

# URBAN PLANNING DELEGATED COMMITTEE

## MINUTES

(Open to the public)

**Monday 17 October 2022**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement** 6.41pm

**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 Cynthia Watson  
Councillor Susan Biggar  
Councillor Nick Stavrou

**Apologies** Councillor Lisa Hollingsworth

|                        |                   |                                |
|------------------------|-------------------|--------------------------------|
| <b><u>Officers</u></b> | Phillip Storer    | Chief Executive Officer        |
|                        | Scott Walker      | Director Urban Living          |
|                        | Daniel Freer      | Director Places and Spaces     |
|                        | Bryan Wee         | Manager Governance & Legal     |
|                        | Cassandra Rea     | Coordinator Statutory Planning |
|                        | Erin McCarthy     | Coordinator Statutory Planning |
|                        | Christian Wilmsen | Coordinator Strategic Planning |
|                        | Elizabeth Manou   | Senior Governance Officer      |
|                        | Kelly Caporaso    | Principal Planner              |
|                        | Calum Schwindt    | Statutory Planner              |
|                        | Emil Dickson      | Strategic Planner              |



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

**Moved Councillor Gault**

**Seconded Councillor Biggar**

**That the minutes of the Urban Planning Delegated Committee meeting held on 3 October 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 Roseberry Street Heritage Assessment**Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the outcomes of the heritage consultant's further consideration and assessment of Roseberry Street, Hawthorn for heritage protection as part of the existing Brickfields Environs Precinct (HO841). Council's heritage consultant has reviewed the existing precinct citation and prepared a revised draft that includes a portion of Roseberry Street as an extension to the existing precinct (**Attachment 1**).

The report also seeks a resolution to commence a preliminary consultation process with owners and other stakeholders in the existing Brickfields Environs Precinct and the proposed Roseberry Street precinct extension on the revised draft citation and proposed Roseberry Street extension to the Brickfields Environs Precinct.

Background

The Brickfields Environs Precinct was included in the Heritage Overlay as part of the Hawthorn East Heritage Gap Study in 2021. At the time, properties on Roseberry Street were not considered to meet the requisite threshold for inclusion in the Heritage Overlay.

In July 2021, Council engaged two heritage consultants to undertake further reviews of Roseberry Street, in response to community requests. Both consultants concluded that Roseberry Street did not meet the threshold for inclusion in the Heritage Overlay as a standalone precinct or an extension to the existing Brickfields Environs Precinct.

In early 2022, further information was received relating to the history of Roseberry Street. This information carried some significance, to the extent that a further assessment of Roseberry Street in the context of the existing Brickfields Environs Precinct was deemed warranted. This further assessment, carried out by Landmark Heritage, centred on changing the strategic justification for the existing Brickfields Environs Precinct to include Roseberry Street (or part of it) as an extension to the precinct.



## Key Issues

The assessment by Landmark Heritage found that numerous properties on Roseberry Street, Hawthorn East met the criteria for inclusion under the Heritage Overlay, primarily due to their relationship with the neighbouring former Fritsch Holzer Brickworks (the current Fritsch Holzer Park).

The heritage assessment considered preservation under the Heritage Overlay be facilitated via the integration of the identified Roseberry Street precinct into the adjacent existing Brickfields Environs Precinct. This assessment did not suggest a stand-alone precinct.

The proposed extension to the Brickfields Environs Precinct would be facilitated by a revised heritage citation and Statement of Significance. This alteration places an increased importance on the operations of the former brickworks during the late 19<sup>th</sup> century when the Hawthorn Black Bricks were produced at the factory and the majority of housing in Roseberry Street was established. As the historical research incorporated by Landmark Heritage into the draft revised citation demonstrates, there is significant association between Roseberry Street and the former brickworks (**Attachment 1**).

The draft extension into Roseberry Street does not seek to include all properties on the street. Two sections of the street are excluded from the precinct extension, as they have limited intactness with a high proportion of non-contributory properties. One section omitted is the south side of Roseberry Street, from number 28 through to 60b. The other section comprises both the northern and southern sides, moving east from numbers 83 and 72 respectively, through to Camberwell Road.

The draft extended Brickfields Environs Precinct includes an additional sixty (60) properties on Roseberry Street, Hawthorn East. Forty-eight (48) of the additional properties are graded as contributory, and twelve (12) are non-contributory. A copy of the draft revised Brickfields Environs Precinct heritage citation is included at **Attachment 1**.

It is recommended to undertake preliminary consultation to test the revised draft citation. As the revised citation changes the strategic justification for the existing Brickfields Environs Precinct, consultation with owners and occupiers within the entire precinct (rather than just Roseberry Street) is necessary to ensure transparency. It is noted that this opens the entire precinct to scrutiny and property owners and occupiers in the existing precinct might seek to challenge the whole precinct (not just the extension).

There also remains the risk that if the matter proceeds to a planning scheme amendment process, the existing precinct and proposed extension are likely to be considered by an independent panel. While Council's heritage consultant is confident that no changes to the existing precinct (such as downgrading or even removing properties) are necessary to facilitate the Roseberry Street extension, this view may not be accepted by an independent planning panel.

It should be noted that following preliminary consultation, the UPDC still has the ability to resolve not to proceed further with a formal planning scheme amendment process.

Next Steps

Should the UPDC resolve to commence preliminary consultation, a report on the outcomes of preliminary consultation would be presented at a UPDC meeting in early 2023.

*Four speakers in support of the officers' recommendation chose to address the meeting.*

*One speaker in support of the officers' recommendation did not address the meeting.*

**MOTION**

**Moved Councillor Gillies**

**Seconded Councillor Biggar**

**That the Urban Planning Delegated Committee resolve to:**

- 1. Receive and note the heritage advice documentation provided, including the draft revised Brickfields Environs Precinct citation, which formed part of the Roseberry Street Heritage Assessment.**
- 2. Commence preliminary consultation with relevant stakeholders on the draft revised Brickfields Environs Precinct citation, as provided in Attachment 1.**

**CARRIED****3.2 655-657 Glenferrie Road - Construction of a six storey mixed use building**

**655-657 Glenferrie Road, Hawthorn – Construction of a six-storey mixed use building (retail and office)**

|                              |  |
|------------------------------|--|
| <b>Application no.:</b>      | <b>PP22/0447</b>                                     |
| <b>Responsible director:</b> | <b>Scott Walker, Director Urban Living</b>           |
| <b>Authorised by:</b>        | <b>David Cowan, Manager Planning and Placemaking</b> |
| <b>Report officer:</b>       | <b>Kelly Caporaso, Principal Planner</b>             |

Proposal

It is proposed to demolish the existing commercial building and construct a 6 storey, mixed use building. The site is located within the Glenferrie Major Activity Centre and within the Principal Public Transport Network. The site is in the Commercial 1 Zone and affected by the Heritage Overlay and Design and Development Overlay.



The proposed development has an overall building height of 22.4metres and a street wall height to Glenferrie Road of 8.3m with a 5metre upper floor setback. The ground floor is to be occupied by a shop and real estate office, which has direct access from Glenferrie Road. The upper levels are proposed for office use, occupying a total of 2376m<sup>2</sup> of leasable office floor space.

Vehicle access to the basement car park is proposed via the right of way (ROW) at the rear. The proposal includes three levels of basement car parking, which accommodates a total of 43 car parking spaces. A reduced statutory car parking requirement in accordance with Clause 52.06 (Car Parking) is proposed.

One (1) objection has been received to the application.

#### Issues

The following are key issues in respect of this application:

- Strategic Activity Centre Policies
- Car Parking
- Overall building height
- Urban Design
- Overshadowing Public Space
- Heritage

#### Officer's response

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

#### Strategic Activity Centre Policies:

- The subject site is located centrally within the Glenferrie Major Activity Centre and close to the Glenferrie train station and tram stops.
- The proposed Office and Retail land uses are strongly encouraged within this location. The proposal strengthens the role of the major activity centre as being a commercial centre for people to shop and work, and is consistent with Council's Strategic Direction at Clause 02.03, Clause 11.03-1L-02 (Hawthorn–Glenferrie Road Major Activity Centre) and the Purpose of the Commercial 1 Zone.

#### Overall Building Height:

- The proposal meets the tests for the height variation to the DDO15 of 4.4m (or approximately 1.5 storeys). This height variation is only suitable for proposals demonstrating (amongst other criteria) a high standard of architectural design.
- The proposal is entirely supported by Council's Urban Designer, who notes it offers a high-quality architectural resolution to the site and tangible benefits to the public realm. Its location on a prominent corner with three public frontages warrants a stronger and comparatively higher built form, which 'bookends' this section of Glenferrie Road.
- The uppermost floor is centrally sited and recessive. Council's Urban Designer notes the proposal provides for a superior outcome that will enhance the public realm within the activity centre, both at street level and the roofscape/skyline and describes the proposal as being 'well-proportioned,' 'considerate' and 'delicately sculpted.'

#### Urban Design:

- The proposal complies with the maximum street wall height and upper storey setback requirements of the DDO15.



- The proposed streetscape presentation materials and design details are complementary to the heritage precinct and supported by both Council's Heritage Advisor and Urban Designer.
- The proposal includes a number of public realm improvements, including a pedestrian canopy to the abutting streets, inclusion of public art along the northern wall, footpath widening to Grace Street, new public benches and bicycle hoops along Grace Street.

#### Overshadowing:

- The proposal does affect the extent of shadow to the adjacent public seating area along the southern side of Grace Street. The extent of additional shadow is minor and will not unreasonably impact on the function of the outdoor dining/seating area. The extent of additional shadow is acceptable to Council's Urban Designer.

#### Heritage:

- The proposal complies with Council's Heritage Policy at Clause 15.03-1L and has an upper-level setback from the front façade of the adjoining Contributory-graded heritage building.
- The proposal does not adversely impact on the view-lines to the Immaculate Conception Church as viewed from Glenferrie Road, which is a requirement of the DDO15 and the Heritage Overlay.

#### Car Parking:

- A reduction of the standard car parking rate at Clause 52.06 (Car Parking) and the Parking Overlay (PO1) is required. The proposal will provide 43 car parking spaces which is a reduced rate by 56 car spaces. The proposal is well-suited to a car parking rate reduction.  
It is located next to both a Train Station and Tram Stop to encourage the use of public transport and a Green Travel Plan has been prepared as part of the application material. Council's Policies at Clause 02.03-6 (Transport), Clause 11.03-1L-02, 18.01-3L (Transport), Clause 52.06 (Car Parking) and the Design and Development Overlay – Schedule 15 (DDO15) supports sustainable transport options and seeks to ensure development is designed to reduce car dependency.
- There are opportunities that Council can explore to secure contributions from development proposals with a parking reduction to invest into future public parking projects. A contribution has not been made as part of this development proposal, however Council could develop a policy basis for securing these for new projects in the future.

*One speaker opposed to the officers' recommendation chose to address the meeting. Two speakers in support of the officers' recommendation chose to address the meeting.*

**MOTION**

**Moved Councillor Gault**

**Seconded Councillor Franco**

**That the Urban Planning Delegated Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP22/0447 for the construction of a six-storey building (over 3 basement levels) comprising of retail and office spaces, reduction in the standard car parking requirement on land affected by the Commercial 1 Zone, Design and Development Overlay (DDO15), Parking Overlay (PO1) and Heritage Overlay (HO491) in accordance with 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 plans but modified to show:**

**General:**

- a) Where any ground level recessed area is provided adjacent to the footpath, a notation the setback will have a finished surface level and material that matches the adjacent level in the public realm (i.e. no step) and finished to match the adjacent footpath (Bluestone pavers and asphalt);**
- b) Details regarding the proposed car stacker system make and model provided on the basement plans;**
- c) Relocation of the Council pit in Grace Street so that it is setback a minimum of 1m of the crossover;**
- d) An apex at the basement car park entrance off Grace Street of RL24.30 and ramp grades to comply with Clause 52.06 (Car Parking);**
- e) A planter box provided along the eastern edge of the terrace to Level 2 with a minimum width of 500mm;**
- f) The provision of a full colour schedule of external materials showing the proposed palette of materials and finishes (including a sample board of all external materials and finishes) selected for all sides of the building. The samples must demonstrate a complementary colour palette of high quality, durable materials;**
- g) The northern wall of the uppermost level finished in metal cladding of a consistent colour to the 'dark powdercoat metal balustrades';**
- h) A Landscape Plan in accordance with this Permit;**
- i) A Waste Management Plan in accordance with this Permit; and**
- j) An ESD report 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 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. When endorsed, the plan will form part of the permit.

#### **The landscape plan must show:**

- a) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and the quantities of each plant;
- b) Details of the surface finish of all pathways, paved areas and accessways;
- c) Details of planting within all landscape beds and planter boxes within the development;
- d) Landscaping required by any other condition of this permit; and
- e) Provision of an irrigation system within all planted areas of the site including all balcony planter boxes) that utilises rainwater harvested and stored on-site, with mains backup.

#### **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.

#### **Street Trees**

6. 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.***

#### **Drainage**

7. 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.
8. 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.

**Confirmation of architect team**

9. Before the development starts, the Responsible Authority must be provided with evidence to its satisfaction that Gray Puksand 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 undertake and manage the design documentation and the architectural overseeing and review role during project construction to ensure that the design quality and appearance of the approved development is realised.

**Model of car stacker in the basement car park**

10. Unless otherwise agreed in writing by the Responsible Authority, the model of car stacker used in the basement car park is to be consistent with the endorsed plans.

**Car stacker installed**

11. Before these starts or any building is occupied, car stackers must be installed in accordance with the endorsed plans.

**Maintenance of mechanical car parking equipment**

12. The car stackers and vehicle turntables must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.

**Car parking control equipment**

13. All signs, mirrors and traffic control equipment must be installed prior to the occupation of the building and maintained to the satisfaction of the Responsible Authority.

**Use of car parking spaces and driveways**

14. Car parking 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.

15. All vehicles entering and exiting the car park must do so in a forwards direction.

**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.



**Re-construction of the footpaths**

18. Before the commencement of the development, engineering drawings for the re-construction of all of those parts of the Glenferrie Road footpaths adjacent to northern boundary of the subject site (and the corner of the subject site and Grace Street) to the satisfaction of the Responsible Authority must be submitted to, and approved in writing, by the Responsible Authority. The plans must include the following to the satisfaction of the Responsible Authority:

- a) Materials, surface treatment and levels for the footpaths, consisting of asphalt and bluestone;
- b) Suitable transitions to adjacent land;
- c) Any necessary pram crossings;
- d) Any necessary upgrades to underground infrastructure.

19. Before the development is occupied, the re-constructed footpaths must be constructed in accordance with the approved engineering drawings to the satisfaction of the Responsible Authority.

**Cost of public realm works**

20. Prior to the commencement of the development, a schedule of costs for the construction of the public realm works must be submitted to the Council.

**Fees prior to commencement of the public realm works**

21. Prior to the commencement of the development, a supervision fee equal to 2.5% of the cost of construction of the public realm works must be paid to the Council.

22. Prior to the issue of a statement of compliance, a maintenance deposit equal to 10% of the value of the public realm works must be lodged with the Council and retained thereafter for a minimum of 12 months.

23. Prior to the issue of a statement of compliance, an engineering plan checking fee representing 0.75% of the public realm works must be paid to the Council.

**Release of maintenance deposit monies**

24. Before the release of the maintenance deposit for any public realm works, the owner must submit to the Responsible Authority:

- a) Approved construction plans in a format to the satisfaction of the Responsible Authority;
- b) A schedule which provides specific information in relation to the assets created.

**Fee for Installation and supply of bicycle hoops**

25. Prior to the commencement of the development, a fee for the reasonable costs of supplying and installing four (4) bicycle hoops in the vicinity of the subject site must be paid to the Responsible Authority.

**Fee for Installation and supply of bench seating**

26. Prior to the commencement of the development, a fee for the reasonable costs of supplying and installing three (3) bench seats in the vicinity of the subject site must be paid to the Responsible Authority.



**Environmentally Sustainable Design Report**

27. Concurrent with the submission of plans pursuant to Condition 1 of this Permit, an Environmentally Sustainable Design (ESD) Report and BESS assessment is required to the satisfaction of the Responsible Authority. The assessment must be prepared by a suitably qualified expert and submitted to the Responsible Authority for approval. The report must address ESD principles proposed for the site including, but not limited to, energy efficiency, stormwater collection and re-use on the site for garden irrigation and waste and building materials. Any recommended changes to the building must be incorporated into the plans required by Condition 1.

Once approved, such a plan must be implemented prior to the occupation of the dwellings to the satisfaction of the Responsible Authority.

28. Prior to the commencement of occupation or issue of a Statement of Compliance, whichever comes first, of any part approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm through supporting evidence that all measures specified in the endorsed SMP have been implemented in accordance with the approved plan.

**Public Art Strategy**

29. Concurrent with the submission of plans pursuant to Condition 1 of this Permit, a Public Art Strategy must be prepared by a suitably qualified expert and submitted to the Responsible Authority for approval. The Strategy must detail the proposed public art on the northern wall of the development, including plans and any other relevant information. The art along the northern wall should be concentrated the outer sections of the wall, where visible from Grace Street and Glenferrie Road.

The Strategy must also detail how the public or communal artwork will be commissioned, managed and maintained. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority.

30. The existing mosaic art on the Grace Street footpath must be retained and protected.

**Waste Management Plan**

31. 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 and FOGO) 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) location of collection points within basement

to the satisfaction of the Responsible Authority.

#### **Construction Management Plan**

**32. 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 the siting of site sheds within Council road reserves; and
- k) Any other relevant matters, including the requirements of VicRoads and Yarra Trams.

#### **Hours for demolition and construction**

**33. I 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:**





|                                      |                         |
|--------------------------------------|-------------------------|
| <b>Monday to Thursday:</b>           | <b>7:00am to 6:30pm</b> |
| <b>Friday:</b>                       | <b>7:00am to 5:00pm</b> |
| <b>Saturday:</b>                     | <b>8:00am to 5:00pm</b> |
| <b>Sunday &amp; Public Holidays:</b> | <b>No construction</b>  |

**Plant/equipment or features on roof**

34. No plant, equipment, services or architectural features other than those shown on the endorsed plan/s are permitted above the roof level of the building without the prior written consent of the Responsible Authority.

**External Lighting**

35. All outdoor lighting of publicly accessible areas must be designed, baffled and located to prevent light from the site causing any detriment to the locality, to the satisfaction of the Responsible Authority.

**Concealment of Pipes**

36. 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

**Completion of landscaping works**

37. 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.

**Water Sensitive Urban Design**

38. 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).

**Drainage**

39. The site must be drained to the satisfaction of the Responsible Authority.
40. The existing Council Pit along the Grace Street frontage must be relocated to Council's satisfaction.



**Permit to expire:****41. 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.
- c) 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****3.3 6 Kintore Street, Camberwell - Dwelling extension in a Heritage Overlay**

**Application no.:** PP21/1025

**Responsible director:** Scott Walker, Director Urban Living

**Authorised by:** David Cowan, Manager Planning and Placemaking

**Report officer:** Calum Schwindt, Statutory Planner

Proposal

The proposal seeks to partially demolish an existing dwelling in a Heritage Overlay and construct both two-storey and single-storey additions generally to the rear of the site. The proposal is summarised as follows:

- The contemporary two-storey rear addition will have a maximum height of 7.24m and be setback 30.7m from the street.
- The ground floor addition will be setback 25.31m from the street.

Issues

The following key issues are addressed in the Planning Assessment Report (Attachment 1):

- The extent of proposed demolition to a significant graded dwelling and the impact to the Prospect Hill Road Heritage Precinct.
- The proposed built form of the dwelling extension, including the materiality, bulk and dominance over the heritage place.
- The overall visibility of the addition from Kintore Street.

Officer's response

Council officers have undertaken an assessment of the proposal against the Boroondara Planning Scheme and concluded the following:

- The significant fabric of the existing house will be retained and conserved.



- The majority of contributory fabric will be retained and conserved. Any alterations will be located to the rear of the site and the alteration will not affect the significance of the place, which pertains to the architectural quality of the detailing at the front of the dwelling - namely the triple gabled bay windows and return verandah.
- The proposed additions will be significantly setback on the site and will not dominate the existing dwelling, subject to conditions.
- The additions will be contemporary in design with a distinction between what is new fabric from what is significant and contributory fabric of the Edwardian era.
- The additions will not dominate the subject site nor the broader streetscape.

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

- Attachment 1 - Planning Assessment Report
  - Appendix A – Referral Comments
  - Appendix B – Planning Policies
  - Appendix C - Decision Plans
  - Appendix D - Discussion Plans
  - Appendix E - Zoning Map
  - Appendix F - Locality Plan

*Seven speakers opposed to the officers' recommendation chose to address the meeting.*

*Two speakers in support of the officers' recommendation chose to address the meeting.*

## MOTION

Moved Councillor Gillies

Seconded Councillor Sinfield

That the Urban Planning Delegated Committee resolve to Refuse Planning Permit No. PP21/1025 for the partial demolition and construction of alterations and additions associated with a dwelling in a Heritage Overlay at 6 Kintore Street, Camberwell for the following reasons:

1. The proposed extent of demolition will adversely impact the significant graded heritage dwelling having regard to Clause 15.03-1S, 15.03-1L and Clause 43.01 of the Boroondara Planning Scheme.
2. The proposed demolition and addition do not respect the cultural heritage significance of the heritage place and will adversely impact the key characteristics of the heritage precinct as described within the Statement of Significance, having regard to Clause 15.03-1L.
3. The proposed materials and finishes of the addition are unsympathetic and will adversely impact the significant graded dwelling and precinct having regard to Clause 15.03-1L and 43.01 of the Boroondara Planning Scheme.

LOST on the casting vote of the Chairperson



Procedural Motion - Laying the question on the table**MOTION**

Moved Councillor Stavrou

Seconded Councillor Biggar

That the question lie on the table.

**LOST**

**MOTION**

Moved Councillor Franco

Seconded Councillor Parke

**That the Urban Planning Delegated Committee resolve that a Notice of Decision to Grant a Planning Permit No. PP21/1025 for the partial demolition and construction of alterations and additions associated with a dwelling in a Heritage Overlay at 6 Kintore Street, Camberwell be issued under the Boroondara Planning Scheme subject to the following conditions:**

**Amended plans required**

- 1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When the plans are to the satisfaction of the Responsible Authority they will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and three (3) copies provided, substantially in accordance with the S57A plans submitted 16 August 2022 but modified to show:**
  - a) Provide structural engineering advice and methodology on how the chimney above the ensuite/ powder room will be supported within the roof space to allow the demolition of the fireplace.**
  - b) Repoint northern (street facing) facade where necessary with mortar to match original in colour and composition.**
  - c) Tuckpoint finish the entire northern (street facing) facade with tuckpointing to match original in colour and composition.**
  - d) Gently remove paint/ altered surface from rendered /painted sections of the northern (street facing) façade, ensuring render is not damaged in the process. Do not sand blast.**
  - e) Update the material schedule and elevations to be substantially in accordance with the material schedule shown on the plans submitted 27 September 2022.**

**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.**



**Drainage**

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

**Boundary walls**

**4. 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.**

**Permit to expire**

**5. 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.

**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.
- 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 <https://www.boroondara.vic.gov.au/waste-environment/trees-and-naturestrips/find-out-if-tree-protected>. 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 <https://www.boroondara.vic.gov.au/waste-environment/trees-and-naturestrips/find-out-if-tree-protected>

**alternatively please contact Council's Arborist – Statutory Planning (telephone 9278 4888) should a Local Law Tree Permit be required.**

- **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, 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.**
- **The permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Boroondara Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance pursuant to the Building Regulations. Non-compliance with ResCode provisions will require dispensation from Council's Building Services Department. (Use on all Permits when Clause 54 Assessment has not been undertaken)**

**CARRIED on the casting vote of the Chairperson**

#### **Procedural Motion - Suspension of Standing Orders**

##### **MOTION**

**Moved Councillor Parke**

**Seconded Councillor Watson**

**That standing orders be suspended.**

**CARRIED**

*Standing orders were suspended at 9.20pm.*

#### **Procedural Motion - Resumption of Standing Orders**

##### **MOTION**

**Moved Councillor Parke**

**Seconded Councillor Biggar**

**That standing orders be resumed.**

**CARRIED**

*Standing orders were resumed at 9.29pm.*



**4. General business**

Nil

**5. Urgent business**

Nil

**6. Confidential business**

Nil

**The meeting concluded at 9.30pm****Confirmed****Chairperson****Date**