

# URBAN PLANNING DELEGATED COMMITTEE



## MINUTES

(Open to the public)

**Monday 1 February 2021**

Council Chamber, 8 Inglesby Road, Camberwell and Delivered Online

**Commencement** 6.37pm

**Attendance**  
Councillor Jim Parke (Chairperson)  
Councillor Garry Thompson (Mayor)  
Councillor Cynthia Watson  
Councillor Di Gillies  
Councillor Felicity Sinfield  
Councillor Jane Addis  
Councillor Lisa Hollingsworth  
Councillor Nick Stavrou  
Councillor Susan Biggar  
Councillor Victor Franco  
Councillor Wes Gault

**Apologies** Nil

<b><u>Officers</u></b>	Phillip Storer	Chief Executive Officer
	Shiran Wickramasinghe	Director Urban Living
	Daniel Freer	Director Places & Spaces
	Marjorie Kennedy	Acting Manager Statutory & Strategic Planning
	David Thompson	Manager Governance & Legal
	Elizabeth Manou	Senior Governance Officer
	Kelly Caporaso	Senior Statutory Planner

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**1. Adoption and confirmation of the minutes****MOTION****Moved Councillor Thompson****Seconded Councillor Hollingsworth****That the minutes of the Urban Planning Delegated Committee meeting held on 7 December 2020 be adopted and confirmed.****CARRIED****2. Declaration of conflict of interest of any councillor or council officer**

Nil

**3. Presentation of officer reports****3.1 43-45 Studley Park Road KEW****Application no.: PP20/0163****Responsible director: Shiran Wickramasinghe, Director Urban Living****Authorised by: Marjorie Kennedy, Acting Manager Strategic and Statutory Planning****Report officer: Kelly Caporaso, Senior Statutory Planner**Proposal

It is proposed to construct a three storey apartment building containing 12 dwellings over basement car parking.

Each dwelling contains three bedrooms. The four ground floor apartments are provided with ground-level courtyards, with an area of between 140sqm and 310sqm. All apartments located on the upper floors are provided with balconies and terraces ranging in area between 17sqm and 38sqm.

A total of 38 car parking spaces is provided, which provides 14 additional car parking spaces than required by the standard at Clause 52.06 (Car Parking).

The proposed maximum overall building height is 11.8m above existing natural ground level.

The buildings entrance is via Howard Street. A communal pedestrian access to the apartments is provided via a centrally located foyer and lobby facing Howard Street. Vehicle access to the basement ramp is provided via the existing crossover from Howard Street.

## Issues

The following are key issues in respect of this applications:

- Does the proposal appropriately consider the existing and preferred neighbourhood character of the area? (Pages 43 to 55 of the Officer's Report).
- 
- Will the proposal have an unreasonable impact on the amenity of the adjoining dwellings? (Pages 63 to 70 of the Officer's Report).
- Is the impact on the existing trees acceptable? (Page 18 to 23 of the Officer's Report).

## Officer's response

### **Neighbourhood character:**

The subject site is located with the General Residential Zone - Schedule - 5, which encourages a diversity of housing types and anticipates for moderate change and housing growth. An apartment style development within this location is consistent level of change anticipated by the site's zoning and the existing context.

The proposal achieves full ResCode compliance and is supported by Council's Urban Designer. Amended plans were provided after advertising, which includes the removal of period detailing, increased the setbacks along the site's boundaries and additional deep soil area along the southern boundary. The proposal achieves high compliance with Council's Neighbourhood Character Policy and is consistent with the existing and preferred character of the area.

The proposed three storey height is consistent with the prevailing three storey built form along Studley Park Road, which is a main arterial road. The proposal's massing has been appropriately concentrated to the north towards Studley Park Road, which exhibits more robust character commensurate to its main road location. The setbacks to the rear and recessed upper level appropriately transitions towards the double storey dwelling at 25 Howard Street.

The proposed materials include brick with white render and a slate tiled roof. The proposed brick is considered to be consistent with both the Studley Park Road streetscape and the heritage dwellings along the side streets, where brick is a common building material. The proposed brick has been well integrated throughout the development and has been incorporated through all facades of the building. A suggested condition has been included, which requires the pitched roof to include 500mm eaves to better integrate with the character of buildings in the area. The proposed design response is supported by Council's Urban Designer.

### **Amenity:**

The proposal achieve full ResCode compliance. The proposed setbacks exceed the requirements specified by Standard B17 (Side and Rear Setbacks), Standard B19 (Daylight to Existing Windows) and Clause B21 (Overshadow to secluded private open space). A permit condition has been suggested, which increases the proposed southern setback of the first and second floors associated with Dwelling's 9 and 12, where adjacent to the southern dwelling's secluded private open space. This condition is required to better respond to the adjoining sensitive interface.

The suggested conditioned setback also results in the development achieving full compliance with Standard B22 (Overlooking).

The proposal exceeds the required car parking rate specified at Clause 52.06 (Car Parking) and will not unreasonably impact on the availability of car parking in the area. A Construction Management Plan has been included as a suggested permit condition, which seeks to minimize off-site potential off-site amenity impacts during construction.

### **Tree Impact and Landscape Design:**

The amended plans remove the pedestrian entries to Thornton Street. Council's Arborist supports the proposed amendment, noting the proposal will not unreasonably impact on the health of the trees within the Thornton Street Reserve.

The proposal seeks to retain 3 canopy trees, which are located within the front setback and includes a large Californian Redwood Tree. These trees contribute positively to the landscape character of the area and their retention is supported by Council's Arborist. A Tree Management Plan is included as a suggested condition.

The proposal seeks to remove 5 trees, which require a permit under the Tree Protection Local Law. Council's Arborist supports the removal of these trees, noting they are either in poor health or offer little landscape value and their removal would be granted under the Tree Protection Local Law.

A Landscape Plan is included as a suggested condition. Subject to the recommended conditions, 15 additional canopy trees are proposed, which have a mature height of between 14 and 7m. The proposed canopy trees exceeds the replacement planting required and is supported by Council's Arborist.

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

## **MOTION**

**Moved Councillor Stavrou**

**Seconded Councillor Watson**

**That the Urban Planning Special Committee resolve that Notice of Decision to Grant Planning Permit No. PP20/0163 for the construction of a three (3) storey apartment building comprising twelve (12) dwellings over two lots, and alteration of access to a Road Zone Category 1 generally in accordance with the S.57A Amendment plans dated 18 December 2020 at 43 Studley Park Road, Kew be issued under the Boroondara Planning Scheme subject to the following conditions:**

### **Amended plans required**

- 1. Before the development, 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. When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the S.57A Amendment Plans but modified to show:**

- a) Further detail of the height of the proposed plant/air-conditioning units and appropriate screening to ensure the units are not visible from the streetscape.
- b) Provision of shading devices to all north facing windows.
- c) The roof to include a 500mm wide eave (measured from the face of the wall with no decorative banding).
- d) Dwelling 9's bedroom and ensuite to be setback a minimum of 6.8m from the southern boundary.
- e) Apartment 12's Study to be deleted and replaced with the terrace which will be setback a minimum of 9m from the subject site's southern boundary.
- f) Apartment 12's living room to be setback a minimum of 9m from the subject site's southern boundary.
- g) A 150mm Apex to be located at the entrance of basement and alterations to the basement ramp grades accordingly to comply with Clause 52.06 (Car Parking) to Council's satisfaction.
- h) The location of the intercom to the basement ramp to be shown to Council's satisfaction.
- i) A notation on the Ground Floor Plan to show that the soil level across the lawn area within the TPZ of Tree 49 is not raised more than 100mm.
- j) The ground floor/site plans to remove the paving, canopy trees and brick fence within the easement.
- k) The fence pickets along the north and east frontages must have a minimum of 50% transparency.
- l) All north facing windows to be double glazed.
- m) Physical samples of all finishes in the materials palette to be submitted to Council's satisfaction.
- n) The Tree Protection Zone and Structural Root Zone of Trees 1 - 18, 19, 35, 39 and 49 drawn on all site and floor plans;
- o) Notation on all site and floor plans that Trees 1 - 18, 19, 35, 39 and 49 are to be retained and protected in accordance with the endorsed Tree Management Plan required by Condition 6 of this permit;
- p) Any changes required by the Landscape Plan in accordance with Condition 3 of this permit.
- q) Any changes required by the Tree Management Plan in accordance with Condition 6 of this permit.
- r) Any changes required by the Waste Management Plan in accordance with Condition 18.
- s) Any changes required by the Construction Management Plan in accordance with Condition 18.

#### **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 submitted in accordance with Condition 1, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale. When endorsed, the plan will form part of the permit. The landscape plan must be generally in accordance with the landscape concept plan dated 17/12/2020 prepared by John Patrick Pty Ltd. The landscape plan must show:

- a. A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan.
- b. No trees to be planted above the rear (southern) easement.
- c. The line of 4 Pyrus beside the basement ramp to be replaced with shrubs.
- d. A maximum of three (3) small trees (minimum two metres tall when planted and must achieve a minimum mature height of 6 - 8 metres and canopy spread of 3 metres) in the rear setback.
- e. All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use.
- f. All trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist.
- g. All small trees must be planted at least 1 metre from all structures, property boundaries, surfaces and the rear easement;
- h. All medium and large trees must be planted more than 1.5 metres away from any structures, property boundaries, easements, existing trees or shrubs.

#### **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 Trees; 1 - 18, 19, 35, 39 and 49. 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. Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist.
  - c. Specification that a suitable time must be arranged with Council's Arborist, who must be present to supervise any root excavation within the tree protection zone of Tree 39 within the front setback of the site;

- d. **Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority;**
- e. **All remedial pruning works that are required to be performed on trees during demolition and development of the site. As part of this there must not be more than .5m removed from the canopy spread of Tree 39. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.**
- f. **The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.**

#### **Contractors to be advised of trees to be retained**

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 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](mailto: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 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](mailto:Boroondara@boroondara.vic.gov.au)) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.**

**VicRoads**

8. Prior to the occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority, and at no cost to the Head, Transport for Victoria or the Responsible Authority.

**Drainage**

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

**Sediment laden run-off**

10. 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.

**Use of car parking spaces**

11. 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.

**Use of car parking spaces and driveways**

12. Car 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.

**Visitor parking spaces**

13. Visitor parking spaces within the development must be:

- (a) Clearly identified by appropriate signage having an area no greater than 0.3m<sup>2</sup>;
- (b) Line marked to indicate each car space; and
- (c) Available for visitor usage at all times.

**Vehicle crossovers**

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

**Removal of redundant vehicle crossovers**

15. 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.

**Waste management plan**

16. Prior to commencement of works a waste management plan must be prepared and approved to the satisfaction of 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 waste (including recyclables and Food Organic Waste) private 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;
  - (e) delivery of bins to waste collection points and retrieval of bins once collected

to the satisfaction of the Responsible Authority.

### **Construction management plan**

**17. Prior to the commencement of any site works a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved 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 provide details of the following:**

- (a) No vehicle access to the site from Thornton Street.**
- (b) 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) The location and design of a vehicle washdown bay for construction vehicles on the site;**
- (d) The location of parking areas for construction and sub-contractors' vehicles on the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises and traffic flows. Any basement carpark on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;**
- (e) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;**
- (f) Contact details of key construction site staff;**
- (g) The location of any site sheds and the like; and**
- (h) Any other relevant matters.**

### **Hours for demolition and construction**

**18. All works including earthworks, demolition and construction activity associated with the approved development must take place only during the following hours, except with the prior written consent of the Responsible Authority:**

<b>Monday to Thursday:</b>	<b>7:00am to 6:30pm</b>
<b>Friday:</b>	<b>7:00am to 5:00pm</b>
<b>Saturday:</b>	<b>8:00am to 5:00pm</b>
<b>Sunday &amp; Public Holidays:</b>	<b>No construction</b>

### **Provision of letter boxes**

**19. Provision must be made on the site for letter boxes and receptacles for papers to the satisfaction of the Responsible Authority.**

### **Permit to expire:**

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

- a) The development does not start within two (2) years of the issue date of this permit; or**
- b) The development is not completed within four (4) years of the issue date of this permit.**

**The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:**

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

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

**Notes:**

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

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

***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 2017, and any other relevant acts or regulations created under those Acts.***

***Prior to the commencement of any works on the site, the owner/developer must submit drainage plans for assessment and approval by the Responsible Authority (Engineering and Traffic Department).***

***An Asset Protection Permit is required prior to the commencement of site works in accordance with Council's Local Law 1E.***

***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.***

***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.***

***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.***

***Tree Protection Local Law No. 1F 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/environment/trees/significant\\_tree](http://www.boroondara.vic.gov.au/environment/trees/significant_tree). A Local Law Tree Permit is also required to remove a canopy tree with a trunk circumference of 110cm or more measured at 1.5m above ground level. A Planning Permit does not constitute a Local Law Tree Permit. 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 Local Law 1E.***

***Prior consent from Council and any and all public authorities is required to be obtained for alteration or reinstatement of assets or services affected as a result of the development.***

***The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.***

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

***Residents of the development approved by this permit will not be issued resident parking permits (including visitor parking permits).***

***Prior to the issue of a building permit, the owner must obtain the consents of all relevant authorities for any buildings or works, including any paving, fences and landscaping, over any easement or underground services under the control of a public authority including sewers, drains, pipes, wires or cables.***

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

**CARRIED**

#### **4. General business**

##### **4.1 Environmentally Sustainable Development (ESD) Policy**

**Councillor Franco** suggested Council give consideration to developing a Council Environmentally Sustainable Development Policy (ESD) Policy in conjunction with the Climate Action Plan.

Councillor Franco then queried whether Council employed an ESD officer.

The **Director Urban Living** advised councillors an ESD officer was not currently employed by Council. Further, Council did not currently have an ESD Policy and the Council position had been an ESD policy should be uniform through metropolitan Melbourne.

The Director Urban Living then stated Council had recently received correspondence from the Minister for Planning inviting Council to provide input on a discussion paper titled “Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria’s planning system”.

The Director Urban Living then informed councillors an ESD Policy would be developed in 2021-22 and Council officers had commenced the scoping work required to develop an ESD Policy.

The **Mayor, Councillor Thompson** welcomed the development of an ESD Policy and requested Council officers to prepare the ESD policy in conjunction with the Climate Action Plan.

The Director Urban Living advised his directorate he would work in collaboration with the Director Places and Spaces directorate on this request.

#### **5. Urgent business**

Nil

#### **6. Confidential business**

Nil

**The meeting concluded at 7.15pm**

**Confirmed**

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

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