

URBAN PLANNING DELEGATED COMMITTEE

MINUTES

(Open to the public)

Monday 5 December 2022

Online - Delivered via WebEx Events.

Commencement 6.32pm

Attendance

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

Apologies Councillor Cynthia Watson (Leave of Absence)

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Scott Walker	Director Urban Living
	David Cowan	Manager Planning & Placemaking
	Bryan Wee	Manager Governance & Legal
	Michael Hutchinson	Head of Strategic Property and Revenue
	Kirstin Ritchie	Coordinator Governance
	Christian Wilmsen	Coordinator Strategic Planning
	Kelly Caporaso	Principle Urban Planner
	Elizabeth Manou	Senior Governance Officer
	Nick Brennan	Senior Strategic Planner

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1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Hollingsworth****Seconded Councillor Gillies**

That the minutes of the Urban Planning Delegated Committee meeting held on 7 November 2022 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 PP21/1168 - 14 - 16 Denmark Hill Road, Hawthorn East (Construction of 16 dwellings over two lots)****Application no.: PP21/1168****Responsible director: Scott Walker, Director Urban Living****Authorised by: David Cowan, Manager Planning and Placemaking****Report officer: Kelly Caporaso, Principal Urban Planner****Executive Summary****Proposal**

It is proposed to construct 16 townhouses over two lots on the land at 14 - 16 Denmark Hill Road, Hawthorn East. The proposal has an overall building height of 9.87m. The building heights of the townhouses comprise of 4 x two storey dwellings, 2 x two storey dwellings (with a rooftop terrace) and 10 x 3 storey dwellings. All dwellings have areas of private open space on the ground floor.

The proposal provides 32 car parking spaces within a basement car park. The allocation of car parking spaces complies with the requirements of Clause 52.06 (Car Parking).

The proposal seeks to remove 7 and retain 2 'canopy trees' as defined under Council's Tree Protection Local Law.

The proposal has a site coverage of 54.5% and Garden Area of 36.4%.

The application was advertised 7 April 2022 and 20 objections were received. Subsequently, plans were formally amended under S57a of the Planning and Environment Act.

The amended plans made substantial changes, which notably reduced the number of dwellings from 17 to 16, removed the rooftop terraces to all but two of the dwellings, amending the rear townhouses to be 2 storeys from 3 storeys and providing further visual breaks throughout the development. The amended plans were readvertised in October 2022 and the readvertised plans received 4 objections.

Issues

The following are key issues in respect of this application:

- Policy Context
- Neighbourhood Character
- Off-site Amenity
- Tree Removal and Landscaping
- On-Site Amenity

Officer's response

An assessment of the proposal (Attachment 1 – Planning Assessment Report) has been undertaken. A summary of the assessment is as follows:

Policy Context:

- The subject site is zoned within the General Residential Zone - Schedule 3, which is a 'moderate growth area' that encourages a diversity of housing types and housing growth. It is located approximately 50m from the Camberwell Junction Major Activity Centre. In accordance with Council's Housing Framework Plan, it is located within an 'Eclectic Inner Urban and Eclectic Suburban Precincts', which is described as able to support a mixture of detached dwellings, villas and townhouses as well as apartment buildings.
- The proposal is consistent with the anticipated scale of change within the area. The proposal delivers an assemblage of 2 and 3-bedroom contemporary townhouses, which are generally arranged in a traditional configuration with living areas and courtyards on the ground floor. The proposed development will suit a range of households, including families with children and positively contributes to the housing diversity and affordability of the area.

Neighbourhood Character

- The proposal complies with the design objectives within the Neighbourhood Character Precinct 32, subject to the conditions included in the Officer Recommendation. This character precinct seeks to facilitate a diversity of housing that integrates with the scale and form of buildings.
- The proposal presents as two double storey buildings to Denmark Hill Road, with a centrally cited third floor. The two-storey building presentation appropriately integrates with the prevailing height of the streetscape, which includes the three storey apartment building to the east and the double storey dwelling to the west. Further, the overall building height at 9.87m, sits below the 12m building height specified within the zone.
- The proposal has adopted a modern interpretation of the existing materials within the streetscape and an example of this includes using two toned brickwork in a contemporary format and patterning. Council's Urban Designer describes the design concept as drawing inspiration from the existing character of the streetscape, with a modern reinterpretation of the historical styles and traditional building materials found in the area

Off-site Amenity:

- The proposed development complies with the Objective and the requirements in relation to the Daylight to Existing Windows, North Facing Windows, Overshadowing Open Space and Overlooking Standards.
- Subject to a permit condition relating to the eastern setback of the third floor, the proposal complies with the side setbacks specified at the Side and Rear Setback Standard. Landscaping opportunities are provided along both side boundaries to soften the appearance of the development from nearby sensitive interfaces.
- To the rear there is a laneway with outbuildings constructed on the opposite boundary. The proposed built form on the subject site at the rear is acceptable along this boundary as it will not unreasonably impact on the amenity of the adjoining dwellings.

Tree Removal and Landscaping

- The proposal appropriately retains two 'high' and moderate' value trees, a 20m high Hoop Pine and a 6m high Crepe Myrtle. Tree protection measures, which include a Tree Management Plan have been included in the proposed permit conditions.
- The trees proposed for removal have been assessed as having low arboricultural amenity and streetscape value and are supported for removal by Council's Arborist.
- Subject to the permit conditions outlined in the Officer's Recommendation, the proposal provides for sufficient replacement planting, which include 4 new 'canopy trees' and 19 new 'smaller trees'.

On-Site Amenity

- Each proposed dwelling is provided with a reasonable level of internal amenity. The proposal complies with the Internal Views, Daylight to New Windows, Solar Access to Open Space and Storage Standards.
- Each dwelling is provided with a courtyard area at the ground floor, directly accessible from the main living area. Further, a centrally located communal open area is provided and four dwellings are also provided with either a rooftop terrace or balcony area. The proposal is considered to provide for the reasonable recreational needs of residents as well as providing for canopy tree planting.

*Five speakers opposed to the officers' recommendation addressed the meeting.
One speaker in support of the officers' recommendation addressed the meeting.*

MOTION

Moved Councillor Gillies

Seconded Councillor Addis

That the Urban Planning Delegated Committee resolve to approve the development and issue a Notice of Decision to Grant a Planning Permit to Planning Permit Application PP21/1168 for the construction of sixteen (16) dwellings over two lots in accordance with the endorsed plans 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 (unlocked PDF). When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the S.57a amended plans but modified to show:**
 - a) TH16's rooftop lift shaft (and associated structure) to be either setback to align with the stairs or removed from the rooftop.**
 - b) The lower paved areas within the front setback to be removed and replaced with garden area.**
 - c) The fibre cement sheeting (FC1) material to be replaced with brick or metal cladding (to be consistent with the existing material schedule).**
 - d) Sectional diagrams submitted to demonstrate compliance with Standard B17 (Side and Rear Setbacks) from the eastern boundary.**
 - e) The basement to be setback a minimum of 2.2m from the eastern boundary. The storage units to be relocated within the basement to ensure each dwelling is provided with a minimum of 6 cubic metres of storage within the basement.**
 - f) Individual water tanks to each dwelling removed and a centralized under basement water tank provided.**
 - g) All air conditioning units to be relocated to the rooftop and appropriately screened.**
 - h) The allocation of car parking spaces to each dwelling to be provided on the basement plan to comply with the requirements of Clause 52.06.**
 - i) The basement entry is to be no lower than 53.60AHD and the ramp grades to comply with Clause 52.06 (Car Parking), alternatively any other appropriate mechanism to address flooding to the basement to the satisfaction of Council's Drainage Engineer.**
 - j) A detailed screening section, which demonstrates the proposed timber battens have a maximum transparency of 25% to comply with Standard B22 (Overlooking).**
 - k) Physical samples of all finishes and colours to be submitted to Council for verification and approval.**

- l) The Tree Protection Zone and Structural Root Zone of Tree Nos. 1, 11, 20 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboriculture (dated 16/02/2022) and all neighbouring trees that have their Tree Protection Zone within the subject property drawn on all site and floor plans;**
- m) Notation on all site and floor plans that Tree Nos. 1, 11, 20 and all neighbouring trees that have their Tree Protection Zone within the subject property are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;**
- n) 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.**
- o) The paving within the SPOS of TH7 to be permeable and at-grade.**
- p) All paved areas within 2.2m of the western boundary to be permeable.**
- q) Notation on all site and floor plans that all excavations within the Tree Protection Zone of Trees 1, 11 and 20 must be undertaken with hand tools or hydro-vacuum and that all excavation works must be supervised, document and certified by the Project Arborist.**
- r) Permanent fencing within the Tree Protection Zone of Trees 1, 11, 20 and all neighbouring trees that have their Tree Protection Zone within the subject property constructed on pier foundations with any required plinths constructed above existing grade.**
- s) All building foundations within the Tree Protection Zone of Tree 1 to be constructed using root sensitive techniques (e.g. pier and beam, waffle slab, suspended slab or cantilevered foundations).**
- t) All hard surfaces proposed within the Tree Protection Zone of Tree 1 must be constructed of permeable materials; be constructed above current grade; and be constructed on foundations that maintain appropriate permeability for each tree, to the satisfaction of the Responsible Authority.**
- u) Deletion of retaining wall within the Structural Root Zone of neighbouring trees within 20 Denmark Hill Road.**
- v) Any changes as required by the Landscape Plan in accordance with this permit.**
- w) Any changes as required by the Waste Management Plan in accordance with this permit.**
- x) Any changes as required by the Tree Management Plan in accordance with this permit.**
- y) Any changes as required by the Environmentally Sustainable Design Report in accordance with this permit.**
- z) Any changes as required by the Waste Management Plan in accordance with this permit.**

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 (unless the Boroondara Planning Scheme specifies that a permit is not required) 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 (unlocked PDF). When endorsed, the plan will form part of the permit.

The landscape plan must be generally in accordance with the S57a landscape prepared, except that the plan must show:

- a. The removal of the communal deck on the landscape plan (to be consistent with the development plans).**
- b. Landscaping within the pedestrian sight lines to be no higher than 900mm in height.**
- c. 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;**
- d. All hard surfaces proposed within the Tree Protection Zone of Tree Nos. 1, 11, 20 (as identified in the Arborist Report submitted with the application Glenn Waters Arboriculture (dated 16/02/2022) and all neighbouring trees that have their Tree Protection Zone within the subject property must be constructed of permeable materials; be constructed above current grade; and be constructed on foundations that maintain appropriate permeability for each tree, to the satisfaction of the Responsible Authority;**
- e. Detailed construction specifications for all permeable surfaces that include cross-section diagrams;**
- f. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 12 metres and canopy spread of 5 metres) in the front setback of townhouse 16;**
- g. One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 12 metres and canopy spread of 5 metres) in the private open space of townhouse 7;**
- h. One (1) small tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 5 metres and canopy spread of 3 metres) in the secluded private open space of townhouse 8, 10, 11, 12, 13, 14 and 15;**
- i. Each canopy tree must be provided a minimum of 50sqm of deep soil, with the available soil area clearly shown on the landscape plan;**
- j. Each small tree must be provided a minimum of 12sqm of deep soil, with the available soil area clearly shown on the landscape plan;**
- k. All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;**
- l. All canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;**
- m. All canopy trees must be planted more than 2 metres away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs**
- n. All small trees must be planted more than 1 metre away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;**
- o. All trees in side and 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.

Tree management plan

6. 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 Tree Nos. 1, 11, 20 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboriculture (dated 16/02/2022) and all neighbouring trees that have their Tree Protection Zone within the subject 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. 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 provide a detailed photographic diagram specifying what pruning will occur. Note: Only Council or Authorised Council Contractors can prune the street trees. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.**

- e. 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

7. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed arborist report and are advised of any obligations in relation to the protection of those trees.

Regulation of activities in Tree Protection Zone

8. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone as detailed in the endorsed arborist report 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

9. a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.

b) Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.

Water Sensitive Urban Design

10. 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 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.**

- **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>>**
- **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).**

Environmentally Sustainable Design Assessment

11. Prior to the endorsement of plans, a Sustainable Design Assessment must be submitted to and approved to the satisfaction by the Responsible Authority. The Sustainability Management Plan must demonstrate a best practice standard of environmentally sustainable design and include the following:

- a) A BESS scorecard assessment report achieving an overall score of 50% or higher, and have a minimum 'pass' rates of 50% for the Energy, Water and IEQ categories and 100% for the Stormwater category**
- b) Include a clear commitment to achieving a minimum 6.5 Star average energy rating. Where alternative ESD initiatives are proposed to those specified in conditions above(including condition 1), the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.**

12. All works must be undertaken in accordance with the endorsed Sustainable design assessment to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Drainage

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

Use of car parking spaces

14. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

Access to basement car park controlled

15. Before the use starts or any building is occupied:

- (a) Traffic signals must be installed on or near the basement access ramp. Such traffic control measures must include appropriate hold points and detector loops; and**
- (b) A convex mirror must be installed at the top of the access ramp**

to the satisfaction of the Responsible Authority.

Vehicle crossovers

16. 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

17. 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

18. 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.

Concealment of pipes

19. 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.

Maintenance of waste storage area

20. 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

21. Collection of waste must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:

Monday to Friday:	7:00am to 6:00pm
Saturday & Public Holidays:	9:00am to 6:00pm
Sunday:	No collection allowed

to the satisfaction of the Responsible Authority.

Waste management plan

22. A waste management plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority. The plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:

- (a) the type/s and number of waste bins;**
- (b) screening of bins;**
- (c) type/size of trucks;**
- (d) frequency of waste collection;**
- (e) plan showing the layout of the bins at collection time including sufficient clearances from all street services, features and infrastructure;**
- (f) delivery of bins to waste collection points and retrieval of bins once collected or location of collection points within basement**

to the satisfaction of the Responsible Authority.

Construction management plan

23. 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 control noise, dust, water and sediment laden runoff;**
- c) Measures relating to removal of hazardous or dangerous material from the site, where applicable;**
- d) 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;**
- e) A Traffic Management Plan showing truck routes to and from the site;**
- f) 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;**
- g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;**
- h) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;**
- i) Contact details of key construction site staff;**
- j) 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**
- k) Any other relevant matters, including the requirements of VicRoads and Yarra Trams.**

Hours for demolition and construction

24. 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 6:00pm
Friday: 7:00am to 5:00pm
Saturday: 9:00am to 5:00pm
Sunday & Public Holidays: No construction

Provision of letter boxes

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

Permit to expire:**26. 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.

CARRIED**3.2 Amendment C385boro - Serpells Lane Rezoning - Exhibition Outcomes**Purpose

The purpose of this report is to provide the UPDC with a summary of the submissions received during the public exhibition of Amendment C385boro to the Boroondara Planning Scheme and to refer submission to a Planning Panel.

Background

399 Burwood Road, Hawthorn is a Council-owned car park, also known as the Serpells Lane car park.

On 25 July 2022, Council resolved to commence the Serpells Lane Strategic Property Project, including the rezoning and sale of the land at 399 Burwood Road, Hawthorn.

Amendment C385boro proposes to rezone the land at 399 Burwood Road, Hawthorn from Public Use Zone 6 (PUZ6) to Commercial 1 Zone (C1Z).

Key Issues

Authorisation to prepare and exhibit Amendment C385boro was granted on 17 August 2022.

Exhibition was carried out from 22 September to 24 October 2022. At the conclusion of the exhibition period, Council received a total of 38 submissions. Of these submissions:

- Thirty-six were opposed to the amendment, sought changes to the amendment or objected to the sale of the land and loss of the car park.
- One was in support of the amendment.
- One was a statement of no objection to the amendment.

Most submissions raised issues that are outside of the scope of this planning scheme amendment. Matters raised include:

- Objections to the loss of car parking.
- Objections relating to the future development of the site or the design of any future building on the site.

Next Steps

Officers recommend that the UPDC resolve to request the Minister for Planning appoint an independent Planning Panel to consider Amendment C385boro to the Boroondara Planning Scheme, and refer all submissions received to the panel for consideration.

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

MOTION

Moved Councillor Gault

Seconded Councillor Gillies

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the submissions to Amendment C385boro to the Boroondara Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987*.**
- 2. Endorse the officers' response to submissions to Amendment C385boro as shown at Attachment 1.**
- 3. Request that the Minister for Planning appoint a Planning Panel under Section 153 of the *Planning and Environment Act 1987* to consider all submissions to Amendment C385boro.**
- 4. Refer Amendment C385boro and all submissions to a Planning Panel in accordance with Section 23(1) of the *Planning and Environment Act 1987*.**
- 5. Authorise the Director Urban Living to undertake administrative changes to Amendment C385boro that do not change the intent of the amendment prior to a Panel Hearing.**
- 6. Note that Council can abandon Planning Scheme Amendment C385boro at any time prior to adoption of the amendment should a decision be made in relation to the sale of the land that no longer necessitates the rezoning.**
- 7. Note that Council will fully consider and address the issues associated with any trader association contributions (Special Charge or levy) toward the purchase of car parking at 399 Burwood Road, Hawthorn and any legal obligation (based on legal advice) to provide replacement car parking, before deciding whether or not to sell the land in the future.**

CARRIED

4. General business**4.1 Acknowledgement of Birthday**

Councillor Thompson recognised the Mayor, Councillor Addis' birthday and wished her a happy birthday on behalf of Council.

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 8.05pm

Confirmed

Chairperson

Date
