

URBAN PLANNING DELEGATED COMMITTEE



MINUTES

(Open to the public)

Monday 17 May 2021

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.36pm

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

Apologies Nil

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Shiran Wickramasinghe	Director Urban Living
	Simon Mitchell	Manager Statutory & Strategic Planning
	David Thompson	Manager Governance & Legal
	Erin McCarthy	Coordinator Statutory Planning
	Helen Pavlidis	Senior Governance Officer
	Nick Brennan	Senior Strategic Planner
	Kelly Caporaso	Senior Statutory Planner
	Scott Lipscombe	Senior Traffic Engineer
	Sherman Tang	Planning Officer

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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 3 May 2021 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 C342boro - Kew Hebrew Synagogue Heritage - post-exhibition summary

Heritage Overlay HO559 applies to part of the Kew Jewish Centre (Bet Nachman Synagogue) at 53 Walpole Street, Kew. The overlay currently applies to the main synagogue building only and not to any of the other buildings on the site. This overlay was introduced through Amendment C153 to the Boroondara Planning Scheme on 17 October 2014.

On 24 May 2020, Council received a request from a community member to investigate the heritage significance of the buildings located at 53 Walpole Street, Kew currently not protected by the Heritage Overlay. This request was made in response to a planning permit application to expand facilities for a school which proposed demolition of many of these buildings.

Council officers engaged heritage consultants Context Pty Ltd to undertake the heritage assessment. Context concluded the Heritage Overlay should be extended to cover the entire site, as the buildings on the site not currently covered by the Heritage Overlay are of local historical, architectural (representative), rarity, social and associative heritage significance.

On 7 September 2020 the UPDC resolved to adopt a heritage citation for the site and to write to the Minister for Planning seeking authorisation to prepare and exhibit a planning scheme amendment to introduce a Heritage Overlay across the entire site on a permanent basis.

Authorisation for Amendment C342boro was granted on 13 November 2020. Exhibition was carried out between 18 February 2021 and 19 March 2021. At the conclusion of the exhibition period, a total of five submissions were received. Of these, three were in support of the proposed Heritage Overlay and two were opposed. It should be noted the supporting submission made on behalf of the Kew Hebrew Congregation during the public exhibition period has since been withdrawn. An additional late supporting submission from the Kew Historical Society was received after the conclusion of the exhibition period.

The key issues raised within submissions were:

- Concerns the Heritage Overlay would have a negative impact on future development of the site.
- Requesting changes to the heritage citation.

Officers have reviewed all submissions received and have provided a response to the points raised in **Attachment 1**. Officers are not recommending any changes be made to the amendment or heritage citation in response to the submissions received.

On 22 September 2020, a Notice of Decision to Refuse to Grant a planning permit to redevelop part of the site for an expansion of the existing school, which provides an education centre for children with autism, was issued under delegation by officers. The application proposed demolition of a number of buildings on the northern and eastern parts of the land, including one which partially extends into the existing Heritage Overlay. The existing 2-storey building facing Malmsbury Street would be retained under the proposal. The application proposes construction of a new L-shaped 2-3 storey building, located adjacent to the northern and eastern ends of the site. The application was refused on the grounds the proposed demolition would have a detrimental impact on the social and cultural heritage significance of the place. The applicant has appealed Council's decision to the Victorian Civil and Administrative Tribunal (VCAT).

On 9 April 2021, Council received notification from VCAT the Minister for Planning has called in the planning permit application for development of the site. On 14 April, the Minister informed Council he was deferring making a decision on Council's application for an interim Heritage Overlay until after he had completed consideration of the development application. The Minister has not provided any guidance on how consideration of the development permit might impact on his consideration of the permanent Heritage Overlay and has not provided any advice to Council regarding progressing the amendment. The Minister has referred the matter to the Priority Projects Standing Advisory Committee (SAC) for advice.

On 22 April 2021, the President of the Kew Hebrew Congregation (KHC) wrote to the Minister and SAC to advise the Congregation wished to withdraw its opposition to the proposed redevelopment of the site, and instead, support the proposal. The President also advised of the Congregation's opposition to apply the Heritage Overlay as proposed through Amendment C342boro. The KHC has indicated they will participate in the upcoming SAC process.

It should be noted a submission of support for Amendment C342boro had been lodged by the KHC on 28 February 2021 during the public exhibition process. This submission has since been withdrawn.

Strategic Planning officers have spoken to officers at DELWP. They advised that as it is currently unclear how the SAC process will impact the introduction of the Heritage Overlay, it would be reasonable for Council to continue progressing the Amendment.

It is recommended the UPDC resolve to refer all submissions received to an independent Planning Panel appointed by the Minister for Planning for further consideration.

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

MOTION

Moved Councillor Stavrou

Seconded Councillor Biggar

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the submissions to Amendment C342boro (Attachment 1) to the Boroondara Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987*.**
- 2. Receive and note the late submissions received following the conclusion of the exhibition period in accordance with Section 22(2) of the *Planning and Environment Act 1987*.**
- 3. Endorse the officers' response to submissions to Amendment C342boro as shown at Attachment 1.**
- 4. Request the Minister for Planning appoint a Planning Panel under Section 153 of the *Planning and Environment Act 1987* to consider all submissions to Amendment C342boro.**
- 5. Refer the amendment and all submissions, including all late submissions, to a Planning Panel in accordance with Section 23(1) of the *Planning and Environment Act 1987*.**
- 6. Authorise the Director Urban Living to undertake administrative changes to Amendment C342boro that do not change the intent of the amendment prior to a Panel Hearing.**

CARRIED

3.2 PP20/0342 - 18 Webb Street, Glen Iris

Proposal

The proposal seeks to construct two, two storey dwellings. Each dwelling contains 4 bedrooms and 2 car parking spaces.

The dwellings are arranged one behind the other, with a common driveway. The style of the dwellings include a pitched tile roof with render and cladding walls.

Terage of 41.7%, permeable area of 35.9% and 'garden area' of 36.9%. It has an overall building height of 8.4m above natural ground level.

The proposal retains one tree (Tree 3), which is a large olive tree located within the front setback of the property.

Issues

The following are key issues in respect of this application:

- Is the proposal consistent with the existing and preferred neighbourhood character of the area? (Page 22 to 28)
- Will the proposal unreasonably impact on the amenity of the adjoining dwellings? (Page 39 to 50)

Officer's response

The proposal achieves full compliance with ResCode and the Design Guidelines within Council's Neighbourhood Character Policy as follows:

- The dwellings have been appropriately positioned one behind the other.
- The proposal utilizes the existing driveway and crossover for vehicle access.
- The proposed garages are setback behind the dwellings, which ensures the front setback is not dominated by car parking structures.
- Each dwelling has been provided with an appropriate area of Secluded Private Open Space in accordance with ResCode and Council's design standard.
- The proposal provides for appropriate canopy tree planting.
- The proposal retains the large Olive tree within the front setback (Tree 5).

2 speakers opposed to the officers' recommendation addressed the meeting.

2 submitters in support of the officers' recommendation chose not to address the meeting.

MOTION

Moved Councillor Thompson

Seconded Councillor Watson

That the Urban Planning Special Committee resolve that Notice of Decision to Grant Planning Permit No. PP20/0342 for the construction of two dwellings on a lot generally in accordance with the S57A plans at 18 Webb Street, Glen Iris 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. When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the S.57A plans dated April 2021 (Rev C) submitted with the application but modified to show:**
 - a. A freestanding trellis to be constructed above the western boundary to have a height of 500mm above the boundary fence.**
 - b. The provision of two canopy trees within the SPOS of Dwelling 2.**
 - c. The terrace area for Dwelling 2 to be setback a minimum of 3.8m from the western boundary.**
 - d. The front porch to Dwelling 1 to have a maximum height of 3.6m to comply with Standard B6.**

- e. Dwelling 1's ground floor, south-facing kitchen and study windows to be screened in accordance with Standard B22 (Overlooking).
- f. Dwelling 1's first floor south-facing stairwell window to be screened with fixed obscure glass or screening with a maximum of 25% transparency in accordance with Standard B22 (Overlooking).
- g. The Tree Protection Zone and Structural Root Zone of Tree Nos. 1, 3, 11-13 (as identified in the Arborist Report submitted with the application, dated 24 April 2020, prepared by Urban Forestry Victoria Pty Ltd) drawn on all site and floor plans;
- h. Notation on all site and floor plans that Tree Nos. 1, 3, 11-13 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;
- i. Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit;
- j. The siting of any necessary stormwater detention pit and/or rainwater harvesting tank to be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected.
- k. A Landscape Plan in accordance with Condition 3
- l. A Tree Management Plan in accordance with Condition 6.
- m. A Water Sensitive Urban Design Report in accordance with Condition 10.

Layout not to be altered

1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Landscape plan

2. Concurrent with the submission of amended plans required by Condition 1 in this Permit, Landscape Plans must be submitted to the satisfaction of the Responsible Authority (electronic copy, PDF, unlocked). When the Landscape Plans are to the satisfaction of the Responsible Authority they will be endorsed and will form part of this Permit. The Landscape Plan must be amended to show:
 - a. A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;
 - b. All hard surfaces proposed within the Tree Protection Zone of Tree Nos. 1, 3, 11-13 (as identified in the Arborist Report submitted with the application, dated 24 April 2020, prepared by Urban Forestry Victoria Pty Ltd) must be constructed of permeable materials; be constructed above current grade; and be constructed on foundations that maintain appropriate permeability for each tree, to the satisfaction of the Responsible Authority;
 - c. Detailed construction specifications for all permeable surfaces that include cross-section diagrams;

- d. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 12 metres and canopy spread of 10 metres) in the front setback of the property;
- e. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 8 metres and canopy spread of 8 metres) in the secluded private open space of dwelling 2;
- f. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 8 metres.
- g. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 6 metres and canopy spread of 4 metres) in the secluded private open space of dwelling 1;
- h. All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
- i. All canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
- j. All canopy trees must be planted more than 2 metres away from any structures, property boundaries, easements, existing trees or shrubs;
- k. The siting of any necessary stormwater detention pit and/or rainwater harvesting tank to be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected;
- l. Landscaped areas, including any planter boxes, to be irrigated using rainwater harvested on-site, via automatically controlled drip irrigation managed by the Owners' Corporation.

Completion of landscaping works

3. 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

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

Tree Management Plan

5. Concurrent with the submission of amended plans required by Condition 1 of this Permit and prior to any demolition or site works, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of Tree Nos. 1, 3, 11-13 (as identified in the Arborist Report submitted with the application, dated 24 April 2020, prepared by Urban Forestry Victoria Pty Ltd). 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 ensure that all retained trees remain healthy and viable during construction:

- a. **A Tree Protection Plan drawn to scale that shows:**
 - i. **Tree Protection Zones and Structural Root Zones of all trees to be retained;**
 - ii. **All tree protection fenced off areas and areas where ground protection systems will be used;**
 - iii. **The type of 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; and details of how any permeable surfaces within the Tree Protection Zone of retained trees will be constructed;**
- c. **Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;**
- d. **All remedial pruning works that are required to be performed on 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.**
- e. **The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority.**

Contractors to be advised of trees to be retained

6. **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

7. **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

8. 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

Water Sensitive Urban Design

9. A Water Sensitive Urban Design report, which shows the following:
- A site plan showing the location of proposed stormwater treatment measures and the location and area of impermeable surfaces that drain to each treatment measure.
 - A written statement outlining how the application achieves current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (1999).
 - Provision of water tanks to be connected to the roofs. Use of car parking spaces
10. 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.

Permit to expire:

11. This permit will expire if:
- The development does not start within two (2) years of the issue date of this permit; or
 - 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:

- within six (6) months afterwards if the development has not commenced; or
- 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.**AMENDMENT**

Moved Councillor Franco

That the Urban Planning Development Committee resolve that a Notice of Decision to Grant Planning Permit No PP20/0342 at 18 Webb Street, Glen Iris 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. When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the S.57A plans dated April 2021 (Rev C) submitted with the application but modified to show:
 - a. A 500mm freestanding trellis to be constructed along the western boundary to have a height of 500mm above the boundary fence.
 - b. The first floor of Dwelling 2 to be finished in an earthy green colour to the satisfaction of the Responsible Authority.
 - c. The provision of two canopy trees within the SPOS of Dwelling 2.
 - d. The terrace area for Dwelling 2 to be setback a minimum of 3.8m from the western boundary.
 - e. The front porch to Dwelling 1 to have a maximum height of 3.6m to comply with Standard B6.
 - f. Dwelling 1's ground floor, south-facing kitchen and study windows to be screened in accordance with Standard B22 (Overlooking).
 - g. Dwelling 1's first floor south-facing stairwell window to be screened with fixed obscure glass or screening with a maximum of 25% transparency in accordance with Standard B22 (Overlooking).
 - h. The Tree Protection Zone and Structural Root Zone of Tree Nos. 1, 3, 11-13 (as identified in the Arborist Report submitted with the application, dated 24 April 2020, prepared by Urban Forestry Victoria Pty Ltd) drawn on all site and floor plans;
 - i. Notation on all site and floor plans that Tree Nos. 1, 3, 11-13 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;
 - j. Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit;
 - k. The siting of any necessary stormwater detention pit and/or rainwater harvesting tank to be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected.
 - l. A Landscape Plan in accordance with Condition 3
 - m. A Tree Management Plan in accordance with Condition 6.
 - n. A Water Sensitive Urban Design Report in accordance with Condition 10.

Layout not to be altered

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 - c. Detailed construction specifications for all permeable surfaces that include cross-section diagrams;
 - d. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 12 metres and canopy spread of 10 metres) in the front setback of the property;
 - e. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 8 metres and canopy spread of 8 metres) in the secluded private open space of dwelling 2;
 - f. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 8 metres.
 - g. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 6 metres and canopy spread of 4 metres) in the secluded private open space of dwelling 1;
 - h. All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
 - i. All canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
 - j. All canopy trees must be planted more than 2 metres away from any structures, property boundaries, easements, existing trees or shrubs;
 - k. The siting of any necessary stormwater detention pit and/or rainwater harvesting tank to be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected;
 - l. Landscaped areas, including any planter boxes, to be irrigated using rainwater harvested on-site, via automatically controlled drip irrigation managed by the Owners' Corporation.

Completion of landscaping works

3. 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

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

Tree Management Plan

5. Concurrent with the submission of amended plans required by Condition 1 of this Permit and prior to any demolition or site works, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of Tree Nos. 1, 3, 11-13 (as identified in the Arborist Report submitted with the application, dated 24 April 2020, prepared by Urban Forestry Victoria Pty Ltd). 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 ensure that all retained trees remain healthy and viable during construction:
 - a. A Tree Protection Plan drawn to scale that shows:
 - i. Tree Protection Zones and Structural Root Zones of all trees to be retained;
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of 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; and details of how any permeable surfaces within the Tree Protection Zone of retained trees will be constructed;
 - c. Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;
 - d. All remedial pruning works that are required to be performed on 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.
 - e. The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority.

Contractors to be advised of trees to be retained

6. 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

7. 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

8. 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

Water Sensitive Urban Design

9. A Water Sensitive Urban Design report, which shows the following:
 - a. A site plan showing the location of proposed stormwater treatment measures and the location and area of impermeable surfaces that drain to each treatment measure.
 - b. A written statement outlining how the application achieves current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (1999).
 - c. Provision of water tanks to be connected to the roofs. Use of car parking spaces
10. 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.

Permit to expire:

11. 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.

The AMENDMENT lapsed for want of a seconder.

CARRIED

3.3 PP19/1089 - 979 Toorak Road, Camberwell

Proposal

The proposal seeks to use an existing dwelling for a childcare centre within the Neighbourhood Residential Zone - Schedule 3.

Issues

The following are key issues in respect of this applications:

- The use of the land as a childcare centre (pages 16-17, 20-27 & 30-32)
- Car parking and traffic generation (pages 15-16, 20-33)
- Off-site amenity impacts (pages 18-27 & 31-36)
- Objections Received (pages 34-36)

Officer's response

Overall, the design achieves compliance with the requirements of the Neighbourhood Residential Zone - Schedule 3 and Clause 22.02 (Discretionary Uses and Development in a Residential Areas Policy).

The site is located on a street corner and shares two direct interfaces with residential properties, being 981 Toorak Road and 85 Athelstan Road. The existing dwelling will not be externally modified. Amenity concerns related to noise can be addressed through noise attenuation measures and conditions on the permit.

Council's Traffic Engineers have advised the proposed car park layout and provision of parking spaces are acceptable. The childcare centre is fully compliant with the statutory car parking requirements at Clause 52.06. Traffic generated by the proposed use will be able to be absorbed by the surrounding street network.

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

5 speakers opposed to the officers' recommendation addressed the meeting.

Procedural motion - Adjournment

Moved Councillor Biggar

Seconded Councillor Sinfield

That the Urban Planning Delegated Committee meeting be adjourned.

CARRIED

The Urban Planning Delegated Committee meeting adjourned at 9.15pm

Procedural motion - Resumption

Moved Councillor Thompson

Seconded Councillor Watson

That the Urban Planning Delegated Committee Meeting be resumed.

CARRIED

The Urban Planning Delegated Committee meeting resumed at 9.28pm with all councillors present.

MOTION

Moved Councillor Sinfield

Seconded Councillor Thompson

That the Urban Planning Delegated Committee resolve that a Notice of Decision to Grant Planning Permit PP19/1089 for the use of the land for a childcare centre at 979 Toorak Road, Camberwell be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended Plans Required

- 1. Before the use commences, 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 Revised Plans received on 22 December 2020, but modified to show:**
 - a. A front fence made of timber, brick or an alternative material to the satisfaction of the Responsible Authority; and**
 - b. Any modifications to the layout or design of buildings or works, including boundary fencing, recommended by the Acoustic Report required by Condition 8 of this Permit.**

Layout 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 use on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Completion of landscaping works

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

Landscaping maintenance

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

Hours of operation (Childcare Centre)

5. The use of the childcare centre, allowed under this permit, must operate only during the following hours, except with the further written consent of the Responsible Authority:

- Monday to Friday (excluding public holidays) - 8am to 5pm
- Saturdays - Closed
- Sundays - Closed
- Public holidays - Closed.

Number of children in care restricted

6. No more than 22 children in care must be present on the subject land without the further written consent of the Responsible Authority.

Staff numbers (Childcare centre)

7. The number of staff, proprietors, and person related to the proprietors working in the childcare centre or any other persons working in the childcare centre, whether paid or unpaid, must not exceed 3 staff at any one time during the operating hours of the childcare centre.

Acoustic Report

8. Concurrent with the endorsement of any plans pursuant to Condition 1 in this Permit, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the report is endorsed, it will then form part of the permit.

The acoustic report must be prepared by a qualified acoustic engineer. The report must provide analysis and make recommendations with respect to any necessary modifications to the existing building (such as, but not limited to, the installation of acoustic glazing and/or acoustic floor, ceiling/roof and wall panels and acoustic fence design, screening of plant and equipment or other measures) to ensure the amenity of adjacent and nearby residential properties is maintained.

Acoustic Report after use commences

9. Within two months of the commencement of the use, an updated acoustic report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated acoustic report must demonstrate compliance with Condition 8 and that the required level of noise attenuation has been achieved in accordance with Condition 8 of the permit or, if not, what works must be undertaken to achieve the required levels of noise attenuation.

Loudspeakers

10. 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.

Driveways and car parking areas to be constructed

11. Before the use starts or any building is occupied, areas set aside for car parking, access lanes and driveways shown on the endorsed plans must be:
 - a. Constructed;
 - b. Line marked to indicate each car space; and
 - c. Clearly marked to show the direction of traffic along the access lanes and driveways.to the satisfaction of the Responsible Authority.

Use of car parking spaces

12. 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.

Parking to be free of charge

13. The areas set aside for car parking shown on the endorsed plans must be made available for use free of charge to employees and visitors at all times and must not be used for any other purpose.

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.

Amenity of area

18. 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 buildings, 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.

Maintenance of waste storage area

19. 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 water; and
- d. Maintained in a clean and tidy condition free from offensive odours

to the satisfaction of the Responsible Authority.

Hours for waste collection

20. 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 & Public Holidays:	9:00am to 6:00pm
Sunday:	No collection allowed

to the satisfaction of the Responsible Authority.

Permit to expire

21. This permit will expire if the use is not started within two (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 within six (6) months afterwards if the use has not commenced.

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

Permit Notes:

- **Headings are for ease of reference only and do not affect the interpretation of permit conditions.**
- **This is not a Building Permit. A Building Permit may be required prior to the commencement of any works associated with the proposed development.**
- **Prior to the commencement of any works on the site, the owner / developer must submit any new vehicular crossover or modification or alteration to an existing crossover proposal for assessment and approval by the Responsible Authority (Asset Management).**
- **The Tree Protection Local Law requires that a Local Law Tree Permit be sought from Council for the removal and/or lopping of a 'Significant Tree' and/or excavation within the critical root zone of a Significant Tree. A list of Significant Trees is available at <http://www.boroondara.vic.gov.au/our-city/trees/significant-trees>. A Local Law Tree Permit is also required to remove, damage kill or destroy any identified 'Canopy Tree' which may include any excavation within the tree protection zone of a 'canopy tree'. The Tree Protection Local Law identifies a 'Canopy tree' as any tree with a single trunk circumference of 110cm or a combined circumference of a multi stemmed tree of 110cm or greater measured at 1.5m above ground level. A Planning Permit does not constitute a Local Law Tree Permit or permission to remove, damage kill or destroy a significant or canopy tree. The Tree Protection Local Law is available to download at <http://www.boroondara.vic.gov.au/our-city/trees/tree-works-permits> alternatively please contact Council's Arborist – Statutory Planning (telephone 9278 4888) should a Local Law Tree Permit be required.**
- **An Asset Protection Permit is required prior to the commencement of site works in accordance with Council's Protection of Council Assets and Control of Building Sites Local Law 2011.**
- **Prior consent from Council and any and all public authorities is required to be obtained for alteration or reinstatement of assets or services affected as a result of the development.**
- **The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.**
- **A separate planning application would be required prior to the construction and use of advertising signs on site.**
- **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.**
- **Resident and visitor parking permits will not be issued to the operator or staff of the childcare centre.**

CARRIED

4. General business

4.1 Traffic Study - Athelstan Road and Range Road, Camberwell

MOTION

Moved Councillor Franco

Seconded Councillor Gault

That the Urban Planning Delegated Committee resolve:

1. To undertake a traffic study in Athelstan Road and Range Street, Camberwell, prior to the opening of the childcare centre at 979 Toorak Road, Camberwell, to assess traffic safety and determine whether the traffic speed, volume and parking levels in these streets exceed the threshold limits for residential streets in Council's Traffic Management and Parking Management Policies and associated procedures.

Should any issues be identified a further report will be submitted to Council in relation to any measures required for Council's consideration.

2. Undertakes a further study following the opening of the childcare centre at 979 Toorak Road, Camberwell, to assess traffic safety and determine whether the traffic speed, volume and parking levels in these streets remain within the limits in Council's Traffic Management and Parking Management Policies and associated procedures.

LOST

4.2 Vicinity of Athelstan Road and Range Road, Camberwell - Traffic Study

Councillor Addis requested Council officers to undertake a traffic study within the vicinity of Athelstan Road and Range Road, Camberwell following the opening of the childcare centre at 979 Toorak Road, Camberwell, to determine whether the traffic speed, volume and parking levels in these streets exceed the threshold limits for residential streets in Council's Traffic Management and Parking Management Policies and associated procedures.

The **Chief Executive Officer** informed the meeting the request from Councillor Addis would be actioned by Council officers.

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 9.44pm

Confirmed

Chairperson

Date
