

URBAN PLANNING DELEGATED COMMITTEE



MINUTES

(Open to the public)

Monday 21 September 2019

Online - Delivered via Webex Events.

Commencement 6.32pm

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	Chief Executive Officer Director City Planning Manager Strategic & Statutory Planning
	David Thompson Stephanie Ng Timothy Luckin Celia Robinson Helen Pavlidis Elizabeth Manou	Manager Governance & Legal Acting Statutory Planning Coordinator Statutory Planner Coordinator Governance Governance Projects Officer Governance Projects Officer

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1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Sinfield

That the minutes of the Special Meeting of the Urban Planning Special Committee meeting held on 31 August 2020 and the Urban Planning Delegated Committee meeting held on 7 September 2020 be adopted and confirmed.

CARRIED

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

Refer to Item 3.1 - 6 Stephens Street, Balwyn North - Councillor Watson

3. Presentation of officer reports

3.1 6 Stephens Street, Balwyn North

Proposal

The proposal seeks to subdivide the site into two (2) lots, with a building envelope proposed for Lot 1 which is vacant. The existing vehicle crossing will be retained for the existing dwelling and a new vehicle crossing constructed for the vacant lot. The building envelope can be enforced by a Section 173 Agreement requiring any building to be contained within it. The envelope meets ResCode standards and allows relevant setbacks, open space and car parking in compliance with the Planning Scheme standards.

Issues

The following are key issues in respect of this application:

- The site is within the Neighbourhood Residential Zone 3 which has no minimum lot size or restriction on the number of lots within the proposed subdivision PP20/0014;
- The area is subject to a single dwelling covenant on some lots (not the subject lot);
- Response to Neighbourhood Character; and
- Safety of the new crossover on the bend.

Officer's response

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

Twenty one (21) objections were received. The objections are concerned with breaching the single dwelling covenant (not relevant to the subject lot), traffic and parking concerns, storm water drainage, lot sizes and neighbourhood character which are discussed within the report.

Subject to recommended permit conditions, all matters in relation to drainage and the concerns with regards to safety of the proposed crossover at a bend are considered to be addressed.

As detailed in the report, the single dwelling covenant associated with the subject land was modified by the Supreme Court on the 5 February 2018 to allow for two (2) dwellings to be constructed on the site.

From a neighbourhood character perspective, the character of the surrounding area has undergone change since its creation in the 1940's with covenant variations allowing further development/ subdivision and older dwellings being demolished and replaced with new dwellings.

The properties along Stephens Street vary significantly with lot frontage widths ranging from approximately 13m to 50.5m and lot depths ranging from approximately 20m - 82m. The proposed lot frontages for Lots 1 and 2 will respect the existing scale of other lot frontages along Stephens Street itself and the surrounding area. The building envelopes allows for detached dwellings to maintain the streetscape rhythm and sense of spaciousness between buildings.

The proposed subdivision is considered to be consistent with the immediate surrounding neighbourhood which has a variety of dwelling types, including newer development, now replacing older structures. A new dwelling on Lot 1 with its independent street frontage width of 12.6m, front garden and vehicle access is in accordance with other properties within the immediate area and will not significantly affect the pattern of the subdivision and the spacing of buildings.

The vacant lot created by the subdivision will require a building permit where ResCode siting and amenity standards will be considered for a dwelling to be constructed within the envelope area.

Councillor Watson declared a direct interest in this Item in accordance with Section 77B of the Local Government Act 1989. Councillor Watson advised the nature of the direct interest was "I own a property in close proximity to the property which is the subject of Item 3.1 being 6 Stephens Street, Balwyn North."

Councillor Watson left the meeting at 6.37pm prior to the consideration and vote on this item.

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

MOTION**Moved Councillor Parke****Seconded Councillor Sinfield**

That the Urban Planning Delegate Committee resolve that Notice of Refusal to Grant Planning Permit No. PP20/0014 for subdivision of the land into two (2) lots at 6 Stephens Street, Balwyn North be issued subject to the following grounds:

- 1. The proposed subdivision will not respect the existing frontages and area of lots of Stephens Street and the surrounding area.**
- 2. The proposed building envelopes will not provide sufficient spacing and therefore will not respect the existing streetscape rhythm and sense of spaciousness and will be detrimental to the preferred character of the neighbourhood.**

CARRIED

Councillor Watson re-entered the meeting at 7.02pm

3.2 15 Scott Street, CanterburyProposal

The proposal seeks to demolish the existing dwelling and construct a new dwelling in a heritage precinct.

Issues

The following are key issues in respect of this applications:

- Demolition of the existing dwelling. See pages 9, 12-14, 29, 38.
- Suitability of the new dwelling to the heritage precinct. See pages 1-2, 9-12, 14-18, and 28-38.
- Amenity impacts. See pages 39-40.

Officer's response

The application was originally advertised in December 2019 and received 15 objections. The Objectors raised concerns with the demolition of the existing dwelling which they considered to be part of a trio of houses (11, 13, and 15 Scott Street). Council's Strategic Planning Department has reviewed the 'non-contributory' grading of the dwelling and reaffirmed this. It is considered acceptable to demolish the existing dwelling, subject to a suitable replacement building.

The objections raised concerns regarding the new dwelling. Additionally, some objections were in regard to amenity impacts such as overshadowing and reduced light to windows. Amenity impacts relate to a ResCode assessment which cannot be considered given the permit trigger is the Heritage Overlay only. An assessment of amenity impacts would occur at the Building Permit stage.

The proposed dwelling was redesigned after initial concerns were raised. The new dwelling design features an L-shaped layout with a projecting front gable. The first floor is hidden underneath a transverse gable roof giving the appearance of a single-storey dwelling. Council's Heritage Advisor supports the revised design with no changes. The new design is considered to meet Council's Heritage Policy requirements and is recommended for approval.

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

MOTION

Moved Councillor Addis

Seconded Councillor Hollingsworth

That the Urban Planning Delegated Committee resolve that a Notice of Refusal to Grant Planning Permit No. PP19/0688 for Demolition of an existing dwelling and construction of a new dwelling in a Heritage Overlay in accordance with the endorsed plans at 15 Scott Street, Canterbury be issued under the Boroondara Planning Scheme subject to the following refusal grounds:

- 1. The proposed dwelling is not sympathetic to the heritage values of the precinct and does not complement the precinct's heritage built fabric which is contrary to the objectives of Clause 22.03-2 of the Boroondara Planning Scheme.**
- 2. The excessive height of the proposed dwelling will dominate the 'contributory' graded dwelling at 13 Scott Street, which does not meet the performance criteria (guideline: façade height and setbacks) of Clause 22.03-3.4 of the Boroondara Planning Scheme.**
- 3. The proposed dwelling is positioned forward of the adjoining 'contributory' graded properties at 13 and 17 Scott Street, which does not meet the performance criteria (guideline: façade height and setbacks) of Clause 22.03-3.4 of the Boroondara Planning Scheme.**
- 4. The front setback of the garage is insufficient and is contrary to Clause 22.03-3.7 of the Boroondara Planning Scheme.**
- 5. Demolition of the existing dwelling should not be permitted as the replacement building does not meet the requirements of Council's Heritage Policy, pursuant to Clause 22.03-3.4 of the Boroondara Planning Scheme.**

CARRIED

4. General business**4.1 Traffic concerns - Oxley Road, Hawthorn**

Councillor Hurd informed his colleagues he had been contacted by a vision impaired resident expressing concern about the increase in traffic volume in Oxley Road, Hawthorn.

The **Chief Executive Officer** informed the Committee the matter would be referred to Manager Traffic and Transport to look into and take the appropriate action.

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 7.25pm

Confirmed

Chairperson

Date
