

URBAN PLANNING DELEGATED COMMITTEE

MINUTES

(Open to the public)

Monday 13 December 2021

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 8.26pm

Attendance

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

Apologies

Councillor Garry Thompson (Leave of absence)
Councillor Cynthia Watson

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Scott Walker	Director Urban Living
	Daniel Freer	Director Places and Spaces
	Amy Montalti	Chief Financial Officer
	David Cowan	Acting Manager Statutory & Strategic Planning
	David Thompson	Manager Governance & Legal
	Kirstin Ritchie	Coordinator Governance
	Cassandra Rea	Coordinator Statutory Planning
	Christian Wilmsen	Coordinator Strategic Planning
	Elizabeth Manou	Senior Governance Officer
	Daniela Splitgerber	Senior Statutory Planner
	Mikaela Carter	Senior Strategic Planner

Table of contents

1.	No minutes to adopt	3
2.	Declaration of conflict of interest of any councillor or council officer	3
3.	Presentation of officer reports	4
3.1	135 Barkers Road KEW - Xavier College Senior Campus	4
3.2	Improving the operation of ResCode Discussion Paper - Council submission	8
4.	General business	9
5.	Urgent business	9
6.	Confidential business	9

Election of temporary chairperson

The Manager Governance and Legal called for nominations for the position of temporary chairperson.

Councillor Addis nominated Councillor Parke

Councillor Sinfield seconded the nomination

There being no further nominations, the Manager Governance and Legal declared Councillor Parke elected as temporary chairperson.

Councillor Parke assumed the chair

Procedural motion - Adjournment

Moved Councillor Sinfield

Seconded Councillor Biggar

That the Urban Planning Delegated Committee meeting be adjourned.

CARRIED

The Urban Planning Delegated Committee meeting adjourned at 8.27pm.

Procedural motion - Resumption

Moved Councillor Sinfield

Seconded Councillor Stavrou

That the Urban Planning Delegated Committee Meeting be resumed.

CARRIED

The Urban Planning Delegated Committee meeting resumed at 8.35pm with all councillors present except Councillor Thompson and Councillor Watson.

- 1. No minutes to adopt**
- 2. Declaration of conflict of interest of any councillor or council officer**

Nil

3. Presentation of officer reports

3.1 135 Barkers Road KEW - Xavier College Senior Campus

Proposal

A new Development Plan for Xavier College Senior School Campus has been submitted to Council for consideration. This Development Plan is proposed to replace the approved 2006 Masterplan.

A Development Plan Overlay (DPO2) applies to this site, which specifies the need to have a development plan approved by the Responsible Authority.

Following approval of a Development Plan, separate planning permit applications are required to be lodged for each building. The design of individual buildings will be detailed in any future planning permit application stage, and pursuant to Clause 43.04-2 (DPO) of the Planning Scheme, a permit granted must be generally in accordance with the approved development plan.

The endorsement of a development plan itself does not provide any authorisation for the proposed buildings and works, and where a planning permit is required, this must be applied for after the development plan has been approved. However, it should be noted that any future planning permit application will be exempt from notice and appeal rights.

The Minister for Planning is the responsible authority for planning permit applications for the development of land for an education centre if the estimated cost of development is \$3 million or greater (Clause 72.01-1). As such, the developments outlined in the proposed Development Plan will be lodged with Department of Environment, Land, Water and Planning (DELWP) for planning permit assessment. The applications will then be referred to Council for review and comment.

Xavier College is affected by the Heritage Overlay (HO4) and is included on the Victorian Heritage Register (Ref No H893). Approval from Heritage Victoria is required for demolition and buildings and works and is a separate process, outside of the Development Plan approval process.

The new Development Plan seeks to address the site's increasing capacity needs due to the forthcoming closure of the Xavier Kostka Hall (Brighton) campus.

The Development Plan includes the following development of the site:

- Increase in the following numbers:

	Existing	Proposed
Staff	180	220
Students	990	1500
Boarders	57	100
Car Parking (School hours)	249	350-400
Car Parking (After school hours)	300	350-400

- New buildings including a Year 7 & 8 building, boarding house, teaching and learning hub and maintenance building;
- New car park under the existing Chapel Oval;
- Extension of the existing sports facility; and
- A widened crossover to Barkers Road.

Public consultation on the Development Plan has been undertaken and formal notification of the Development Plan to nearby residents and owners was carried out between (May and October 2021 - on 3 separate occasions due to amended plans).

The Development Plan application has received 42 submissions. This report outlines the details of the Development Plan and associated matters, including a summary and response to the submissions received.

Subject to the recommendations in this report, it is considered that the development proposed under this Development Plan is an appropriate response and will not unreasonably impact on the amenity of adjoining residential areas or the surrounding area.

Issues

The following key issues are addressed in the Statutory Planning Officer's Report (Attachment 1):

- Protection of heritage places (pages 13-14, 54 and 61)
- Amenity impacts to neighbouring properties (pages 83-89)
- Loss of mature trees (pages 18-33 and pages 73-74)
- Increased parking and traffic volumes (pages 50-56, pages 75-83 and pages 91-92)
- The issues raised within the objections received (pages 93-98)

Officer's response

Officers have assessed the Development Plan for Xavier College against the Boroondara Planning Scheme and negotiated with the applicant to address the above key issues. It is considered that the Development Plan now appropriately addresses the following matters:

Amenity

Amenity impacts such as noise, overlooking and the potential visual bulk of new buildings have been thoroughly addressed in the Officer report. The proposed new buildings are adequately setback from sensitive residential interfaces (specifically to the north) and landscaping buffers are also provided to further mitigate visual bulk impacts. The proposed buildings will comply with the minimum setback requirements of ResCode and will also be required to comply with overlooking Standards.

The mandatory building height requirements of the Neighbourhood Residential Zone are not applicable to a non-residential use. Given the significant land size, combined with the siting of the proposed new buildings, potential impacts to neighbouring properties are suitably managed.

Heritage Protection

The College comprises several important heritage buildings as well as other contemporary buildings and extensions. The Development Plan identifies 4 buildings for demotion, however none of these are considered to have heritage value.

The College is affected by the Heritage Overlay (HO4) and is included on the Victorian Heritage Register (Ref No H893) (*Officer Report pg 14*). To develop a heritage place which is included in the Victorian Heritage Register, approval from Heritage Victoria is required for demolition and buildings and works and is a separate process, outside of the Development Plan approval process. Once an application is lodged, Council will be provided with the opportunity to review the proposal and make a submission to Heritage Victoria.

Traffic and Parking

Matters concerning traffic generation, movement to and from the school and car parking have been addressed in the Development Plan. The school currently provides 249 on-site car parking spaces and is well-connected to alternate modes of transportation. The Development Plan proposes to construct a new car park under the existing Chapel Oval to accommodate an additional 350-400 on-site car parking spaces and a dedicated drop-off and pick-up zone. The extra car parking will improve convenience in accessing the site and assist in any potential impact on the surrounding local road networks. Council's Traffic Engineers support the proposal.

The Development Plan proposes to restrict vehicle movements accessing Stratford Avenue, Gellibrand Street and Stanley Streets to the north of the school and redirect traffic towards Barkers Road and Charles Street, which will reduce impacts on local residential streets and align with existing road conditions. A signalised intersection to Barkers Road was contemplated in the proposal, however it was not supported by the Head of Transport (Department of Transport) and is therefore no longer proposed. Left-turn only movements will be mandated during peak times out of the school onto Barkers Road.

Trees

Xavier College contains a number of large mature trees throughout the site. The Development Plan proposes to remove 32 existing trees and plant an additional 175 trees. Council's Arborist is generally supportive of the proposal, subject to adequate tree protection measures. An updated Development Plan will be required to address the specific protection of the Significant River Red Gum Tree (Tree No 321).

The Development Plan includes a Landscape Masterplan that ensures the Campus maintains a leafy landscaped character and provides appropriate landscaping buffers to adjoining residential interfaces, specifically to the north.

Conclusion

It is considered that the Development Plan represents an appropriate response to the site and surroundings for the following reasons:

- The Development Plan reasonably contemplates the future of the school and is an appropriate site responsive development proposal.
- Subject to changes, reflected in the proposed conditions, the Development Plan is considered to provide an acceptable balance between accommodating the school's future development needs while moderating the impact on the surrounding residential area.

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

1. Statutory Planning Officers Report
2. Appendix A - Development Plans
3. Appendix B – Objector Location Map

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

MOTION

Moved Councillor Gault

Seconded Councillor Stavrou

That the Urban Planning Delegated Committee resolve to approve the Development Plan (DP21/002) dated October 2021 for Xavier College Senior School Campus, Kew, under the Boroondara Planning Scheme subject to the Development Plan being amended and updated prior to endorsement to include:

- 1. Additional notations within the Development Plan regarding Tree Protection Measures for Tree 321 - River Red Gum - *Eucalyptus camaldulensis*, which requires:**
 - **An ongoing maintenance program to monitor and respond to any impacts of the works on the health of the tree.**
 - **Provision of access panels within the reinforced slab/decking to facilitate access to the root plate area beneath, in the event that soil remediation is required.**
 - **Installation of irrigation beneath the slab/decking structure.**
 - **Installation of a soil monitoring beneath slab/decking structure.**
 - **Design of the slab/decking structure must allow for some natural rainfall infiltration from the turf layer above.**
- 2. Additional information from VicRoads and Council's Traffic and Transport Department regarding increased vehicular traffic movements accessing and egressing the Xavier College Senior Campus at 135 Barkers Road, Kew, subject to the satisfaction of the Responsible Authority that the interests of the adjoining residents not be unreasonably affected.**

CARRIED

3.2 Improving the operation of ResCode Discussion Paper - Council submission

On 8 November 2021 the Department of Environment, Land, Water and Planning (DELWP) released the discussion paper *Improving the operation of ResCode* (**Attachment 1**). Feedback on the discussion paper is due by 17 December 2021.

The discussion paper proposes a new process for ResCode assessments (Clauses 54, 55 and 58 of all Victorian Planning Schemes). The new model seeks to standardise how assessment provisions work, in an effort to improve clarity for all users. Importantly, no changes are proposed to permit triggers, third party notice or review rights, nor the quantitative ResCode standards.

The existing ResCode framework requires consideration of a proposal against the relevant objective, standard and decision guidelines before deciding whether an application meets the objectives. Importantly, meeting the numerical requirements of the standard is not considered to automatically meet the objective.

Under the proposed Performance Assessment Model (PAM), the existing ResCode objectives will be split into consideration of 'Performance Measures' (quantitative) and 'Performance Criteria' (qualitative). Critically, the key difference would be that, if the 'Performance Measure' is met, the proposal is deemed to have met the objective and therefore comply. No further consideration could be given to the 'Performance Criteria'.

DEWLP suggests the potential changes will deliver more consistent, digital ready assessment provisions to support streamlined decision making and provide greater clarity to all parties.

Officers have reviewed the discussion paper and while acknowledging the need to improve the operation of assessment provisions in planning schemes, there are a number of key concerns with what is being proposed.

Firstly, it is considered that the proposal places too much emphasis on standardised quantitative measures, while removing Council's ability to undertake a nuanced, qualitative assessment. The proposal represents the first step to a "code assess" model which would limit Council's ability to assess development proposals against Council's Neighbourhood Character Policy (and other relevant local policies), design response and local context. There are concerns that rather than strengthening the consideration of local planning policies (e.g. neighbourhood character) it could result in those policies being excluded from the planning permit assessment process. It is therefore considered that the proposed model is not suitable to apply to all of the current ResCode standards, particularly those that relate to Neighbourhood Character.

Secondly, there are concerns about the implementation process including its timing and the need for further detailed consultation. While the inclusion of the neighbourhood character policy objectives in the relevant residential zone schedule is supported, it is unclear to what extent and how quickly existing neighbourhood character policies can in fact be translated into the residential zone schedules. Council will need time to undertake further strategic work, likely including a significant planning scheme amendment to update the local neighbourhood character controls in response to these changes. DELWP needs to ensure this work is supported and completed prior to the proposed new ResCode model coming into effect.

Otherwise, councils might find themselves in the position of having extensive neighbourhood character policies within their planning schemes that cannot be considered or enforced.

Officers have prepared a draft submission (**Attachment 2**) outlining in more detail the concerns summarised in this report for consideration and adoption.

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

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Gillies

That the Urban Planning Delegated Committee resolve to:

- 1. Note the discussion paper *Improving the operation of ResCode* as shown in Attachment 1.**
- 2. Adopt the submission on the discussion paper *Improving the operation of ResCode* generally as shown in Attachment 2 and lodge the submission with the Department of Environment, Land, Water and Planning.**
- 3. A copy of Council's submission be provided to all members of State Parliament whose electorate covers Boroondara.**

CARRIED

4. General business

Nil

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 10.18pm

Confirmed

Chairperson

Date
