

URBAN PLANNING DELEGATED COMMITTEE

MINUTES

(Open to the public)

Monday 18 October 2021

Online - Delivered via Webex Events.

Commencement 6.30pm

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 Scott Walker David Cowan	Chief Executive Officer Director Urban Living Acting Manager Statutory & Strategic Planning
	David Thompson Christian Wilmsen Robert Costello Erin McCarthy Kirstin Ritchie Helen Pavlidis Seuna Bryne	Manager Governance & Legal Coordinator Strategic Planning Acting Principal Strategic Planner Coordinator Statutory Planning Coordinator Governance Senior Governance Officer Planner



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1. Adoption and confirmation of the minutes**MOTION**

Moved Councillor Hollingsworth

Seconded Councillor Gault

That the minutes of the Urban Planning Delegated Committee meeting held on 4 October 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 Preliminary Consultation Outcomes - Former Withers House, 32 Corby Street, Balwyn North**

In February 2021, Council engaged heritage consultants Context to undertake the Balwyn Heritage Peer Review Stage 3. The peer review comprises 20 properties originally identified in the draft Balwyn and Balwyn North Heritage Study 2014 (the Draft Study) and includes the property at 32 Corby Street, Balwyn North. As is standard process, these 20 properties were added to the 'Possible Heritage Place' layer on Council's GIS program following Council's resolution to commence the peer review process.

On 28 April 2021, Council's Building Services received an application for full demolition of 32 Corby Street, Balwyn North under Section 29A of the *Building Act 1993*. The application was referred to Strategic Planning in accordance with Council's adopted Section 29A process.

Context undertook a heritage assessment and concluded the property met the threshold for local heritage significance under Criterion D (representativeness) and Criterion E (aesthetic significance) and therefore recommended inclusion in the Heritage Overlay. A copy of the heritage citation prepared by Context is at **Attachment 2**.

Based on Context's assessment, Council officers lodged an interim Heritage Overlay request with the Minister for Planning pursuant to Section 20(4) of the *Planning and Environment Act 1987* (C357boro). In accordance with Section 29B, Council's Building Department suspended consideration of the Section 29A demolition application. Council is currently awaiting the Minister's decision whether to approve the interim Heritage Overlay.

Following the lodgement of the interim Heritage Overlay request, Council officers, at the request of the property owner, engaged Built Heritage Pty Ltd to undertake a separate heritage assessment of the property.



Built Heritage's assessment also concluded the property met the threshold for local heritage significance with Criterion E (aesthetic significance) and Criterion H (associative significance). A copy of the Built Heritage citation is at **Attachment 1**.

Council officers undertook preliminary consultation on the draft heritage citation prepared by Built Heritage from 16 August 2021 to 13 September 2021. A total of ten (10) submissions were received. Of these, three (3) were in support of the draft citation recommendations while seven (7) opposed the recommendation to include the property in a Heritage Overlay. A summary of each submission and officer response is provided in **Attachment 6**.

The key issues raised in the objecting submissions include:

- Liveability of the place
- Architectural style of Alistair Knox
- Threshold for local significance
- Character of Alistair Knox
- Cultural considerations
- Exclusion from previous assessment
- Intactness
- Property value
- Rarity

The heritage consultant recommended no changes to the draft heritage citation following preliminary consultation feedback.

Officers recommend the UPDC adopt the citation as provided at **Attachment 1** and seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to introduce a Heritage Overlay to the subject site on a permanent basis.

One speaker opposed to the officers' recommendation addressed the meeting.

MOTION

Moved Councillor Watson

Seconded Councillor Addis

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the feedback received and outcomes of the preliminary consultation process undertaken on the draft heritage citation for the Former Withers House, 32 Corby Street, Balwyn North.**
- 2. Endorse the officers' response to the preliminary feedback received and recommended changes to the draft heritage citation for the Former Withers House, 32 Corby Street, Balwyn North outlined in Attachment 6.**
- 3. Adopt the heritage citation for the Former Withers House, 32 Corby Street, Balwyn North contained in Attachment 1.**

4. **Write to the Minister for Planning to request authorisation to prepare an amendment to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the *Planning and Environment Act 1987* to include the Former Withers House, 32 Corby Street, Balwyn North in the Heritage Overlay.**
5. **Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.**
6. **Authorise the Director Urban Living to undertake administrative changes to the amendment that do not change the intent of the amendment or any changes required under the Minister for Planning's authorisation prior to the commencement of exhibition.**

CARRIED

3.2 Inner South East Land Use Framework Plan - Council Submission

On 24 August 2021, the Department of Environment, Land, Water and Planning (DELWP) released a consultation draft of the Inner South East Metro Land Use Framework Plan (LUF) (**Attachment 1**) as part of six such framework plans covering metropolitan Melbourne.

The purpose of the LUFs is to translate the directions of *Plan Melbourne 2017-2050* into regionally-specific planning frameworks across Melbourne. Boroondara forms part of the inner south east region comprising the Cities of Boroondara, Stonnington, Glen Eira and Bayside.

Each LUF has been developed by DELWP with some limited involvement of a regional Economy and Planning Working Group (EPWG) and Council officers in the early stages. The LUF sets regional-level planning policy (based on *Plan Melbourne 2017-2050*) to be implemented into planning schemes and inform local councils in decision-making for precinct planning, local and regional planning strategies, and infrastructure and servicing projects.

The LUF includes short to medium term actions for the Victorian Government and local councils for the inner south east. Monitoring is to be undertaken by DELWP in partnership with the EPWGs. LUF actions are to be formally reviewed every five years in conjunction with *Plan Melbourne* Five-Year Implementation Plan.

Officers from relevant Council Departments have reviewed the plan. Overall, the directions and strategies of the LUF are high level and generally reinforce long held planning directions and policies (e.g. activity centres hierarchy, urban consolidation objectives, transport planning and integration, liveability and environmental sustainability). The LUF offers little new directions and is generally a summary of the existing policy within the region. The LUF also sets out population and dwelling forecast scenarios.

In reviewing the LUPF, officers have identified the following key issues:

- Identification of a 400-800m walkable catchments around activity centres and corridors for the provision of housing diversity.
- Identification of the area around Willison Station as a future housing investigation area.
- Reliance on private land to support increased tree canopy provision despite these locations experiencing the most substantial tree canopy loss.
- Lack of leadership by the Victorian Government on environmentally sustainable design and other environmental issues.

DELWP are seeking feedback on the draft LUPF by 24 October 2021. Officers have prepared a draft submission (**Attachment 2**) for consideration and endorsement by the Urban Planning Delegated Committee (UPDC).

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

MOTION

Moved Councillor Watson

Seconded Councillor Thompson

That the Urban Planning Delegated Committee resolve to:

1. **Adopt the submission prepared by officers at Attachment 2 in response to the *Inner South East Land Use Framework Plan*.**
2. **Lodge the adopted submission with Engage Victoria.**

CARRIED

3.3 6 and 14 Studley Park Road, Kew

Proposal

The proposal seeks permission to use the land for not more than 108 retirement village apartments and a food and drink premises (café); construction of four x 5-storey buildings above basement car parking and fencing; externally painting a building (Whitty House); partial demolition of buildings; reduction of the car parking requirement associated with a café; and alteration of access to a road in a Road Zone, Category 1 (Studley Park Road).

Issues

The following are key issues in respect of this applications:

- Whether the site location is suitable for a multi-storey retirement village development;
- Whether the proposed buildings' scale and siting is an appropriate design response in the context of Council's Neighbourhood Character policy objectives for "super-sized allotments" within the General Residential Zone Schedule 4;

- Whether the proposed partial demolition, construction and restoration works within the Heritage Overlay are acceptable;
- Whether the development will cause unacceptable off-site amenity impacts;
- Whether the proposal achieves an acceptable level of internal amenity;
- Whether the proposed tree retention/removal and landscape response is acceptable; and
- Matters raised by objectors.

Officer's response

There is sound strategic basis for locating a multi-storey retirement village in this location, on the immediate periphery of Kew Junction Major Activity Centre. Council's Municipal Strategic Statement at Clause 21.05-2 identifies interrelated key issues of the municipality's aging population, a desire to age-in-place and a lack of housing diversity - particularly a lack of smaller, low maintenance accommodation compared with the traditional detached dwelling on a large garden allotment.

Council's General Residential Zone Schedule 4 (GRZ4) and the associated Neighbourhood Character Policy for land within the GRZ4 were specifically created by Council to facilitate development *"at greater height and density than the surrounding area"* on anomalously large sites such as this one.

The development is considered to achieve an exemplary design standard. The development retains, re-purposes and restores three "significant" heritage places. The development sets aside more than 10% of its site area for communal outdoor landscaped spaces.

The development retains 27 canopy trees and proposes planting 151 new trees, such that the site will achieve 44% canopy cover over outdoor space within 10 years. The development proposes only 38.4% site coverage.

Council's Urban Designer describes the development as meticulously crafted and *"thoughtful and expertly executed to suit the site and locale"*, noting *"the architectural expression reinvents familiar features of the Arts and Crafts movement in an imaginative manner to provide local relevance and allow the new buildings to talk to their historic neighbours and nestle comfortably within their surroundings."*

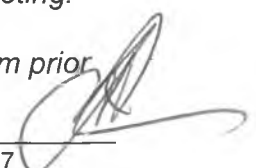
Notwithstanding that it does not apply to retirement village developments, the proposal achieves a very high level of compliance with ResCode, including Standards B8 (site coverage), B9 (permeability), B17 (side and rear setbacks, subject to conditions), B21 (overshadowing), B22 (overlooking) and B28 (open space).

The proposed demolition and buildings and works within the Heritage Overlay (HO) are described by Council's Heritage Advisor as having a positive heritage impact on the heritage fabric, noting the new multi-level buildings are located outside that part of the land affected by the HO and are well-separated from the heritage buildings.

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

*Eleven speakers opposed to the officers' recommendation addressed the meeting.
Three speakers in support of the officers' recommendation addressed the meeting.*

Councillor Franco left the Chamber at 8.31pm and resumed his seat at 8.33pm prior to the vote on this item.



Procedural motion - Adjournment

Moved Councillor Watson

Seconded Councillor Thompsen

That the Urban Planning Delegated Committee meeting be adjourned.

CARRIED

The Urban Planning Delegated Committee meeting adjourned at 9.14pm.

Procedural motion - Resumption

Moved Councillor Sinfield

Seconded Councillor Biggar

That the Urban Planning Delegated Committee meeting be resumed.

CARRIED

The Urban Planning Delegated Committee meeting resumed at 9.22pm with all councillors present.

MOTION

Moved Councillor Stavrou

Seconded Councillor Hollingsworth

That the Urban Planning Delegated Committee resolve that Notice of Refusal to Grant Planning Permit No. PP21/0271 for use of the land for not more than 108 retirement village apartments and a food and drink premises (café); construction of four x 5-storey buildings above basement car parking, including a fence as the fence is visible from a street and externally painting a building (Whitty House); partial demolition of buildings; reduction of the car parking requirement associated with a café; and alteration of access to a road in a Road Zone, Category 1 (Studley Park Road) generally in accordance with the endorsed plans at 6 and 14 Studley Park Road, Kew be issued under the Boroondara Planning Scheme on the following grounds:

1. The proposed building scale, siting, massing and architectural detailing will cause the building to be visually dominant and overbearing in the streetscape of Studley Park Road and Fernhurst Grove and is inconsistent with the existing and preferred character of the area.
2. The development will have a detrimental impact on the amenity of adjacent residential properties due to visual bulk, overlooking and reduced outlook.
3. The development would have a detrimental impact on the heritage significance of the significant heritage buildings on the land, in addition to the heritage significance of the Barry Street Precinct, Kew.

LOST



MOTION**Moved Councillor Watson****Seconded Councillor Thompson**

That the Urban Planning Delegated Committee resolve that a Notice of Decision to Grant Planning Permit No. PP21/0271 for use of the land for not more than 108 retirement village apartments and a food and drink premises (café); construction of four x 5-storey buildings above basement car parking, including a fence as the fence is visible from a street and externally painting a building (Whitty House); partial demolition of buildings; reduction of the car parking requirement associated with a café; and alteration of access to a road in a Road Zone, Category 1 (Studley Park Road) generally in accordance with the endorsed plans at 6 and 14 Studley Park Road, Kew 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 an electronic copy provided (Unlocked PDF). When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the advertised plans submitted to Council on 8 June 2021 (Project No. 130771, Drawing Nos.: A-TP10001 Rev J, A-TP11001 Rev D, A-TP12001 Rev L, A-TP12010 Rev P, A-TP12011 Rev J, A-TP12012 Rev J, A-TP12013 Rev J, A-TP12014 Rev J, A-TP12015 Rev G, A-TP13010 Rev G, A-TP13051 Rev F, A-TP13052 Rev F, A-TP13061 Rev G, A-TP20500 Rev B, A-TP20600 Rev B, A-TP22100 Rev D, A-TP22101 Rev D, A-TP22102 Rev D, A-TP22103 Rev E, A-TP22104 Rev C, A-TP22105 Rev C, A-TP22300 Rev D, A-TP22301 Rev C, A-TP22302 Rev C, A-TP22303 Rev D, A-TP22304 Rev C, A-TP22305 Rev C, A-TP22500 Rev D, A-TP22600 Rev D, A-TP22601 Rev D, A-TP32101 Rev E, A-TP32201 Rev E, A-TP32301 Rev D, A-TP32401 Rev D, A-TP32501 Rev C, A-TP32601 Rev D, A-TP33101 Rev B, A-TP33201 Rev B, A-TP33301 Rev B, A-TP33401 Rev B, A-TP33501 Rev B, A-TP33601 Rev D, A-TP45001 Rev C, A-TP45011 Rev C, A-TP45021 Rev C, A-TP45022 Rev C, A-TP45031 Rev C, A-TP45032 Rev C, A-TP45033 Rev B, A-TP45041 Rev C, A-TP45042 Rev C, A-TP45043 Rev C, A-TP45051 Rev C, A-TP45052 Rev C, A-TP45053 Rev A, and the Development Summary Ref. A-95001 Rev 15 dated 20 May 2021, and the Materials and Finishes Legend page 55 of the Planning Application Report dated 6 April 2021, all prepared by Woods Bagot Architects) but modified to show:

Heritage works

- a. The steel pergola attached to the flat-roofed annex connecting Whitty House with the stable to be provided in timber, not steel;
- b. The grade or length of the basement ramp via Fernhurst Grove, north of Plumstead House, increased to enable the length of at-grade driveway to be increased insofar as is possible without affecting the function of the ramp from a traffic engineering perspective;

General:

- a. The height of Building A reduced in its south-west corner by adopting the revised Level 3 and Level 4 envelope and apartment layout depicted in the 2 September 2021 Without Prejudice Offer, Drawing A-SK0166_A, dated 18 August 2021, prepared by Woods Bagot;

- b. Reduction in the size of the substation kiosk and corral, including a minimum 1.5m setback from the boundary shared with No. 1 Fernhurst Grove, consistent with the revised substation arrangement shown in the 2 September Without Prejudice Offer;
- c. A lighting plan for the Whitty House forecourt/cafe area which is consistent with and enhances the desired activation of the space;
- d. A more porous front fence treatment which adopts a 'hit and miss' design philosophy incorporating concrete walls, palisade infill (where the privacy of retirement village residents would not be affected) and low planters as depicted in the 28 September 2021 Without Prejudice Offer, Drawing A-SK0167_A, dated 17 September 2021, prepared by Woods Bagot;
- e. Relocation of the Whitty House café waste storage area away from the shared boundary with No. 1 Fernhurst Grove or otherwise fully enclosed (with no consequential detriment to the significance of the heritage place);
- f. Building height lowered and/or boundary setback increased in the following locations, to the extent necessary to achieve compliance with Standard B17 of Clause 55.04-1:
 - i. Building A: Level 4 setback from the western boundary (occupied by Apartments A.04.01 and A.04.02);
 - ii. Building C: Level 3 setback from the northern boundary (that part adjacent to the central courtyard of No. 2 Elphinstone Ct, occupied by Apartment C.03.04);
 - iii. Building C: Level 4 setback from the northern boundary (that part adjacent to the central courtyard of No. 2 Elphinstone Ct, occupied by Apartment C.04.02);
 - iv. Building D: Level 3 setback from the western boundary (that part adjacent to the northern SPOS of No. 2 Elphinstone Ct, occupied by Apartment D.03.04);
 - v. Building D: Level 3 setback from the northern boundary (occupied by Apartments D.03.04 and D.03.05);

ESD & WSUD:

- g. The inclusion of electric vehicle (EV) charging facilities, or "EV ready" infrastructure, throughout the basement car park;

External materials and finishes:

- h. Details of the materiality and detailing of the substation enclosure, including doors/frames, demonstrating it seamlessly integrates with the fence and landscape design;
- i. A full-colour schedule of external materials showing the proposed palette of materials and finishes (including an annotated sample board of all external materials) selected for all sides of the buildings. The samples must demonstrate their high quality and durability;

Car parking and accessways:

- j. The Studley Park Road access to be left-in, left-out only with an appropriate triangular traffic island in the middle of the crossover to prevent right-in and right-out movements; (condition required by the Head, Transport for Victoria)
- k. Any necessary signage to be in the traffic island to prevent right-in and right-turn movements; (condition required by the Head, Transport for Victoria)
- l. A notation to the effect bicycle facilities signage is to be displayed and maintained in accordance with the requirements of Clause 52.34-7;

Landscape and Tree Retention/Protection:

- m. 4m x 4m deep soil areas in the south-west corner and both north-west corners of the site and an increase in the basement setback from the southern boundary consistent with the setbacks shown in the 2 September 2021 Without Prejudice Offer (generally 1.5m - 2.0m);
- n. An annotation to the effect street tree removal and replacement planting is only to be carried out by Council's Environmental Sustainability and Open Spaces Department;
- o. Notation on all site and floor plans that Tree Nos. 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 17, 34, 42, 44, 45, 46, 47, 48, 49, 59, 68, 140, 142, 143 and 145 (as identified in the Arborist Report submitted with the application, Ref. 009734, prepared by Tree Logic, dated 4 June 2021) are to be retained and protected in accordance with the approved Tree Management Plan required by this Permit;
- p. Modifications to the design or construction method of the path to the east of Tree No. 12 (as identified in the Arborist Report submitted with the application, Ref. 009734, prepared by Tree Logic, dated 4 June 2021) to ensure tree roots within the structural root zone are not severed and the path surface to be permeable and laid at or above existing soil grade where it is located within the trees' TPZ;
- q. Further details demonstrating there are no further level changes or works within the TPZ of Tree No. 42 (as identified in the Arborist Report submitted with the application, Ref. 009734, prepared by Tree Logic, dated 4 June 2021) other than that east of the proposed footpath alignment;
- r. Any necessary modifications to the layout of buildings or works recommended by the approved Tree Management Plan required by this permit;

Staging of development and landscaping:

- s. A staging plan to reflect any staging of the development and occupation of buildings across the site.

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.

Maintenance of WSUD plant and equipment

- 3. 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 in accordance with the recommendations contained in the approved ESD Report required by this Permit, to the satisfaction of the Responsible Authority.

Confirmation of Project Architect

- 4. Before the development starts, the Responsible Authority must be provided with evidence to its satisfaction that Woods Bagot Architects 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 development and construction process ensuring the design quality and appearance of the approved development is realised as shown in the endorsed plans.



Conditions required by the Head, Transport for Victoria

5. Unless otherwise agreed in writing by the Head, Transport for Victoria, before the development starts, amended plans must be submitted to and approved by the Head, Transport for Victoria. Once approved, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application and annotated but modified to show:
 - a) The Studley Park Road access is to be left-in, left-out only with an appropriate triangular traffic island in the middle of the crossover to prevent right-in and right-out movements.
 - b) Any necessary signage to be in the traffic island to prevent right-in and right-turn movements.
6. The demolition and construction of the development must not disrupt bus operations on Studley Park Roads without the prior written consent of the Head, Transport for Victoria.
7. Any request for written consent to disrupt bus operations on Studley Park Roads during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.
8. Prior to commencement of the use, the crossover to Studley Park Road must be constructed at no cost to the Head, Transport for Victoria and to the satisfaction of the Responsible Authority.

Retirement Village

9. The retirement village must be operated and managed in accordance with the *Retirement Villages Act 1986*.

Community Development Plan

10. Before the retirement village use starts, a Community Development Plan must be prepared to the satisfaction of the Responsible Authority. The Management Plan must have as its objective the activation of the community garden and Whitty House café/forecourt area through programming that supports community engagement and participation, which may include:
 - a. Partnerships with community groups and schools to participate in management of the community garden;
 - b. Workshops held in collaboration with organisations, such as Council, to provide education on topics such as gardening, growing vegetables and composting; and
 - c. Farmers' markets and events;
 - d. Parking and traffic management for events;

When approved, the Community Development Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.



Hours of Operation - Food and drink premises (Whitty House café)

11. The food and drink premises use (Whitty House café) allowed under this permit may operate only during the following hours, except with the prior written consent of the Responsible Authority:

Friday and Saturday: 7:00am to 9:00pm;
Sunday to Thursday: 7:00am to 6:00pm.

Fee for street tree supply and planting

12. Before the commencement of the development, payment of \$5,514.25 for the supply, planting and two years' maintenance of seven new street trees must be paid to Council's Environmental Sustainability and Open Spaces Department.

Landscape plan

13. Concurrent with the submission of plans required by Condition 1 of this permit, a Landscape Plan to the satisfaction of the Responsible Authority and generally in accordance with the Landscape Design Report submitted with the application (Landscape Report, Revision C, dated 2 June 2021, prepared by Oculus) must be submitted to and approved by the Responsible Authority. The Landscape Plan must be drawn to scale with an electronic copy provided (Unlocked PDF). The Landscape Plan must show:
- a. An annotation to the effect street tree removal and replacement planting is only to be carried out by Council's Environmental Sustainability and Open Spaces Department;
 - b. 4m x 4m deep soil areas in the south-west corner and both north-west corners of the site and an increase in the basement setback from the southern boundary consistent with the setbacks shown in the 2 September 2021 Without Prejudice Offer (generally 1.5m - 2.0m);
 - c. Notation that Tree Nos. 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 17, 34, 42, 44, 45, 46, 47, 48, 49, 59, 68, 140, 142, 143 and 145 (as identified in the Arborist Report submitted with the application, Ref. 009734, prepared by Tree Logic, dated 4 June 2021) are to be retained and protected in accordance with the approved Tree Management Plan required by this Permit;
 - d. Modifications to the design or construction method of the path to the east of Tree No. 12 (as identified in the Arborist Report submitted with the application, Ref. 009734, prepared by Tree Logic, dated 4 June 2021) to ensure tree roots within the structural root zone are not severed and the path surface to be permeable and laid at or above existing soil grade where it is located within the trees' TPZ;
 - e. Further details demonstrating there are no further level changes or works within the TPZ of Tree No. 42 (as identified in the Arborist Report submitted with the application, Ref. 009734, prepared by Tree Logic, dated 4 June 2021) other than that east of the proposed footpath alignment;
 - f. Any necessary modifications to the layout of buildings or works recommended by the approved Tree Management Plan required by this permit;
 - g. A notation all landscaped areas are to be plumbed for irrigation with harvested rainwater, with mains back-up.



Completion of landscaping works

14. 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 as described in any staging plan approved as part of Condition 1 of this Permit.

Landscaping maintenance

15. 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

16. 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, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 17, 34, 42, 44, 45, 46, 47, 48, 49, 59, 68, 140, 142, 143 and 145 (as identified in the Arborist Report submitted with the application, Ref. 009734, prepared by Tree Logic, dated 4 June 2021). 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 (illustration or notation) 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.



The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority and any changes to the endorsed Tree Management Plan will require written authorisation from the Responsible Authority.

Tree Management Plan and Construction Management Plan

17. If a Construction Management Plan is required as a condition of this permit it must be in accordance with the Tree Management Plan and Tree Protection Plan.

Contractors to be advised of trees to be retained and protected

18. 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 and protected 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

19. 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

20. 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.

Drainage

21. Before the commencement of the development, the Council drain which extends through the site, from the south-east corner of No. 5 Stawell Street to the Fernhurst Grove boundary, must be decommissioned and removed or relocated to the satisfaction of the Responsible Authority.

22. The site must be drained to the satisfaction of the Responsible Authority.
23. 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.
24. 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.
25. Planting of trees within drainage easements/adjacent to Council drains being limited to species with shallow root system (shrubs) which will not prejudice or damage the stormwater drain.
26. The location of third party or utility assets within the development site must be verified by field survey and clearly shown on all development plans.

Allocation of car parking spaces

27. Car parking spaces must be provided on the land in accordance with the endorsed plans and allocated in the following manner, unless varied with the written consent of the Responsible Authority:
 - a. Retirement village residents - a minimum of:
 - i. 1-bedroom apartments: 1 car space per retirement apartment;
 - ii. 2-bedroom apartments: 1 car space per retirement apartment;
 - iii. 3-bedroom apartments: 2 car spaces per retirement apartment;
 - b. Retirement village visitors: A minimum of six car spaces;
 - c. Food and drink premises (café): A minimum of one car space;
 - d. Whitty House offices: A minimum of nine car spaces.

Use of car parking spaces and driveways

28. 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.

Loading and unloading

29. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay and car parks, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land.

Hours for deliveries/loading/unloading

30. Deliveries to the site must only be undertaken between the hours of 7:00am and 8:00pm Monday to Friday and 8:00am to 5:00pm Saturday, Sunday and Public Holidays, to the satisfaction of the Responsible Authority. Newspaper deliveries may take place outside these hours.

Vehicle crossovers

31. 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

32. 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.

Concealment of pipes

33. 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.

Conservation Management Plans

34. Concurrent with the submission of amended plans required by Condition 1 of this Permit, separate Conservation Management Plans which are to the satisfaction of the Responsible Authority must be prepared for each of Whitty House and its stable, Esmonde House and Plumstead House, by a suitably qualified architect or heritage expert and submitted to the Responsible Authority (unlocked PDF) for approval. The Plans must provide a detailed account of the proposed repair, conservation, restoration, reinstatement and reconstruction of each heritage place, including but not limited to:

- a. Repair of brickwork, pointing and render;
- b. Restoration of tuck pointing;
- c. Repair of roofing and stormwater goods;
- d. Make good timber windows and joinery;
- e. Removal of redundant services;
- f. Repairs to be undertaken by a qualified heritage tradesperson, including a description of the experience and expertise of persons undertaking any conservation, restoration and reconstruction works;
- g. Mortar and render mixtures are to be sensitive to the long term conservation of the place (i.e. historically correct materials, not cementitious, and hue);
- h. Prioritization of repair of fabric over replacement;
- i. In the event of any elements requiring replacement, ensuring the new element matches the existing fabric in terms of materiality, profile, colour, etc.;
- j. Details of all proposed conservation, restoration and reconstruction works documented on 'conservation drawings' consisting of scaled elevations and detailing providing sufficient detail to identify methods and specifications of demolition, conservation, repair and reconstruction works;
- k. Paint colours to repaired joinery and render detailed;
- l. Method of any paint removal;
- m. Details of how bricks will be selected to match the existing original bricks;
- n. The selection and use of any infill materials;
- o. Details of the flooring materiality and colour in the Whitty House café and associated terrace;
- p. Detailed design drawings of the two new windows in the southern elevation of Esmonde House;
- q. Detailed design drawings of the double-door opening on the northern elevation of Esmonde House;
- r. Detailed design drawings of the new opening within the portico on the western elevation of Esmonde House;
- s. Any other works deemed necessary, including those recommended by the Structural Integrity Report required by this Permit.



The Plan must include method statements and construction detail (minimum scale 1:20) informing the proposed works. Once approved, the requirements and recommendations contained in the Plan must be implemented and maintained to the satisfaction of the Responsible Authority.

Historical Interpretation Plans

35. Concurrent with the submission of amended plans required by Condition 1 of this Permit, Heritage Interpretation Plans detailing heritage interpretation elements to be implemented on site for each of Whitty House and its stable, Esmonde House and Plumstead House must be prepared by a suitably qualified heritage consultant or interpretation specialist and submitted to the Responsible Authority (unlocked PDF) for approval. The proposed interpretation devices should address the history and significance of the three significant graded buildings on site, as well as any other key historical themes relevant to the place. When approved, the Plan will form part of the permit and the requirements and recommendations contained in the Plan must be implemented prior to the commencement of the occupation of the retirement village to the satisfaction of the Responsible Authority.

Structural Integrity Report

36. Concurrent with the submission of amended plans required by Condition 1 of this Permit, a Structural Integrity Report which is to the satisfaction of the Responsible Authority must be prepared by a suitably qualified expert and submitted to the Responsible Authority (unlocked PDF) for approval. The Report must provide a detailed account of the proposed method/s for maintaining the safety and integrity of the retained structure of Esmonde House and Plumstead House during the demolition, excavation and construction phases.

When approved, the Report will form part of the permit and the requirements and recommendations contained in the Report must be implemented to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) Report

37. Concurrent with the submission of amended plans required by Condition 1 of this Permit, an ESD and WSUD Report which is to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority (unlocked PDF) for approval. The report must be generally in accordance with the Sustainability Management Plan submitted with the application (Project No.: MEL2384, Revision 02, dated 31 March 2021, prepared by ADP Consulting) but modified to include:

- a. Electric vehicle (EV) charging facilities, or "EV ready" infrastructure, throughout the basement car park.

Once satisfactory, the Report will be endorsed and will form part of the permit and must be implemented prior to the occupation of the building and maintained to the satisfaction of the Responsible Authority.

Waste Management Plan

38. Concurrent with the submission of amended plans required by Condition 1 of this Permit, a Waste Management Plan which is to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority (unlocked PDF) for approval.

The report must be generally in accordance with the Waste Management Plan submitted with the application (Ref. G26474R-02C, dated April 2021, prepared by Traffix Group) but modified to show:

- a. In section 2.3.1 - Waste Streams (page 11) for the residential component, the ongoing supply to retirement apartment residents of compostable liners for the FOGO caddy.

Once satisfactory, such plan will be endorsed and will form part of the permit and must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Regular waste removal

39. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to satisfaction of the Responsible Authority.

Maintenance of waste storage area

40. 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;

to the satisfaction of the Responsible Authority.

Hours for waste collection

41. 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 (excluding the AM and PM commuter peak hours):

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.

Construction Management Plan

42. 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 ensure construction workers operating on the site, including sub-contractors/tradespersons, are aware of the contents of the approved Tree Management Plan
- c. Measures to control noise, dust, water and sediment laden runoff;
- 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 any requirements of the Department of Transport.

Hours for demolition and construction

43. 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:

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

Amenity of area

44. The amenity of the area must not be adversely affected by the use and development as a result of the:
- a. Transport of materials, goods or commodities to or from the land; and/or
 - b. Appearance of any building, works, stored goods or materials; and/or
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or oil; and/or
 - d. The presence of vermin;

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

Music broadcasts (Whitty House café and forecourt)

45. Any music played or broadcast in the outdoor terrace area of the Whitty House café and forecourt must be played as background music, at a volume that will allow for café patrons to comfortably hold a conversation without significant effort to raise their voice, to the satisfaction of the Responsible Authority.

Outdoor speakers

46. Any speakers used for outdoor broadcasts in the outdoor terrace of the Whitty House café and forecourt must not be located at a height greater than the top of the boundary fence shared with No. 1 Fernhurst Grove.

Permit to expire:

47. This permit will expire if:

- a. The development does not start within four (4) years of the issue date of this permit; or
- b. The development is not completed within six (6) 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.
- Pursuant to Council's Residential Parking Permit Policy (2011), the owners and occupiers of retirement apartments approved in this development will not be eligible to obtain resident or visitor parking permits.
- Prior to the commencement of any works on the site, the owner/developer must submit drainage plans for assessment and approval by the Responsible Authority (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, and 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.
- Council's Environmental Sustainability and Open Spaces Department gives in principle support to the removal of Tree 53 (as identified in the Arborist Report submitted with the application, Ref. 009734, prepared by Tree Logic, dated 4 June 2021) on the endorsed plans. This support is conditional on the Council's street tree removal application process, which may require community consultation; and payment of the tree's amenity value and removal costs.
- Council's street tree planting season extends from May to September.

Notes in relation to drainage:

- 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 drainage plans must include the location of any existing or proposed trees within the vicinity of drainage works and document how any potential conflicts between trees and drains will be addressed during and after construction.



- Stormwater drainage runoff shall be collected in a complete and effective system of drains and connected to the Approved Point of Stormwater Discharge.
- 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.
- No groundwater or anything other than Stormwater is to be discharged into an open discharge system. (Kerb & channel, made surface of a right of way or similar surface drainage system)
- A Control pit is to be located in an appropriate location and a suitable path is to be designed for stormwater which surcharges from the pit once the design storm has been exceeded.
- The proposed development is to provide adequate clearance for overland flow through the property.
- Stormwater drains are to be connected to a legal point of discharge approved by Council. Drainage Connections within a road reserve, right-of-way, and parkland, within an easement or to a Health Act drain must be to Council's standards.
- Discharge to the approved point of discharge will be allowed subject to the flow being limited to a rate equivalent to 0.35 coefficient of runoff for 1 in 5 year rainfall event. Any additional discharge is to be temporary detained on site with a minimum storage volume for 1 in 10 year rainfall event, via an approved stormwater detention system designed to Council specifications.

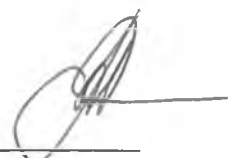
Notes in relation to works over an easement

- 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, land filling/excavation 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.

Note required by the Head, Transport for Victoria

- *The proposed development requires the modification of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.*

CARRIED



4. General business

Nil

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 10.35pm

Confirmed

Chairperson

Date

