

URBAN PLANNING SPECIAL COMMITTEE



MINUTES

(Open to the public)

Monday 4 May 2020

Online - Delivered via Webex Events

Commencement 6.54pm

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

Apologies Nil

<u>Officers</u>	Phillip Storer Shiran Wickramasinghe Simon Mitchell David Thompson Cassandra Rea Elizabeth Manou Helen Pavlidis Stephanie Ng Julia Smith Sherman Tang Lucy Toto	Chief Executive Officer Director City Planning Manager Statutory Planning Manager Governance Coordinator Statutory Planning Governance Projects Officer Governance Projects Officer Statutory Planner Statutory Planner Statutory Planner End-User Services Team Leader
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1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Wegman

Seconded Councillor Healey

That the minutes of the Urban Planning Special Committee meeting held on 23 March 2020 be adopted and confirmed.

CARRIED

2. Declaration of conflict of interest of any councillor or council officer

Refer to Item 3.2 852-858 Glenferrie Road Hawthorn - Councillor Sinfield

3. Presentation of officer reports

3.1 Unit 4, 9 Marlowe Street Canterbury

Proposal

The proposal seeks to construct an extension to an existing dwelling on a lot less than 500m².

Issues

The following are key issues in respect of this application:

- Whether the proposal will be consistent with the preferred neighbourhood character (pages 11-13);
- Whether the proposal will result in any unreasonable amenity impacts to adjoining or nearby properties (pages 14-23); and
- Issues raised in the thirteen (13) objections received (pages 24-27)

Officer's response

The proposal is considered to be respectful of the preferred neighbourhood character as detailed in Council's Neighbourhood Character Study Precinct Statement (44). The proposed extension will be located above the existing building and will not significantly alter the existing dwelling's presentation to the public realm.

The proposed extension meets relevant standards in regard to overall building height and side and rear setbacks and will not have an unacceptable amenity impact on neighbouring properties.

With regard to overshadowing and loss of daylight access, the proposed setbacks and updated shadow diagrams demonstrate compliance with the relevant standard.

Overlooking concerns can be addressed via a condition.

Further details of the proposal, discussion of all issues raised by objectors and an assessment against the relevant controls and policies are contained in this report.

No speakers made submissions to Council for this item.

MOTION

Moved Councillor Addis

Seconded Councillor Ross

That the Urban Planning Special Committee resolve that Notice of Refusal to Grant Planning Permit No. PP19/0707 for the construction of an extension to an existing dwelling on a lot less than 500 square metres at 4/9 Marlowe Street, Canterbury be issued subject to the following grounds:

- 1. The extent of two-storey built form at the site will impose unreasonable amenity impact onto the private secluded open spaces of adjoining properties to the south at 38, 40 & 42 Dudley Parade, Canterbury, by way of visual bulk.**
- 2. The proposed development is non-compliant with Clause 54.04-6 (Standard A15) - Overlooking, of the Boroondara Planning Scheme. It will result in unreasonable amenity impacts onto the adjoining properties at 38, 42 & 44 Dudley Parade, Canterbury, by way of direct views into their private secluded open spaces.**

CARRIED

3.2 852-858 Glenferrie Road Hawthorn

Proposal

The proposal seeks planning permission to construct a seven (7) storey building above basement car parking, comprising a residential hotel with 95 lodging rooms, and a 701sqm food and drink premises (inclusive of kitchen facilities located in Basement 01) in a Commercial 1 Zone and Design and Development Overlay Schedule 15. The proposal seeks permission to reduce the standard car parking requirement associated with a food and drink premises, reduce the bicycle parking facilities requirements associated with food and drink premises customers, alter access to a road in a Road Zone, Category 1 (reinstatement of a redundant crossing) and to construct a canopy in a Road Zone, Category 1. It is noted the recommended permit conditions achieve full compliance with the requirements of Clause 52.06, so no car parking dispensation would be required.

Issues

The following are key issues in respect of this application:

- Whether the development warrants the exercising of discretion to allow built form above the preferred street wall height and maximum building height, having regard to the requirements of DDO15 and Clause 22.06 (refer to pages 35-41 and 43-55 of 63);
- Whether the development will cause unreasonable off-site amenity impacts (refer to pages 29-41 and 43-55 of 63);
- Whether the provision of car parking is sufficient for each proposed use (refer to pages 14-23, 30-32, 39 and 54-60 of 63) ;
- Whether the post-development traffic volumes will have an unreasonable and detrimental impact on the safety and operation of laneway (refer to pages 14-23, 30-32, 39 and 54-60 of 63); and
- The matters raised by objectors (refer to pages 10-11 and 60-63 of 63).

Officer's response

Subject to the recommended permit conditions, the development achieves a high standard of contemporary architectural design and warrants approval. Having regard to the height and scale of the two adjoining commercial buildings, it is considered the proposed development will result in an appropriate built form outcome. Further to this, the development and layout of uses will activate the street frontage and enhance the vibrancy of the commercial corridor along Glenferrie Road.

The development will not cause any unreasonable amenity impacts on adjacent commercial properties or residential properties located to the east of the rear laneway along Sercombe Grove. This is achieved through adequate privacy screening and sensitively designed building setbacks.

Subject to the recommended permit conditions, the development will achieve full compliance with statutory car parking requirements of Clause 52.06.

Council's Traffic Engineers have reviewed the proposal and are satisfied the volume of traffic generated by the development will not exceed the capacity of the laneway or wider local network and will not have a detrimental impact on the safety or operation of the laneway. The proposal to provide vehicle access via the rear laneway is encouraged by Clause 22.06 and DDO15 of the Boroondara Planning Scheme.

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

Councillor Sinfield declared a Conflict of Interest in this matter in accordance with Section 78 of the Local Government Act 1989.

Councillor Sinfield advised a relative has an indirect interest in the adjacent property to the side and withdrew from the meeting at 7.16pm prior to the consideration and vote on the matter by the Committee.

No speakers made submissions to Council for this item.

MOTION**Moved Councillor Hurd****Seconded Councillor Parke**

That the Urban Planning Special Committee resolve that a Notice of Decision to Grant a Planning Permit No. PP19/00504 for construction of buildings and works comprising of a seven (7) storey building in a Commercial 1 Zone and Design and Development Overlay Schedule 15; use of the land for the purpose of a residential hotel; alteration of access to a road in a Road Zone, Category 1 (removal of a redundant vehicle crossing); reduction of the bicycle facilities requirements associated with residential hotel visitors; and construction of a canopy in a Road Zone, Category 1, generally in accordance with the endorsed plans at 852-858 Glenferrie Road, Hawthorn be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended plans required

- 1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When the plans are to the satisfaction of the Responsible Authority they will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and an electronic copy provided (unlocked PDF), substantially in accordance with the plans advertised in December 2019 (Project No. 19010, Drawings A0090 C, A0091 C, A0092 C, A0100 D, A0101 C, A0103 C, A0104 C, A0105 C, A0106 C, A0107 C, A0900 D, A0901 B, A0902 D, A0903 D, A0910 C, A0950 D, A0951 D and A0952 A, all dated 2 October 2019 and A2500, dated 27 June 2019, all prepared by Elenberg Fraser Architects) but modified to show:**

General:

- a) All residential hotel lodging room exterior glazing to consist of double glazing, or better, with commercial-grade seals;**
- b) A notation confirming all privacy screens will be a maximum of 25% transparent;**
- c) All roof top services and associated screens setback a minimum 2 metres from the eastern and western edge of the roof level;**
- d) All proposed roof top services setback a minimum of 2 metres from the northern property boundary, where adjacent to the existing light well associated with No. 862 Glenferrie Road, Hawthorn;**
- e) The Tree Protection Zone and Structural Root Zone of Trees 7 and 8 as identified in the Arborist Report submitted with the application (“Arborist Report” dated September 2019, prepared by Bluegum) drawn on all site and floor plans;**
- f) Notation on all site and floor plans that Trees 7 and 8 as identified in the Arborist Report submitted with the application (“Arborist Report” dated September 2019, prepared by Bluegum) are to be protected in accordance with Condition 14 of this permit;**
- g) Any modifications recommended by the Sustainability Management Plan required by this Permit;**
- h) A Waste Management Plan in accordance with Condition 23;**

Materials and finishes:

- a) **The polished brass finish proposed to be applied to the central planter boxes extended to the balcony soffits and side walls of the two central bays along the street wall;**
- b) **All service and garage doors to be finished in a high quality material which integrates with the rear façade in accordance with the details shown on View 05 (3D Perspective);**
- c) **Finished surface levels of the Ground Floor western boundary setbacks (i.e. the spaces between the expressed columns) to have an appropriately graded transition to the level of the Glenferrie Road footpath, with no steps;**
- d) **A full-colour schedule of external materials showing the proposed palette of materials and finishes (including a sample board of all external materials and finishes, including privacy screens) selected for all sides of the building. The samples must demonstrate the development consists of high quality, durable materials;**

Car parking and accessways:

- e) **Details of any necessary modifications to achieve compliant disabled access from the guest drop-off car spaces to the hotel reception and food and drink premises;**
- f) **Annotations on the Ground Floor Plan of the car lift make, model, platform dimensions and minimum height clearance, consistent with the specifications provided in the Transport Impact Assessment submitted with the application (Reference No.: V174240, Revision B, dated 20 November 2019, prepared by GTA Consultants);**
- g) **The widened lane to be constructed with bluestone cobbles to match the existing eastern lane, with bands of white granite pavers to denote pedestrian shared zones, consistent with the layout shown in the Landscape Plan required by this Permit;**
- h) **The number of on-site car spaces increased from 42 to a minimum of 48 (in addition to two guest drop-off car spaces) for shared use by residential hotel and food and drink premises employees and customers. The six additional car spaces are to be provided within Basement 03 (to achieve a minimum of 20 car spaces within Basement 03) in accordance with the “Concept Plan” received by Council on 17 March 2020 (Drawing “ASK 003_Alternative Basement 03 Arrangement for Information Purposes”, dated 17 March 2020, prepared by Elenberg Fraser Architects);**
- i) **A notation that all on-site car spaces are to be held in common ownership;**
- j) **Annotations on the Ground Floor Plan, West Elevation and East Elevation requiring all doors that open outwards into the Glenferrie Road footpath or widened lane to be fitted with 180-degree hinges;**
- k) **A notation on the Ground Floor Plan requiring a suitably graded transition (i.e. no step) at the interface between the eastern lane (road) and widened lane;**
- l) **A notation the Ground Floor eastern setback is to be available for passage as a legal right by any member of the public;**
- m) **The Basement 02 bicycle parking spaces and trip-end facilities labelled as for use by residential hotel and food and drink premises employees;**
- n) **The Ground Floor bicycle parking spaces labelled as for use by residential hotel guests;**
- o) **A notation that bicycle signage is to be installed and maintained in accordance with Clause 52.34-5 of the Boroondara Planning Scheme;**

- p) Any modifications approved by the Car Parking Management Plan required by this Permit;**
- q) Any modifications approved by the Loading Management Plan required by this Permit;**
- r) Any modifications approved by the Waste Management Plan required by this Permit;**

Public realm works

- s) The Glenferrie Road footpath reconstructed using the same material as used in the Ground Floor western boundary setback (the spaces between the expressed columns) to seamlessly integrate the public and private realm;**

Amendments required by Head, Transport for Victoria (VicRoads)

- t) The canopy above the Glenferrie Road footpath to have a setback of 750mm, measured from the back of kerb;**
- u) A notation on the Ground Floor Plan that the redundant vehicle crossing is to be removed, and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to the Head, Transport for Victoria.**

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.**

Confirmation of project architect team

- 3. Before the development starts, the Responsible Authority must be provided with evidence to its satisfaction that Elenberg Fraser, or an alternative architectural firm which is acknowledged to have comparable skill and experience to the satisfaction of the Responsible Authority, has been engaged as part of the ongoing consultant team to oversee the design and construction to ensure the design quality and appearance of the approved development is realised.**

Easement-in-gross

- 4. The Ground Floor widened lane on the east side of the development, with dimensions in accordance with the plans approved under this Permit, to a height equivalent to not less than 4.4m above finished surface level, must be created as:**

- a) Common property as part of any subdivision of the land; and**
- b) An easement-in-gross for right of way; and**

be available for passage as a legal right by any member of the public before any part of the building is occupied.

Valet car parking service

- 5. A valet car parking service for basement car parking on the land must be available to all residential hotel guests and food and drink premises customers in accordance with the Car Parking Management Plan required by this Permit. No fee may be charged to food and drink premises customers for the valet parking service.**

Car spaces to be held in common property

6. All car parking spaces on the land are to be maintained in common ownership.

Maintenance of Buildings and Works

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

Maintenance of plant and equipment

8. All plant and equipment associated with rainwater harvesting and re-use for toilet flushing and landscape irrigation must be maintained in good order and regularly serviced to the satisfaction of the Responsible Authority.

Car lifts installed

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

Maintenance of car lifts

10. The car lifts 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.

Landscape Plan

11. Concurrent with the submission of amended plans required by 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 plan must be generally in accordance with the Landscape plan advertised in December 2019, drawn to scale with dimensions and an electronic copy provided. When endorsed, the plan will form part of the permit. The landscape plan must show:

- a) All planter boxes to be irrigated using harvested rainwater, with mains back-up;
- b) Landscaping in all planter boxes;
- 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; and
- d) Details of the surface finish of all pathways, paved areas and accessways;

Completion of landscaping works

12. 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.

Landscaping maintenance

13. 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.

Regulation of activities in Tree Protection Zone during construction

- 14. No storage or dumping of tools, equipment or waste must occur within the Tree Protection Zone of Trees 7 and 8, as identified in the Arborist Report submitted with the application (“Arborist Report” dated September 2019, prepared by Bluegum) during the construction of the development allowed by this Permit, including demolition and bulk excavation phases.**

Contractors to be advised of trees to be protected

- 15. 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 protected and are advised of any obligations in relation to the protection of those trees in accordance with Condition 14.**

Conditions required by Head, Transport for Victoria (VicRoads)

- 16. Prior to the commencement of works, amended plans must be submitted to and approved by the Responsible Authority. Once approved, the plans may be endorsed and will form part of the permit. The plans must be generally in accordance with the advertised plans, and amended to show the horizontal clearance from the back of the Glenferrie Road kerb to be no less than 750mm.**
- 17. Prior to the commencement of the use hereby approved, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to the Head, Transport for Victoria.**

Loading Management Plan

- 18. Concurrent with the submission of amended plans required by Condition 1 of this Permit, a Loading Management Plan to the satisfaction of the Responsible Authority, prepared by an appropriately qualified Traffic Engineer, must be submitted to and approved by the Responsible Authority. The Loading Management Plan must include (but is not limited to):**
- a) Scheduling arrangements for deliveries/ waste collection outside of peak residential hotel check-in/check-out periods to minimise conflict between visitors and loading vehicles;**
 - b) Installation of pedestrian warning signage facing exiting vehicles from the site into the laneway;**
 - c) Days/hours of loading in accordance with any applicable City of Boroondara Local Law.**

Once approved, such Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Car Parking Management Plan

- 19. Concurrent with the submission of amended plans required by Condition 1 of this Permit, a Car Parking Management Plan to the satisfaction of the Responsible Authority, prepared by an appropriately qualified Traffic Engineer, must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must include (but is not limited to):**

- a) **A valet car parking service for basement car parking on the land available to all residential hotel guests and food and drink premises customers;**
- b) **Details of the hours of operation of the valet service and hours of operation of the food and drink premises and residential hotel reception;**
- c) **Details of how the valet parking service will operate, including in the event the residential hotel reception is closed;**
- d) **Details regarding the means of publicising the free valet parking service to food and drink premises customers;**
- e) **Details of any necessary security measures for the Ground Floor guest drop-off car spaces, including lighting;**
- f) **Shared allocation of car spaces between the uses operating on the land;**
- g) **Details of all proposed signs mirrors, line marking and traffic control equipment.**

Once approved, such Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Driveways and car parking areas to be constructed

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

to the satisfaction of the Responsible Authority.

21. **All signs, mirrors, line marking and traffic control equipment detailed in the Car Parking Management Plan must be installed prior to the occupation of the building and maintained to the satisfaction of the Responsible Authority.**

Use of car parking spaces and driveways

22. **Car parking spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.**
23. **All vehicles entering and exiting the car park must do so in a forwards direction.**

Lighting of car parks and accessways

24. **Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.**

Removal of redundant vehicle crossovers

- 25. 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.**

Number of car parking spaces

- 26. A minimum of 48 car parking spaces must be provided on the land in accordance with the endorsed plans and be used in accordance with the approved Car Parking Management Plan required by this Permit.**

Fee for installation and supply of bicycle hoops

- 27. Prior to the commencement of the development, a fee for the reasonable costs of supplying and installing two (2) bicycle hoops along the Glenferrie Road frontage footpath in the vicinity of the subject site must be paid to the Responsible Authority**

Environmentally Sustainable Design Report

- 28. Concurrent with the submission of amended plans required by Condition 1 of this Permit, 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 be generally in accordance with the Sustainability Management Plan advertised in December 2019 (Revision 04, dated 20 November 2019, prepared by WRAP Engineering Pty Ltd) and must address Ecological Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) principles proposed for the site including, but not limited to, energy efficiency, storm water collection and re-use on the site for landscape irrigation and toilet flushing (with mains back-up) and waste and building materials. Once approved, such Report must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Waste Management Plan

- 29. Concurrent with the submission of amended plans required by Condition 1 of this Permit, a Waste Management Plan must be submitted to the Responsible Authority for approval. Such Plan must provide details of a regular garbage, recyclables and food organics and garden organics (FOGO) collection service for the residential hotel and food and drink premises, including information regarding the type of refuse bin/s, type/size of trucks to enable onsite waste collection, means of accessing bins, frequency of refuse collection and waste collection scheduled to take place outside of the AM and PM commuter peak, 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.**

Hours for waste collection

- 30. Collection of waste must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:**

Monday to Friday:	7:00am to 6:00pm
Saturday and Public Holidays:	9:00am to 6:00pm
Sunday:	No collection allowed

to the satisfaction of the Responsible Authority.

Loading and unloading

- 31. All loading and unloading of vehicles must be carried out within the designated loading bay within the site and must be conducted in a manner that does not cause any unreasonable amenity impacts.**

Hours for deliveries (loading and unloading)

- 32. Deliveries to the site must only be undertaken at the following times:**

Monday to Friday:	7:00am to 8:00pm
Saturday, Sunday and Public Holidays:	9:00am to 8:00pm

to the satisfaction of the Responsible Authority.

Amenity of Area

- 33. 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.

Plant/equipment or features on roof

- 34. No plant, equipment, services or architectural features other than those shown on the endorsed plan/s are permitted on the roof of the building without the prior written consent of the Responsible Authority.**

External Lighting

- 35. 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

- 36. 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.**

Drainage

- 37. The land must be drained to the satisfaction of the relevant building surveyor.**

38. **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.**
39. **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.**

Noise from public premises

40. **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 (or its successor), to the satisfaction of the Responsible Authority.**

Plant/equipment or features on roof

41. **No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted on the roof of the building without the prior written consent of the Responsible Authority.**

External Lighting

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

Construction Management Plan

43. **Prior to the commencement of any site works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must be prepared in accordance with Council's "*Construction Management Plan Template*" and provide details of the following:**
 - a) **Hours for construction activity in accordance with any other condition of this permit;**
 - b) **Measures to control noise, dust, water and sediment laden runoff;**
 - c) **Measures to ensure the avoidance of any damage to street trees as a consequence of the movement of large vehicles and machinery (including cranes and excavators) to from the land or as a consequence of the operation of these vehicles and machines in association with the construction of the proposed building, including excavation of the land;**
 - d) **Measures relating to removal of hazardous or dangerous material from the site, where applicable;**
 - e) **A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;**
 - f) **A Traffic Management Plan showing truck routes to and from the site;**

- g) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- h) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;
- j) Contact details of key construction site staff;
- k) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and
- l) Any other relevant matters, including the requirements of VicRoads and Yarra Trams.

Hours for Construction Work

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

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

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:

- a) Within six (6) months afterwards if the use or the development has not commenced; or
- b) Within 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.*

- ***Separate permission is required to be obtained from Council's Landscape and Design Team and Projects and Strategy Department for the design and construction of all public realm works required by this 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

Councillor Sinfield returned to the meeting at 7.25pm

3.3 2 Denham Street & 2 Wood Street, Hawthorn

Proposal

The proposal seeks planning permission for partial demolition (outbuildings and fencing) and buildings and works associated with an existing church in a Heritage Overlay, use of land for a child care centre (118 children), construction of buildings and works associated with a section 2 use (child care centre) in a Neighbourhood Residential Zone Schedule 3 over 2 lots, display of a business identification signage and reduction in car parking requirements.

Issues

The following are key issues in respect of this applications:

- Impact of the proposal on the Heritage Overlay (pages 50-61);
- The proposed car parking reduction of three (3) car spaces (pages 64-66);
- Traffic congestion (pages 66-67); and
- Matters raised by objectors (pages 70-75).

Officer's response

Council's Discretionary Uses in Residential Areas Policy seeks to ensure the sensitive integration of discretionary uses into their surrounding areas and sets out various policy statements and performance standards to be met. The performance criteria describe one way the proposal may satisfy the relevant policy objectives and statements.

The proposed child care centre will not be immediately adjacent to any residential dwellings, with the main church building located immediately north of the proposed built form, Creswick Street Reserve to the west on the opposite side of Church Street, Hawthorn Bowling Club to the east and Hawthorn West Primary School to the south of the site. As a result, it is considered the site's location is satisfactory in relation to this policy. The proposed development and use is consistent with the policy statements of Council's Discretionary Uses in Residential Areas Policy.

Subject to permit conditions, the proposal meets all performance standards. It is considered the proposed child care centre will not unreasonably impact on the amenity of the surrounding residential area, including impacts due the hours of operation, rubbish collection, traffic and lighting to the surrounding area. This is discussed in the report.

In relation to the proposed reduction of three (3) car parking spaces, the assessment, including the survey has been submitted, demonstrates there is sufficient off-street as well as on street car parking in the surrounding area to accommodate the parking demand generated by the use. Council's Traffic Engineers are satisfied with the proposed parking and consider the potential traffic generation will not have a significant adverse impact on traffic conditions in the surrounding road network.

Council's Heritage Advisor has assessed the proposal and is supportive of its relationship with heritage buildings on site.

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

No speakers made submissions to Council for this item.

MOTION

Moved Councillor Hurd

Seconded Councillor Healey

That the Urban Planning Special Committee resolve that a Notice of Decision to Grant a Planning Permit No. PP19/00093 for part demolition and buildings and works in a Heritage Overlay, use of land for a child care centre, buildings and works associated with a Section 2 Use (child care centre) in a Neighbourhood Residential Zone Schedule 3 over 2 lots, display of business identification signage, and reduction in car parking requirements at 2 Denham Street, Hawthorn & 2 Wood Street, Hawthorn be issued 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 and the concept amended site plan, received by Council on 6 April 2020, but modified to show:
 - (a) The allocated number of places (children) per room shown on the floor plans modified to ensure it complies with Condition 21;
 - (b) The provision of landscaping and a 1.5m high screen to the east of car space 18 that will appropriately screen the car park area when viewed from Wood Street;
 - (c) Removal of any additional internal boundary fencing for sections adjoining the Church and the Hall and for the internal fence height to have a maximum height of 1.5m and be open, with a high level transparency;
 - (d) Additional landscaping to appropriately screen the additional 4 car spaces located north of the Church;
 - (e) The crossover reduced to a maximum width of 5.5m to create a 600mm separation from the edge of the bluestone kerb outstand;

- (f) Dimensions for the seven (7) car spaces located to the north of the site in accordance with Clause 52.06 of the Boroondara Planning Scheme requirements;
- (g) The proposed car park to allocate 5 car spaces to staff parking, with the balance of parking available to use as a drop-off/ pick up facility;
- (h) The additional 4 car spaces located to the north of the site to be allocated as staff car spaces for the child care centre;
- (i) Amended swept path diagrams in response to the amended concept site plan (submitted to Council on 6 April 2020) arrangements to ensure that vehicles can enter and exit the car parking spaces in a forward direction;
- (j) The Tree Protection Zone and Structural Root Zone of Tree nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 35 drawn on all site and floor plans;
- (k) Notation on all site and floor plans that all construction and landscaping works within the Tree Protection Zone of Tree Nos. 11, 12, 25, 26 and 35 must be supervised, documented and certified by the project arborist;
- (l) All foundations within the Tree Protection Zone of Tree nos. 11 and 12 to be pier and beam construction;
- (m) Notation on all site and floor plans that all foundations within the Tree Protection Zone of Tree nos. 11 and 12 must not damage any roots greater than 5 cm in diameter;
- (n) Notation on all site and floor plans that Tree nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 35 are to be retained and protected in accordance with the endorsed Tree Management Plan required by Condition 4 of this permit;
- (o) The proposed asphalt (or concrete if allowable) crossover reduced to a width of 5.5m to provide additional clearance of approximately 600mm from the bluestone edging around the street tree within the road side kerb outstand;
- (p) A notation that all visual obstructions within the nominated pedestrian sightline area will be no higher than 900mm above driveway level;
- (q) The provision of appropriately lighting to ensure that the car park is safe and well lit;
- (r) A physical samples board providing samples of all proposed materials, colours and finishes;
- (s) An amended Landscape Plan in accordance with Condition 3 of this permit;
- (t) A Tree Management Plan in accordance with Condition 4 of this permit; and
- (u) A Waste Management Plan in accordance with Condition 29 of this permit.

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 without the prior written consent of the Responsible Authority.

Landscape plan

3. Concurrent with the plans for endorsement required by Condition 1 an amended 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 amended 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) All hard surfaces proposed within the Tree Protection Zone of Tree nos. 25, 26 and 35 must be constructed of Turfstone© or similar product approved by the Responsible Authority, filled with soil or no fines gravel; be constructed above current grade; and be constructed on a no fines base layer, no greater than 15 cm in depth, compacted to less than 80% proctor to the satisfaction of the Responsible Authority;
- (c) Detailed construction specifications for all permeable surfaces that include cross-section diagrams;
- (d) Notation that Council's arborist must be contacted (9278 4888 or boroondara@boroondara.vic.gov.au) a minimum of five working days prior to the commencement of all permeable paving construction works within the Tree Protection Zone of Tree nos. 25, 26 and 35;
- (e) One (1) canopy tree (minimum five metres tall when planted and must achieve a minimum mature height of 15 metres and canopy spread of 10 metres) in the front setback (east of car space 18) of the property;
- (f) One (1) canopy tree (minimum five metres tall when planted and must achieve a minimum mature height of 15 metres and canopy spread of 10 metres) west of car space 1;
- (g) Two (2) canopy trees (minimum five metres tall when planted and must achieve a minimum mature height of 15 metres and canopy spread of 7 metres) within the open space play area;
- (h) Each canopy tree must be provided a minimum of 50 m² of deep soil, with the available soil area clearly shown on the landscape plan;
- (i) All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
- (j) All trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
- (k) All trees must be planted more than 2 metres away from any structures, property boundaries, easements, existing trees or shrubs;

Street tree requirements:

- (l) Tree protection zone measures to be established in accordance to Australian Standard 4970-2009 and including the following:
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
 - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.

- vii. TPZ fencing must not block off a footpath or roadway. The TPZ fencing location can be modified to ensure the tree(s) is protected, however must not obstruct, roads, footpaths or access ways.
- (m) Planting required by any other condition of this permit; and
- (n) Landscaping and planting within all open areas of the site.

Tree Management Plan

4. Concurrent with 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 nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 35. 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 foundations (shown or details noted) within each tree protection zone;
 - IV. Any 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) Notation on all site and floor plans that all construction and landscaping works within the Tree Protection Zone of Tree Nos. 11, 12, 25, 26 and 35 must be supervised, documented and certified by the project arborist;
- (c) All foundations within the Tree Protection Zone of Tree Nos. 11 and 12 to be pier and beam construction;
- (d) Notation on all site and floor plans that all foundations within the Tree Protection Zone of Tree Nos. 11 and 12 must not damage any roots greater than 5 cm in diameter;
- (e) 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; and provide details and specifications regarding the construction of all permeable surfaces within the Tree Protection Zone of retained trees;
- (f) Specification that Council's Arborist must be contacted (9278 4888 or boroondara@boroondara.vic.gov.au) a minimum of five working days prior to the commencement of all permeable paving preparation and construction works within the Tree Protection Zone of Tree nos. 25 and 26;

- (g) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority;
- (h) All remedial pruning works that are required to be performed on trees during demolition and 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; and
- (i) The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Street tree protection measures requirements:

- (j) A project arborist must be appointed by the applicant or builder. The Project Arborist must supervise all approved works (including site demolition) within the TPZs of Tree nos. 1, 2, 3 and 4. Any root severance must be approved and undertaken by the Project Arborist using clean, sharp and sterilised tree root pruning equipment. There must be no root severance within the SRZ of the trees or roots greater than 40mm in diameter cut or damaged during any part of the construction process;
- (k) All buildings and works for the demolition of the site and construction of the development (including the crossover) must not alter the existing ground level or topography of the land within the roadway or garden beds where within the TPZs of tree nos. 1 – 4. Works can be undertaken within the footpath, where within the TPZs of trees 1 – 4;
- (l) The project Arborist must ensure that any root severance or buildings and works within the TPZs of Tree nos. 1, 2, 3 and 4, does not adversely impact the health or stability of the trees now or into the future; and
- (m) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

Contractors to be advised of trees to be retained

5. 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

6. 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

7. (a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.
- (b) Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.

Completion of landscaping works

8. 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

9. 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.

Drainage

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

Number of car parking spaces

11. A minimum additional 22 car parking spaces (totaling a minimum of 25 car spaces overall) must be provided on the land, including one (1) space clearly marked and set aside for the disabled, to the satisfaction of the Responsible Authority.

Driveways and car parking areas to be constructed

12. Before the use starts or any building is occupied, area/s set aside for car parking, access lanes and driveways shown on the endorsed plans must be:
 - (a) Constructed;
 - (b) Formed to such levels and properly drained so that they can be used in accordance with the endorsed plans;
 - (c) Surfaced with an all weather seal coat;
 - (d) Line marked to indicate each car space;
 - (e) Clearly marked to show the direction of traffic along the access lanes and driveways; and
 - (f) drained;

to the satisfaction of the Responsible Authority.

Use of car parking spaces

13. 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.

Vehicle crossovers

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

External lighting

15. 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

16. 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.

Concealment of pipes

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

Plant/equipment or features on roof

18. No plant, equipment, services or architectural features other than those shown on the endorsed plan/s are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

Condensers

19. No air-conditioning or cooling units, condensers and the like are to be located on roofs, external walls or on balconies without the prior written consent of the Responsible Authority.

Amenity of area

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

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

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

Number of children in care restricted

21. No more than 118 children in care must be present on the subject land without the further written consent of the Responsible Authority.

Hours of operation

22. 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 Friday (except Public Holidays) - 6:30am to 7:30pm.

Testing of noise emissions

23. At the request of the Responsible Authority, the owner or occupier must, within 30 days, supply an assessment by a qualified acoustic consultant of noise levels emitted from the site with readings taken at times and locations specified by the Responsible Authority.

The cost of the assessment is to be borne by the owner or occupier. If necessary, additional noise control features must be installed in consultation with an acoustic engineer, or activities and noise sources on the premises regulated at the direction of and to the satisfaction of the Responsible Authority.

The frequency of this request will be at the discretion of the Responsible Authority.

Loudspeakers

24. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes, to the satisfaction of the Responsible Authority.

Hours for service vehicles/deliveries

25. Deliveries must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:

Monday to Friday: 7:00am to 8:00pm
Saturday, Sunday & Public Holidays: 8:00am to 5:00pm

to the satisfaction of the Responsible Authority.

Construction Management Plan

26. Prior to the commencement of any site works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must be prepared in accordance with Council's Construction Management Plan Template and provide details of the following:

- (a) Hours for construction activity in accordance with any other condition of this permit;
- (b) Measures to control noise, dust, water and sediment laden runoff;
- (c) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- (d) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- (e) A Traffic Management Plan showing truck routes to and from the site;
- (f) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- (g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;

- (h) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;
- (i) Contact details of key construction site staff;
- (j) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and
- (k) Any other relevant matters, including the requirements of VicRoads and Yarra Trams.

Maintenance of waste storage area

27. All bins and receptacles used for the collection and storage of solid waste, recyclables and other wastes must be kept in a designated area, to the satisfaction of the Responsible Authority. This storage area must be:

- (a) Properly paved and drained to a legal point of discharge;
- (b) Screened from view with a suitably designed enclosure;
- (c) Supplied with adequate hot and cold water; and
- (d) Maintained in a clean and tidy condition free from offensive odours associated with the operation of the kitchen and centre.

to the satisfaction of the Responsible Authority.

Hours for waste collection

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

Monday to Friday: 7:00am to 8:00pm
Saturday, Sunday & Public Holidays: No collection allowed.

to the satisfaction of the Responsible Authority.

Waste Management Plan

29. A waste management plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority. The plan must provide the following details of a regular or private waste (including recyclables) collection service for the subject land including:

- (a) the type/s and number of waste bins;
- (b) screening of bins;
- (c) type/size of trucks;
- (d) frequency of waste collection; and
- (e) plan showing the layout of the bins at collection time including sufficient clearances from all street services, features and infrastructure.

to the satisfaction of the Responsible Authority.

Signs not to be altered

30. The location, layout, dimensions, structures and features of the approved sign(s) (including the design, colours, materials, degree of illumination, wording and sign type) shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Sign maintenance

31. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

Signs within land boundary

32. All signs must be located wholly within the boundaries of the land.

No sign illumination

33. The sign(s) must not be illuminated by external or internal light, except with the prior written consent of the Responsible Authority.

Cultural Heritage Management Plan (CHMP)

34. The Cultural Heritage Management Plan, as prepared by Andrew Long & Associates Pty Ltd (dated 2 April 2019), to be endorsed and carried out in accordance with the specific cultural heritage management conditions.

Time for commencement (display a sign)

35. Without the written consent of the Responsible Authority, this permit will lapse unless the approved sign/s is/are displayed within 2 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 use or 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 to expire (display a sign)

36. Subject to the display of the approved sign/s before the permit lapses, this permit expires 15 years from the date this permit was issued.

Permit to expire:

37. 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; or
- (c) The use does not commence within two (2) years of the completion of the development.

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 use or 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.

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.

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).

Plant, equipment or services (other than those shown on the endorsed plans) that are visible from a street or a public park may require further planning permission. This includes air-conditioners, solar panels, water tank and the like.

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 Asset Management Department.

No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

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.

Advertising signs notes

Upon expiry of this permit, the continued display of the sign(s) approved under this permit is unlawful. Prior to the permit expiring, application for a new planning permit must be made if the continued display of the sign(s) is proposed

Prior to the erection of any other advertising signs on the subject land, contact should be made with officers of Council's Statutory Planning Department to determine the relevant Planning Scheme controls.

Bunting, streamers, flags, wind-vanes or festooning must not be displayed without the written consent of the Responsible Authority.

Discovery of Aboriginal cultural heritage

Pursuant to Sections 24 of the Aboriginal Heritage Act 2006 if an unregistered Aboriginal place or object is discovered in the course of works being carried out the person in charge of the works is required to report the discovery to the Secretary of the Office of Aboriginal Affairs Victoria (OAAV) as soon as practicable.

It is an offence to knowingly harm Aboriginal cultural heritage unless permitted by Section 29 of the Aboriginal Heritage Act 2006 and penalties apply.

LOST

MOTION**Moved Councillor Hollingsworth****Seconded Councillor Addis**

That the Urban Planning Special Committee resolve that a Notice of Decision to Grant a Planning Permit No. PP19/00093 for part demolition and buildings and works in a Heritage Overlay, use of land for a child care centre, buildings and works associated with a Section 2 Use (child care centre) in a Neighbourhood Residential Zone Schedule 3 over 2 lots, display of business identification signage, and reduction in car parking requirements at 2 Denham Street, Hawthorn & 2 Wood Street, Hawthorn be issued 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 and the concept amended site plan, received by Council on 6 April 2020, but modified to show:**
 - (a) The allocated number of places (children) per room shown on the floor plans modified to ensure it complies with Condition 21;**
 - (b) The provision of landscaping and a 1.5m high screen to the east of car space 18 that will appropriately screen the car park area when viewed from Wood Street;**
 - (c) Removal of any additional internal boundary fencing for sections adjoining the Church and the Hall and for the internal fence height to have a maximum height of 1.5m and be open, with a high level transparency;**
 - (d) Additional landscaping to appropriately screen the additional 4 car spaces located north of the Church;**
 - (e) The crossover reduced to a maximum width of 5.5m to create a 600mm separation from the edge of the bluestone kerb outstand;**
 - (f) Dimensions for the seven (7) car spaces located to the north of the site in accordance with Clause 52.06 of the Boroondara Planning Scheme requirements;**
 - (g) The proposed car park to allocate 5 car spaces to staff parking, with the balance of parking available to use as a drop-off/ pick up facility;**
 - (h) The additional 4 car spaces located to the north of the site to be allocated as staff car spaces for the child care centre;**
 - (i) Amended swept path diagrams in response to the amended concept site plan (submitted to Council on 6 April 2020) arrangements to ensure that vehicles can enter and exit the car parking spaces in a forward direction;**
 - (j) The Tree Protection Zone and Structural Root Zone of Tree nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 35 drawn on all site and floor plans;**
 - (k) Notation on all site and floor plans that all construction and landscaping works within the Tree Protection Zone of Tree Nos. 11, 12, 25, 26 and 35 must be supervised, documented and certified by the project arborist;**

- (l) All foundations within the Tree Protection Zone of Tree nos. 11 and 12 to be pier and beam construction;
- (m) Notation on all site and floor plans that all foundations within the Tree Protection Zone of Tree nos. 11 and 12 must not damage any roots greater than 5 cm in diameter;
- (n) Notation on all site and floor plans that Tree nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 35 are to be retained and protected in accordance with the endorsed Tree Management Plan required by Condition 4 of this permit;
- (o) The proposed asphalt (or concrete if allowable) crossover reduced to a width of 5.5m to provide additional clearance of approximately 600mm from the bluestone edging around the street tree within the road side kerb outstand;
- (p) A notation that all visual obstructions within the nominated pedestrian sightline area will be no higher than 900mm above driveway level;
- (q) The provision of appropriately lighting to ensure that the car park is safe and well lit;
- (r) A physical samples board providing samples of all proposed materials, colours and finishes;
- (s) An amended Landscape Plan in accordance with Condition 3 of this permit;
- (t) A Tree Management Plan in accordance with Condition 4 of this permit; and
- (u) A Waste Management Plan in accordance with Condition 29 of this permit.

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 without the prior written consent of the Responsible Authority.

Landscape plan

3. Concurrent with the plans for endorsement required by Condition 1 an amended 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 amended 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) All hard surfaces proposed within the Tree Protection Zone of Tree nos. 25, 26 and 35 must be constructed of Turfstone© or similar product approved by the Responsible Authority, filled with soil or no fines gravel; be constructed above current grade; and be constructed on a no fines base layer, no greater than 15 cm in depth, compacted to less than 80% proctor to the satisfaction of the Responsible Authority;
- (c) Detailed construction specifications for all permeable surfaces that include cross-section diagrams;

- (d) **Notation that Council's arborist must be contacted (9278 4888 or boroondara@boroondara.vic.gov.au) a minimum of five working days prior to the commencement of all permeable paving construction works within the Tree Protection Zone of Tree nos. 25, 26 and 35;**
- (e) **One (1) canopy tree (minimum five metres tall when planted and must achieve a minimum mature height of 15 metres and canopy spread of 10 metres) in the front setback (east of car space 18) of the property;**
- (f) **One (1) canopy tree (minimum five metres tall when planted and must achieve a minimum mature height of 15 metres and canopy spread of 10 metres) west of car space 1;**
- (g) **Two (2) canopy trees (minimum five metres tall when planted and must achieve a minimum mature height of 15 metres and canopy spread of 7 metres) within the open space play area;**
- (h) **Each canopy tree must be provided a minimum of 50 m² of deep soil, with the available soil area clearly shown on the landscape plan;**
- (i) **All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;**
- (j) **All trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;**
- (k) **All trees must be planted more than 2 metres away from any structures, property boundaries, easements, existing trees or shrubs;**

Street tree requirements:

- (l) **Tree protection zone measures to be established in accordance to Australian Standard 4970-2009 and including the following:**
 - i. **Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.**
 - ii. **Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.**
 - iii. **Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.**
 - iv. **No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.**
 - v. **All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.**
 - vi. **No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.**
 - vii. **TPZ fencing must not block off a footpath or roadway. The TPZ fencing location can be modified to ensure the tree(s) is protected, however must not obstruct, roads, footpaths or access ways.**

- (m) **Planting required by any other condition of this permit; and**
- (n) **Landscaping and planting within all open areas of the site.**

Tree Management Plan

4. **Concurrent with 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 nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 35. 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 foundations (shown or details noted) within each tree protection zone;**
 - iv. **Any 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) **Notation on all site and floor plans that all construction and landscaping works within the Tree Protection Zone of Tree Nos. 11, 12, 25, 26 and 35 must be supervised, documented and certified by the project arborist;**
 - (c) **All foundations within the Tree Protection Zone of Tree Nos. 11 and 12 to be pier and beam construction;**
 - (d) **Notation on all site and floor plans that all foundations within the Tree Protection Zone of Tree Nos. 11 and 12 must not damage any roots greater than 5 cm in diameter;**
 - (e) **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; and provide details and specifications regarding the construction of all permeable surfaces within the Tree Protection Zone of retained trees;**
 - (f) **Specification that Council's Arborist must be contacted (9278 4888 or boroondara@boroondara.vic.gov.au) a minimum of five working days prior to the commencement of all permeable paving preparation and construction works within the Tree Protection Zone of Tree nos. 25 and 26;**
 - (g) **Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority;**

- (h) All remedial pruning works that are required to be performed on trees during demolition and 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; and**
- (i) The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.**

Street tree protection measures requirements:

- (j) A project arborist must be appointed by the applicant or builder. The Project Arborist must supervise all approved works (including site demolition) within the TPZs of Tree nos. 1, 2, 3 and 4. Any root severance must be approved and undertaken by the Project Arborist using clean, sharp and sterilised tree root pruning equipment. There must be no root severance within the SRZ of the trees or roots greater than 40mm in diameter cut or damaged during any part of the construction process;**
- (k) All buildings and works for the demolition of the site and construction of the development (including the crossover) must not alter the existing ground level or topography of the land within the roadway or garden beds where within the TPZs of tree nos. 1 – 4. Works can be undertaken within the footpath, where within the TPZs of trees 1 – 4;**
- (l) The project Arborist must ensure that any root severance or buildings and works within the TPZs of Tree nos. 1, 2, 3 and 4, does not adversely impact the health or stability of the trees now or into the future; and**
- (m) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.**

Contractors to be advised of trees to be retained

- 5. 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

- 6. 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

7. (a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.

(b) Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.

Completion of landscaping works

8. 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

9. 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.

Drainage

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

Number of car parking spaces

11. A minimum additional 22 car parking spaces (totalling a minimum of 25 car spaces overall) must be provided on the land, including one (1) space clearly marked and set aside for the disabled, to the satisfaction of the Responsible Authority.

Driveways and car parking areas to be constructed

12. Before the use starts or any building is occupied, area/s set aside for car parking, access lanes and driveways shown on the endorsed plans must be:

- (a) Constructed;
- (b) Formed to such levels and properly drained so that they can be used in accordance with the endorsed plans;
- (c) Surfaced with an all weather seal coat;
- (d) Line marked to indicate each car space;

- (e) Clearly marked to show the direction of traffic along the access lanes and driveways; and
 - (f) drained;
- to the satisfaction of the Responsible Authority.

Use of car parking spaces

13. 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.

Vehicle crossovers

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

External lighting

15. 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

16. 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.

Concealment of pipes

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

Plant/equipment or features on roof

18. No plant, equipment, services or architectural features other than those shown on the endorsed plan/s are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

Condensers

19. No air-conditioning or cooling units, condensers and the like are to be located on roofs, external walls or on balconies without the prior written consent of the Responsible Authority.

Amenity of area

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

- (a) Appearance of any building, works, stored goods or materials; and/or
 - (b) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or oil; and/or
- in any other way, to the satisfaction of the Responsible Authority.

Number of children in care restricted

- 21. No more than 113 children in care must be present on the subject land without the further written consent of the Responsible Authority.**

Hours of operation

- 22. 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 Friday (except Public Holidays) - 6:30am to 7:30pm.

Testing of noise emissions

- 23. At the request of the Responsible Authority, the owner or occupier must, within 30 days, supply an assessment by a qualified acoustic consultant of noise levels emitted from the site with readings taken at times and locations specified by the Responsible Authority.**

The cost of the assessment is to be borne by the owner or occupier. If necessary, additional noise control features must be installed in consultation with an acoustic engineer, or activities and noise sources on the premises regulated at the direction of and to the satisfaction of the Responsible Authority.

The frequency of this request will be at the discretion of the Responsible Authority.

Loudspeakers

- 24. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes, to the satisfaction of the Responsible Authority.**

Hours for service vehicles/deliveries

- 25. Deliveries must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:**

Monday to Friday: 7:00am to 8:00pm

Saturday, Sunday & Public Holidays: 8:00am to 5:00pm
to the satisfaction of the Responsible Authority.

Construction Management Plan

- 26. Prior to the commencement of any site works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must be prepared in accordance with Council's Construction Management Plan Template and provide details of the following:**

- (a) Hours for construction activity in accordance with any other condition of this permit;**
- (b) Measures to control noise, dust, water and sediment laden runoff;**
- (c) Measures relating to removal of hazardous or dangerous material from the site, where applicable;**

- (d) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-contractors/tradespersons upon completion of such areas, without delay;
- (e) A Traffic Management Plan showing truck routes to and from the site;
- (f) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- (g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- (h) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;
- (i) Contact details of key construction site staff;
- 9j) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and
- (k) Any other relevant matters, including the requirements of VicRoads and Yarra Trams.

Maintenance of waste storage area

27. All bins and receptacles used for the collection and storage of solid waste, recyclables and other wastes must be kept in a designated area, to the satisfaction of the Responsible Authority. This storage area must be:

- (a) Properly paved and drained to a legal point of discharge;
 - (b) Screened from view with a suitably designed enclosure;
 - (c) Supplied with adequate hot and cold water; and
 - (d) Maintained in a clean and tidy condition free from offensive odours associated with the operation of the kitchen and centre.
- to the satisfaction of the Responsible Authority.

Hours for waste collection

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

Monday to Friday: 7:00am to 8:00pm
Saturday, Sunday & Public Holidays: No collection allowed.
to the satisfaction of the Responsible Authority.

Waste Management Plan

29. A waste management plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority. The plan must provide the following details of a regular or private waste (including recyclables) collection service for the subject land including:

- (a) the type/s and number of waste bins;
- (b) screening of bins;
- (c) type/size of trucks;

- (d) frequency of waste collection; and
 - (e) plan showing the layout of the bins at collection time including sufficient clearances from all street services, features and infrastructure.
- to the satisfaction of the Responsible Authority.

Signs not to be altered

30. The location, layout, dimensions, structures and features of the approved sign(s) (including the design, colours, materials, degree of illumination, wording and sign type) shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Sign maintenance

31. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

Signs within land boundary

32. All signs must be located wholly within the boundaries of the land.

No sign illumination

33. The sign(s) must not be illuminated by external or internal light, except with the prior written consent of the Responsible Authority.

Cultural Heritage Management Plan (CHMP)

34. The Cultural Heritage Management Plan, as prepared by Andrew Long & Associates Pty Ltd (dated 2 April 2019), to be endorsed and carried out in accordance with the specific cultural heritage management conditions.

Time for commencement (display a sign)

35. Without the written consent of the Responsible Authority, this permit will lapse unless the approved sign/s is/are displayed within 2 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 use or 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 to expire (display a sign)

36. Subject to the display of the approved sign/s before the permit lapses, this permit expires 15 years from the date this permit was issued.

Permit to expire:

37. 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; or

- (c) The use does not commence within two (2) years of the completion of the development.**

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 use or 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.

CARRIED

3.4 VCAT decisions and decisions under delegation January 2020

This report sets out the delegated planning decisions made and VCAT decisions received during January 2020.

No speakers made submissions to Council for this item.

MOTION

Moved Councillor Ross

Seconded Councillor Addis

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 2020.

CARRIED

3.5 VCAT decisions and decisions under delegation February 2020

This report sets out the delegated planning decisions made and VCAT decisions received during February 2020.

No speakers made submissions to Council for this item.

MOTION

Moved Councillor Parke

Seconded Councillor Healey

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 February 2020.

CARRIED

3.6 VCAT decisions and decisions under delegation March 2020

This report sets out the delegated planning decisions made and VCAT decisions received during March 2020.

No speakers made 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 March 2020.

CARRIED

4. General business

Nil

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 8.21pm

Confirmed

Chairperson

Date
