

URBAN PLANNING DELEGATED COMMITTEE

MINUTES

(Open to the public)

Monday 8 November 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 Scott Walker David Cowan	Chief Executive Officer Director Urban Living Acting Manager Statutory & Strategic Planning
	David Thompson Kirstin Ritchie Christian Wilmsen Nick Brennan Amanda Seymour Elizabeth Manou Amaya De Silva	Manager Governance & Legal Coordinator Governance Coordinator Strategic Planning Senior Strategic Planner Senior Strategic Planning Senior Governance Officer Senior Planner

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1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Sinfield

Seconded Councillor Thompson

That the minutes of the Urban Planning Delegated Committee meeting held on 18 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 49 Peate Avenue, Glen Iris

Proposal

This proposal is to amend Planning Permit PP19/0706 for the construction of two (2) dwellings on a lot. The proposed amendments are as follows:

- Deletion of Condition 1. a) ii.
- Re-design of dwellings including changes to setbacks, windows and façade including:
 - Re-arrangement of driveway alignment
 - Garage levels lowered, and basements modified
 - Front setback to Dwelling 1 increased
 - Side setbacks modified
 - Rear setbacks increased to 14.6 metres and 15.2 metres
 - Front façade design changed, addition of balcony, updated materials
 - Addition of pools

The proposal maintains the scope of the previously approved development, being two double storey attached dwellings. The number of dwellings and number of car parking spaces remain unchanged from the previously approved planning permit.

Issues

Key issues in respect of this application include amenity impacts, ResCode, and neighbourhood character.

In addition, the following are concerns that have been raised by objectors:

- Neighbourhood Character
- Heritage Overlay impacts
- Drainage, construction and excavation impacts
- Basements
- Landscaping
- Loss of views
- Overshadowing
- Overdevelopment and dwelling density

- Traffic and congestion

Officer's response

The amended design is considered to appropriately respond to the existing and preferred character of the area, proposing a similar built form to that which has been previously approved on the site. The building materials have been amended to include face brickwork and standing seam cladding, to provide articulation and visual interest.

The proposed amendments to the landscape design are generally supported by Council's Arborist, and conditions are recommended to reduce the extent of paving adjacent to the pools to enable additional deep soil planting areas in the rear setbacks. Recommended conditions also ensure any alterations to the driveway incorporate sufficient soft landscaping areas within the front setback.

The modifications to the setbacks result in an overall increase to setbacks at both ground and first floor levels for each dwelling to each boundary. There is a reduction in the rear setback of the basement, which is not visible to the streetscape.

The proposed amendments achieve full ResCode compliance, subject to one condition with respect to North Facing Windows. The proposed setbacks exceed the requirements specified by Standard B17 (Side and Rear Setbacks) and Standard B19 (Daylight to Existing Windows). The proposal does not overshadow any areas of secluded private open space during the relevant hours at the Equinox in accordance with Standard B21 (Overshadowing open space). Subject to a condition relating to notations on the plans, overlooking has been appropriately managed to comply with Standard B22 (Overlooking), with obscure glass or fixed external screens to habitable room windows.

It is considered the proposed amendment will not unreasonably impact on the amenity of nearby dwellings. Previous planning permit conditions which have been addressed through the proposed plans, or are no longer relevant, and are to be removed.

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

Appendices

This report includes five Appendices:

- Appendix A - Plans
- Appendix B - Locality Report
- Appendix C - Zoning Map
- Appendix D - Location of Objectors (Confidential)
- Appendix E - Amended Permit Showing Changes

One submitter opposed to the officers' recommendation had their written submissions read out by a Council officer.

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

Procedural Motion - Adjournment**MOTION**

Moved Councillor Franco

Seconded Councillor Thompson

That the Urban Planning Delegated Committee meeting be adjourned.

CARRIED

The Urban Planning Delegated Committee meeting was adjourned at 7.53pm.

Procedural Motion - Resumption**MOTION**

Moved Councillor Stavrou

Seconded Councillor Sinfield

That the Urban Planning Delegated Committee meeting be resumed.

CARRIED

The Urban Planning Delegated Committee meeting was resumed at 8.00pm with all councillors present except Councillor Watson.

Councillor Watson entered the chamber at 8.02pm.

MOTION

Moved Councillor Franco

Seconded Councillor Thompson

That the Urban Planning Delegated Committee resolve that a Notice of Decision to Grant a Planning Permit No. PP19/0706.01 for the construction of two (2) dwellings in accordance with the endorsed plans at 49 Peate Avenue, 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 and electronic copies provided. When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with plans PD02, PD04-PD09, prepared by Archestral, Landscape Plan prepared by Justin Hutchison and Water Quality Plan (STORM) prepared by SJF Associates, advertised on 31 August 2021, but modified to show:**

- a. The following changes in accordance with the discussion plans submitted 21 February 2020, prepared by Nicholas Day Architects;
 - i. ~~The application of an additional external finish to the façade. The finish must be a high-quality brick or tile and integrate with the streetscape to the satisfaction of the Responsible Authority;~~
 - ii. ~~The central recess in the front façade between Dwelling 1 (49) and Dwelling 2 (49a) increased to a minimum of 2 metres at ground and first-floor (measured from the eastern edge of the Dwelling 1 Bed 1 shroud);~~
 - iii. The front setback of the Dwelling 1 (49) guest room increased by 1 metre to the windows and 0.5 metre to the wall;
 - iv. ~~The front setback of the Dwelling 2 (49a) Bed 1 increase by 1 metre;~~
- b. ~~The curved parapet at the top of the Dwelling 1 (49) front façade deleted;~~
- c. ~~The basement entries to be setback a minimum of 1 metre behind the front wall of each dwelling;~~
- d. ~~The extent and visibility of glazing on the western (front) façade reduced through breaking up of window forms or the application of screening to the satisfaction of the Responsible Authority;~~
- e. ~~The ground floor eastern wall of each dwelling setback a minimum of 12 metres from the eastern property boundary without reducing any southern or northern side setbacks;~~
- f. ~~The rear terrace verandah of each dwelling setback a minimum of 10.5 metres from the eastern property boundary without reducing any southern or northern side setbacks;~~
- g. ~~The front fence, pedestrian and vehicle gates to be no more than one metre high and to step down with the fall of the land;~~
- h. ~~An apex to each basement entrance, 150mm higher than the control pit;~~
- i. ~~A schedule of construction materials, external finishes and colours (including swatch samples); and~~
- j. An Amended Landscape Plan in accordance with Condition 3 of this permit.
- k. Deletion of the two canopy trees directly to the east of the swimming pools.
- l. Additional 5m² of soft landscaping to be provided to southern portion of the driveway of No. 49, and an additional 5m² of soft landscaping to be provided to north portion of the driveway of No. 49A.
- m. Mondo Grass to be inserted into the accessways of each dwelling to the satisfaction of the Responsible Authority.
- n. Reduction in the extent of paving (and if required, size of pools) to allow for a minimum 4 metres x 4 metres for each canopy tree at the north-eastern (No. 49) and south-eastern (No. 49A) corners.
- o. The setback of southern wall associated with the Retreat of No. 49A increased to a minimum 2.92 metres in accordance with ResCode.
- p. The windows labelled "OBS" on the northern and southern elevations, identified as being "obscure glazing", or labelled as "5" in accordance with the material schedule.
- q. The provision of 6m³ of storage to be shown on the plans for each dwelling.

- r. The Tree Protection Zone and Structural Root Zone of the *Lagunaria patersonia* (Norfolk Island Hibiscus) within the road reserve in front of the property drawn on all site and floor plans;
- s. Notation on all site and floor plans that the *Lagunaria patersonia* (Norfolk Island Hibiscus) within the road reserve in front of the property is to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;
- t. Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit;
- u. The siting of any necessary stormwater detention pit, underground services and pits, 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.
- v. Notation on all site and floor plans that all excavations within the Tree Protection Zone of the *Lagunaria patersonia* (Norfolk Island Hibiscus) within the road reserve in front of the property must be undertaken with hand tools or hydro-vacuum and that all excavation works must be supervised, document and certified by the Project Arborist.
- w. Permanent fencing within the Tree Protection Zone of the *Lagunaria patersonia* (Norfolk Island Hibiscus) within the road reserve in front of the property constructed on pier foundations with any required plinths constructed above existing grade.
- x. Notation on all site and floor plans that no strip footing is permitted within the Tree Protection Zone of the *Lagunaria patersonia* (Norfolk Island Hibiscus) within the road reserve in front of the property.
- y. Tree Management Plan in accordance with Condition 11; and
- z. Any resultant changes to the Water Sensitive Urban Design Response in accordance with Condition 6.

Layout not to be altered

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Landscape plan

- 3. A landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and electronic copies provided.

When endorsed, the plan will form part of the permit.

The landscape plan must be generally in accordance with the advertised landscape concept plan prepared by Justin Hutchison dated 24 June 2021 but modified 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. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 13 metres and canopy spread of 7 metres) in the front setback of the property (either at No. 49 or No. 49A);
- c. One (1) small tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the north-eastern secluded private open space of 49 Peate Avenue Glen Iris;
- d. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 13 metres and canopy spread of 7 metres) in the south-eastern secluded private open space of 49a Peate Avenue Glen Iris.
- e. One (1) small tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) to the north of the alfresco in the rear secluded private open space of 49 Peate Avenue Glen Iris;
- f. One (1) small tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) to the south of the alfresco in the rear secluded private open space of 49A Peate Avenue Glen Iris.
- g. Each canopy tree must be provided a minimum of 50sqm of deep soil, with the available soil area clearly shown on the landscape plan;
- h. Each small tree must be provided a minimum of 30sqm of deep soil, with the available soil area clearly shown on the landscape plan;
- i. All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
- j. All canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
- k. All canopy trees must be planted more than 2 metres away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;
- l. All small trees must be planted more than 1 metre away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;
- m. All trees in rear setbacks adequately setback from common boundaries to avoid mature canopy overhang of neighbouring spaces.

Completion of landscaping works

- 4. 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

- 5. 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.

Water Sensitive Urban Design

- 6. Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of Clause 53.18 'Stormwater Management in Urban Development' to the satisfaction of the Responsible Authority. The response must include:

- a. A site plan showing the location of proposed stormwater treatment measures and the location and area (square metres) 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). Please note that for the modelling requirement you can use the following free program to demonstrate best practice, which is equivalent to a score of 100% or more: <http://storm.melbournewater.com.au>
- c. If any water tank is proposed, the plans must indicate the tank's capacity in litres and what the tank is connected to (e.g. toilets).

Drainage

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

Vehicle crossovers

8. 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

9. 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.

Boundary walls

10. The external faces of walls on or facing boundaries must be cleaned and finished to an acceptable standard to the satisfaction of the Responsible Authority.

Tree Management Plan

11. 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 minimum AQF Level 5 qualified and experienced Arborist in relation to the management and maintenance of *Lagunaria patersonia* (Norfolk Island Hibiscus) within the road reserve in front of the property.

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. Specification that a suitable time must be arranged with Council's Arborist (Environmental Sustainability and Open Spaces), who must be present to supervise any root excavation greater than 5 cm in diameter within the Tree Protection Zone of *Lagunaria patersonia* (Norfolk Island Hibiscus) within the road reserve in front of the property;
- d. Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;
- e. All remedial pruning works that are required to be performed on trees during demolition and development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur. Note: Only Council or Authorised Council Contractors can prune Trees Nos. 1. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.
- f. 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.

Contractors to be advised of trees to be retained and protected

12. 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

13. 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

- 14.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.**

Permit to expire:**15. 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.

Note: That prior to the issue of a building approval for this development the owner of the land obtain a geotechnical and hydrological assessment from a suitably qualified engineer to confirm there will be no diversion of sub surface or overland drainage which will contribute to flooding or excess water flows on adjacent properties.

CARRIED**3.2 Amendment C353 - Kew individual heritage places and regrading - Exhibition outcomes and request for Panel**

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the outcomes of exhibition for Amendment C353boro to the Boroondara Planning Scheme and seek a decision from the UPDC to:

- Split Amendment C353boro into two (2) parts:
 - Part 1 - inclusion of 3-5 Florence Avenue, Kew in the Heritage Overlay and regrading of 33 Thornton Street, Kew from a non-contributory to a contributory place in HO806
 - Part 2 - inclusion of 26 Goldthorns Avenue, Kew and 97 Argyle Road, Kew in the Heritage Overlay.

- Refer Amendment C353boro Part 1 to an ordinary meeting of Council for adoption.
- Request the Minister for Planning to appoint an independent planning panel to consider submissions to Amendment C353boro Part 2.

Amendment C353boro proposes to apply the Heritage Overlay to three (3) individually significant heritage places in the Heritage Overlay and regrade 33 Thornton Street, Kew from 'non-contributory' to 'contributory' in the Thornton Estate Residential Precinct (HO806).

The amendment was on public exhibition from 22 July 2021 to 27 August 2021. Three (3) submissions were received:

- One (1) supporting submission for the inclusion of 3-5 Florence Avenue in the Heritage Overlay.
- One (1) opposing submission to the inclusion of 26 Goldthorns Avenue in the Heritage Overlay.
- One (1) opposing submission to the inclusion of 97 Argyle Road, Kew in the Heritage Overlay.

No submissions were received to the regrading of 33 Thornton Street, Kew.

The officers' summary of and response to submissions received is provided in **Attachment 1**.

The opposing submission to the inclusion of 26 Goldthorns Avenue in the Heritage Overlay raised a number of concerns including the merit of the heritage assessment due to past modifications and the need to undertake repairs and modify the property in the future.

The opposing submission to the inclusion of 97 Argyle Road in the Heritage Overlay questioned the property's inclusion in the Heritage Overlay as it was not identified for heritage protection in the *Kew Urban Conservation Study* prepared in 1988.

The opposing submissions have been considered by officers' and Council's heritage consultant. No changes are recommended.

As the changes proposed to 33 Thornton Street and 3-5 Florence Avenue attracted no objections it is recommended that Amendment C353boro be split into two (2) parts to allow matters relating to 33 Thornton Street and 3-5 Florence Avenue to be considered independently of matters which attracted submissions during exhibition of Amendment C353boro.

Splitting the amendment into two parts will enable the grading change proposed for 33 Thornton Street, Kew and the inclusion of 3-5 Florence Avenue, Kew in the Heritage Overlay to be considered at an Ordinary meeting of Council for adoption (Amendment C353boro Part 1) while the inclusion of 26 Goldthorns Avenue and 97 Argyle Road, Kew are considered by an independent planning panel (Amendment C353boro Part 2).

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

MOTION

Moved Councillor Sinfield

Seconded Councillor Thompson

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the submissions to Amendment C353boro (Attachment 1) to the Boroondara Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987*.**
- 2. Endorse the officers' response to submissions and recommended changes to Amendment C353boro as shown at Attachment 1.**
- 3. Adopt the heritage citations contained at Attachments 2 to 5.**
- 4. Split Amendment C353boro into two parts as follows:**
 - a. Part 1 - inclusion of 3-5 Florence Avenue, Kew in the Heritage Overlay and regrading of 33 Thornton Street, Kew from 'non-contributory' to 'contributory place' in HO806.**
 - b. Part 2 - inclusion of 26 Goldthorns Avenue, Kew and 97 Argyle Road, Kew in the Heritage Overlay**
- 5. Refer Amendment C353boro Part 1 to an Ordinary Meeting of Council to be adopted in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 6. Request that the Minister for Planning appoint a Planning Panel under Section 153 of the *Planning and Environment Act 1987* to consider all submissions related to Amendment C353boro Part 2.**
- 7. Refer Amendment C353boro Part 2 and all submissions related to Amendment c353boro Part 2 to a Planning Panel in accordance with Section 23(1) of the *Planning and Environment Act 1987*.**
- 8. Authorise the Director Urban Living to undertake administrative changes to Amendment C353boro Part 1 and 2 that do not change the intent of the amendment prior to a Panel Hearing.**

CARRIED

3.3 Amendment C342boro - Kew Hebrew Congregation Heritage Overlay - Panel report and recommendations

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.

Following a heritage assessment by Council's heritage consultant Context, the Urban Planning Delegated Committee (UPDC) resolved on 7 September 2020 to adopt the heritage citation for the site and to seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to introduce a permanent Heritage Overlay across the entire site.

Authorisation for Amendment C342boro was granted on 13 November 2020. Public exhibition of the amendment was carried out between 18 February 2021 and 19 March 2021.

On 17 May 2021, the UPDC considered a report on the exhibition of Amendment C342 and resolved to refer the amendment, and all submissions received, to an independent Planning Panel for consideration.

A planning panel was held from 22 to 30 July 2021 to consider all submissions received. Three submitters appeared before the panel.

The panel's report was received on 13 September 2021. The Panel has ultimately supported Council's position that the Heritage Overlay be extended over the entire site, subject to some changes to the exhibited heritage citation.

Concurrently, on 22 September 2020, Council issued 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. The applicant appealed Council's decision to the Victorian Civil and Administrative Tribunal (VCAT). The Minister for Planning subsequently called in the application and referred the matter to the Priority Projects Standing Advisory Committee (SAC) for advice.

Following the SAC hearing in June 2021, the Minister for Planning advised Council on 2 September 2021 he had decided to issue a planning permit for development of the site. The Minister also refused Council's request to implement an interim Heritage Overlay, on the grounds that this would prevent the permitted development. Council officers have issued the planning permit and consent for the demolition, as required by the Minister's decisions.

While the Minister has granted a planning permit implying demolition of buildings on the site, and has refused Council's application for an interim Heritage Overlay, for the time being the buildings remain in place. Issuing a planning permit is no guarantee the proposed works will take place. The property has been identified as having heritage significance worthy of protection by a Heritage Overlay. Until there is a material change to the buildings on the site, that significance remains.

It is therefore recommended that the UPDC resolve to adopt the revised heritage citation, incorporating the changes recommended by the planning panel, and refer the amendment to an Ordinary Meeting of Council to be adopted.

Two submitters in support of the officers' recommendation had their written submissions read out by a Council officer.

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

Four speakers in support of the officers' recommendation addressed the meeting.

MOTION

Moved Councillor Stavrou

Seconded Councillor Sinfield

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and acknowledge the Panel's report and recommendations, as shown at Attachment 1, in accordance with Section 27(1) of the *Planning and Environment Act 1987*.**
- 2. Adopt the revised heritage citation as shown at Attachment 2.**
- 3. Refer the updated Amendment C342boro to an Ordinary Meeting of Council to be adopted in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 4. Authorise the Director Urban Living to undertake minor changes to the amendment and associated planning controls that do not change the intent of the controls.**

CARRIED

Councillor Sinfield retired from the meeting at 9.37pm.

3.4 Roseberry Street Heritage Assessment - Proposed deferral of consideration

This report seeks a resolution to defer further consideration of the Roseberry Street Heritage Assessment until a future meeting of the Urban Planning Delegated Committee (UPDC) in 2022.

The UPDC will recall the following resolution made at its meeting on 4 October 2021 regarding the community heritage nomination for Roseberry Street, Hawthorn East:

- 1. Note the heritage assessment and peer review on the heritage value of Roseberry St, Hawthorn East undertaken by Context and Extent Heritage contained in Attachments 1 and 2, as annexed to the minutes;*
- 2. Note submissions from residents;*
- 3. Seek a further report addressing the viability of including the more intact section of Roseberry Street;*
- 4. Consider the report and any further submissions at the UPDC meeting on 6 December 2021.*

Following the meeting, officers invited residents of Roseberry Street and interested community members to provide additional written evidence to Council to support the community heritage nomination. Officers received the information from residents and interested parties on Friday, 29 October 2021, consistent with the earlier correspondence provided by officers.

The information provided by residents and interested parties is comprehensive and requires detailed consideration by Council's heritage consultants, Context and Extent Heritage. The information provided also notes both a heritage consultant, and a heritage historian and archaeologist, have been appointed by Roseberry Street residents and interested parties to provide additional written advice as soon as possible.

To allow sufficient time for consideration of the documentation provided, officers recommend deferring the presentation of a new report until early 2022.

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

MOTION

Moved Councillor Gillies

Seconded Councillor Biggar

That the Urban Planning Delegated Committee resolve to:

- 1. Note the resolution made on 4 October 2021 by the UPDC with respect to consideration of a report and further submissions on the Roseberry Street Heritage Assessment at its meeting on 6 December 2021.**
- 2. Receive a further report from officers on the heritage significance of Roseberry Street, Hawthorn East at the first available Urban Planning Delegated Committee meeting in February 2022 rather than 6 December 2021.**

CARRIED

4. General business

4.1 Acknowledgement - Chairperson, Councillor Parke

The Mayor, Councillor Thompson acknowledged it was Councillor Parke's last scheduled Urban Planning Delegated Committee meeting to chair for the 2020-21 mayoral year.

The Mayor, Councillor Thompson on behalf of his colleagues thanked Councillor Parke for his chairing and leadership of the Committee.

4.2 Neighbourhood Character - Cumulative Impact of Development

The Mayor, Councillor Thompson noted concerns raised by submitters during Item 3.1 - 49 Peate Avenue, Glen Iris with respect to the cumulative impact of development on neighbourhood character and how future development may affect a precinct statement.

The Mayor, Councillor Thompson requested a briefing and discussion take place with councillors in due course regarding this matter.

Councillor Franco echoed the comments of the Mayor, Councillor Thompson and also requested an opportunity for councillors to discuss neighbourhood character statements, open space and density controls with Council officers.

The Chief Executive Officer confirmed a discussion would take place in due course, to assist councillors with their understanding of the planning and building system and what the organisation could be capable of achieving in the future.

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 9.57pm

Confirmed

Chairperson

Date
