to the planning application and condition 6 of the planning permit had been put in place to protect the Monterey Cypress. This condition required a tree protection plan along with a tree management plan.

The Director City Planning expressed the view he was optimistic neighbours would work together in the best interests of the Monterey Cypress.

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 7.40pm

Confirmed

Chairperson _____

Date _____