

# URBAN PLANNING DELEGATED COMMITTEE MINUTES



(Open to the public)

**Monday 6 February 2023**

Council Chamber - 8 Inglesby Road, Camberwell.

**Commencement** 6.36pm

**Attendance**

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

**Apologies** Nil

**Officers**

Phillip Storer	Chief Executive Officer
Scott Walker	Director Urban Living
Daniel Freer	Director Places and Spaces
David Cowan	Manager Planning and Placemaking
Bryan Wee	Manager Governance and Legal
Erin McCarthy	Coordinator Statutory Planning
Christian Wilmsen	Coordinator Strategic Planning
Elizabeth Manou	Senior Governance and Integrity Officer
Daniela Splitgerber	Senior Urban Planner
Mikaela Carter	Senior Strategic Planner
Emil Dickson	Strategic Planner

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**1 Adoption and confirmation of the minutes of the Urban Planning Delegated Committee meeting held on 5 December 2023**

**MOTION**

**Moved Councillor Garry Thompson**

**Seconded Councillor Lisa Hollingsworth**

**That the minutes of the Urban Planning Delegated Committee meeting held on 5 December 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 Amendment C367boro - 57 & 60 Berkeley Street, Hawthorn - Heritage Overlay - Consideration of Panel Report**

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the outcomes of the planning panel hearing held to consider Amendment C367boro for 57 and 60 Berkeley Street, Hawthorn, and associated submissions. The report also seeks a resolution to refer Amendment C367boro to an Ordinary Meeting of Council for adoption.

Background

The heritage significance of 57 and 60 Berkeley Street, Hawthorn has been considered by various heritage consultants as part of previous studies. Following strong community interest, Council engaged heritage consultants Peter Andrew Barrett and Trethowan to re-assess the heritage significance of 57 and 60 Berkeley Street, Hawthorn.

The heritage consultants concluded that both properties met the threshold for local significance and recommended inclusion in the Heritage Overlay.

In accordance with Council's standard process, preliminary consultation was carried out from 4 May to 4 June 2021. The UPDC resolved on 4 October 2021 to adopt the heritage citations and write to the Minister for Planning to seek authorisation to prepare and exhibit a planning scheme amendment. The Minister authorised the amendment on 12 November 2021.

Amendment C67boro was exhibited from 12 May to 14 June 2022, and a report on the outcomes of the exhibition process was considered by the UPDC on 1 August 2022. The UPDC resolved to request appointment of a planning panel and refer all submissions received to the panel for consideration.

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### Key Issues

A public planning panel was held over four days between 19 September and 27 October 2022 to consider all submissions to the amendment, together with Amendment C368boro (unrelated). One opposing submitter to C367boro was represented in relation to 57 Berkeley Street Hawthorn. The submitter opposing the inclusion of 60 Berkeley Street, Hawthorn was not represented at the Panel.

The Panel's report was received on 25 November 2022 and is contained at **Attachment 1**. The report was made public in accordance with the requirements of the *Planning and Environment Act 1987* on 29 November 2022.

The Panel supports the inclusion of both 57 and 60 Berkeley Street, Hawthorn in the Heritage Overlay.

The Panel supported Council's submission and that of its expert on 57 Berkeley Street, Hawthorn that the 1995 addition did not detract from the overall intactness of the house. While the Panel formed the view that Criterion E (aesthetic significance) was not met, it concluded that Criterion D (representativeness) was met. The Panel accepted Council's submission and the evidence of its expert (which was not challenged at the hearing) that 60 Berkeley Street, Hawthorn was individually significant. The panel did not recommend any changes.

Accordingly, the Panel recommends adoption of Amendment C367boro subject to minor changes in relation to 57 Berkeley Street, Hawthorn heritage citation. Officers recommend accepting the Panel's recommendation.

### Next Steps

Officers recommend that the UPDC resolve to receive and acknowledge the Panel's report as it relates to Amendment C367boro and refer the amendment to an Ordinary Meeting of Council for adoption.

*Three speakers in support of the officers' recommendation addressed the meeting. One submitter in support of the officers' recommendation had their written submission read out at the meeting.*

## **MOTION**

**Moved**            **Councillor Susan Biggar**

**Seconded**      **Councillor Felicity Sinfield**

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

- 1. Receive and acknowledge the Panel's report and recommendations, as shown at Attachment 1, in accordance with Section 27(1) of the *Planning and Environment Act 1987*.**
- 2. Endorse the officers' response to the Panel's recommendations and recommended changes to Amendment C367boro to the Boroondara Planning Scheme as shown at Attachment 2.**

3. **Adopt the revised heritage citation for 57 Berkeley Street, Hawthorn as shown at Attachment 3.**
4. **Refer the updated Amendment C367boro to an Ordinary Meeting of Council to be adopted in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
5. **Authorise Officers to undertake administrative changes to the amendment and associated planning controls that do not change the intent of Amendment C367boro.**

## **CARRIED**

### **3.2 Amendment C368boro - 32 Corby Street, Balwyn North - Consideration of Panel Report**

#### Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the recommendations of the independent Planning Panel appointed to consider submissions to Amendment C368boro (32 Corby Street, Balwyn North) to the Boroondara Planning Scheme, and to consider the officers' recommendation to abandon the amendment.

#### Background

Amendment C368boro gives effect to the UPDC resolution from 18 October 2021, to adopt the heritage citation for 32 Corby Street, Balwyn North and to seek authorisation to prepare and exhibit an amendment to apply a permanent Heritage Overlay to the property.

Authorisation for Amendment C368boro was granted on 22 March 2022, and the amendment was exhibited between 5 May 2022 and 6 June 2022. A total of 11 submissions were received. Six of the 11 submissions supported the Heritage Overlay for 32 Corby Street, and four were opposed. One submitter (the Department of Transport) did not object to the amendment.

At its meeting of 1 August 2022, the UPDC resolved to request appointment of an independent planning panel and refer all submissions for consideration.

#### Key Issues

An independent Planning Panel was appointed to consider the submissions to this amendment together with Amendment C367boro (unrelated). The hearing was held over four days between 19 September and 27 October 2022. Two opposing submitters to C368boro were represented in relation to 32 Corby Street, Balwyn North as one party at the Panel hearing.

On 25 November 2022, officers received the Panel's report for Amendments C367boro & C368boro (Attachment 1). The report was made public in accordance with the requirements of the *Planning and Environment Act 1987* on 29 November 2022.

The Panel has recommended the amendment be abandoned, finding that the thresholds for local significance for the criteria put forward by Council's heritage consultant have not been met.

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The Panel was not persuaded by the evidence presented by Council's expert witness and formed the view that the house is an intact but ordinary example of modernist architecture and does not warrant protection.

Further, the Panel found the house does not demonstrate any special association with Alistair Knox's main body of work, and that the house is an outlier rather than an evolutionary step in the development of his work. The Panel did not agree with Council's expert witness that Knox, being an architect of State importance automatically means the threshold for local significance in Boroondara is met.

While the recommendation to abandon is not consistent with Council's submission to the Panel, officers accept the recommendation as well reasoned.

#### Next Steps

Officers recommend that the UPDC resolve to receive and acknowledge the Panel's Report as it relates to Amendment C368boro and refer Amendment C368boro to an Ordinary Meeting of Council to be abandoned.

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

#### **MOTION**

**Moved            Councillor Jim Parke**

**Seconded      Councillor Garry Thompson**

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

- 1.    Receive and acknowledge the Panel's report and recommendations as they relate to C368boro, as shown at Attachment 1, in accordance with Section 27(1) of the *Planning and Environment Act 1987*.**
- 2.    Endorse the officers' response to the Panel's recommendations to Amendment C368boro.**
- 3.    Refer Amendment C368boro to an Ordinary Meeting of Council to be abandoned in accordance with Section 28 of the *Planning and Environment Act 1987*.**

#### **CARRIED**

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### 3.3 PP22/0521 - 570 Riversdale Road, CAMBERWELL - Residential Apartment Development

#### Proposal

It is proposed to construct 15 apartments, plus basement at 570 Riversdale Road, Camberwell. The building will comprise a staggered 2 and 3 storey façade to the street. The proposed building will have a maximum height of 10 metres to Riversdale Road, increasing to 11.6 metres to the rear at the southwest corner in response to the slope of the land. The height of the southeast corner of the building is 10.9 metres.

Car parking is provided within 2 basement levels containing 40 car spaces. The allocation of car parking spaces complies with the requirements of Clause 52.06 (Car Parking). The basement will be accessed via a new 6.1 metre double-width cross-over adjacent to the eastern boundary.

A large communal open space landscaped area is located to the east of the site and a second communal open space area is provided in the front setback.

The existing large Oak tree within the front setback will be retained. The proposal has a Site Coverage of 51.56% and Garden Area of 40.87%

The application was advertised on 18 October 2022 and 45 objections were received.

#### Issues

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

- Neighbourhood Character
- Building Height
- Tree Retention
- Off-site Amenity

#### Officer's response

Council officers have undertaken a thorough assessment of the proposal against the Boroondara Planning Scheme. Details of the proposal, discussion of all objections and assessment against relevant controls and policies are contained in the Planning Assessment Report (Attachment 1).

#### 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. The subject site is located on the periphery of the Camberwell Activity Centre and is not affected by a Heritage Overlay and does not sit within a Heritage precinct. 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 a mix of 2 and 3 bedroom apartments, each with private open space areas at ground floor or terraces. The apartment building suits a range of households and assists in contributing to housing diversity in the area.



*Neighbourhood Character*

The site is located within Neighbourhood Character Precinct 32, which seeks to facilitate development of a diversity of housing that integrates with the scale and form of buildings and respects the historic houses in the area and enhances the landscape setting of dwellings.

The proposed building adopts a stepped design to effectively integrate with the street and limit impacts on adjoining properties. This is achieved through varied front and side setbacks providing a transition in scale and built form to the buildings to the east, west and south. The proposed development echoes the varied heights observed at the existing heritage flats to the east. This is consistent with the GRZ3 strategies for the character of the area in that the proposed building height and form complements the varied streetscape.

The building includes deep window reveals, a mix of vertical and horizontal stone and concrete cladding, metal cladding, vertical battens and two-toned glazing components. The external finishes provide visual interest and articulate the building to manage visual mass presence from the front, side and rear elevations. Council's Urban Designer describes the design concept as a well-conceived and executed architectural scheme that contributes positively to the streetscape and wider public realm.

*Building Height*

The subject site slopes towards the rear by approximately 3 metres. The building complies with Clause 32.08-10 (GRZ) building height requirements allowing a maximum of 3 storeys and 12 metre height for sloping sites.

The building will present as 2-3 storeys to Riversdale Road. The 3-storey element is centrally located and then scaled down to 2 storeys to the east and west sides. The maximum façade height fronting Riversdale Road will be 10 metres. The land slopes to the rear and the maximum overall height of the development at the southwest corner is 11.6 metres.

The proposal adopts varied façade heights to reduce the overall visual bulk presentation to Riversdale Road and appropriately integrates with the prevailing heights of the streetscape. It is considered the scale of the development, with alternating 2-3 storey façades is responsive to the neighbourhood character and will not appear as a visually obstructive addition within the streetscape.

*Tree retention*

The existing large Pin Oak (Tree 10) within the front north-western corner is to be retained. This tree has high retention value contributing to the amenity and ecological significance of the area. The Oak tree is a prominent feature within the streetscape and therefore the building footprint has been sympathetically designed to ensure it is retained and protected.

Substantial setbacks have been provided, particularly to the western portion of the building to ensure the tree is not adversely impacted and is preserved.

*Off-site amenity*

The proposed development complies with the objectives and the requirements in relation to daylight to existing windows, north facing windows, overshadowing, open space and overlooking standards.

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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
  - o Appendix A – Referral Comments
  - o Appendix B – Planning Policies
  - o Appendix C – Architectural Plans

*Eight speakers opposed to the officers' recommendation addressed the meeting.  
One speaker in support of the officers' recommendation addressed the meeting.  
Two submitters opposed to the officers' recommendation had their written submission read out at the meeting.  
One submitter opposed to the officers' recommendation chose not to address the meeting.*

## MOTION

Moved            Councillor Di Gillies

Seconded       Councillor Wes Gault

That the Urban Planning Delegated Committee resolve:

1. To defer consideration of the application to allow Council officers and the applicant to explore retention of the existing building with a focus on environmental sustainability and reduction of carbon emissions.
2. That officers draw the applicant's attention to the objectives of Council's Climate Action Plan, the Planning and Environment Act 1987 and the Boroondara Planning Scheme, recognising that carbon emissions associated with demolition of an existing building and replacement with a new building are not consistent with these documents.
3. That a further report be submitted to the Urban Planning Delegated Committee meeting to be held on 6 March 2023 to advise the status of discussions and a recommendation for resolution of the application.

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## MOTION

Moved            Councillor Felicity Sinfield

Seconded       Councillor Jim Parke

**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 PP22/0521 for the construction of a three-storey building plus basement comprising fifteen (15) apartments, construction of a fence and alteration of access to a Road in a Transport Zone 2 in accordance with the endorsed plans and subject to the following conditions:**

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**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 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 advertised plans but modified to show:
  - a. Replacement of the soldier brick coursing above the top window of the central 3 storey façade with a dark grey metal finish and aligned with the recessed glazing;
  - b. Increased central middle mass front setback by a minimum 500mm from the front boundary;
  - c. The fire booster unit at the eastern end of the street frontage shown with metal battens (MC03);
  - d. The dark brick finish of the front fence to continue to cover the driveway sides, the eastern boundary wall and any visible basement walls;
  - e. Details of all service enclosures shown on the plans;
  - f. Physical samples of all finishes and colours submitted to Council for verification and approval;
  - g. The top of the basement ramp showing 150mm above the base of the kerb in front of the crossover;
  - h. Electric vehicle charging infrastructure to all car parking spaces;
  - i. The raingarden relocated so it is no longer on site boundary adjacent to neighbouring properties;
  - j. The Tree Protection Zone and Structural Root Zone of Tree Nos. 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 25 (as identified in the Arborist Report submitted with the application prepared by Tree Radar Australia (dated 16/06/2022) drawn on all site and floor plans;
  - k. Notation on all site and floor plans that Tree Nos. 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 25 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;
  - l. Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit;
  - m. 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;
  - n. Deletion of paving within the Structural Root Zone of Tree 10;
  - o. Notation on all site and floor plans that the existing levels within the Tree Protection Zone of Tree 10 must be maintained (excluding building footprint);
  - p. Notation on all site and floor plans that the existing concrete driveway and permeable concrete structure must be retained within the Tree Protection Zone of Tree 10 until commencement of the landscape stage;
  - q. Notation on all site and floor plans that no services are to be located within the Tree Protection Zones of Tree Nos. 10, 14, 15, 16, 17 and 18;

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- r. Notation on all site and floor plans that all excavations within the Tree Protection Zone of Trees 5 and 10 must be undertaken with hand tools or hydro-vacuum and that all excavation works must be supervised, documented and certified by the Project Arborist (excluding building footprint);
- s. Notation on all site and floor plans that existing levels must be maintained within the Tree Protection Zones of Tree Nos. 14, 15, 16, 17, 18, 19, 20 and 21 between the Eastern boundary and paved areas;
- t. Notation on all site and floor plans that existing levels must be maintained within the Tree Protection Zones of Tree Nos. 22 and 25 between the boundary and building footprint;
- u. Permanent fencing within the Tree Protection Zone of Trees 5, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 25 constructed on pier foundations with any required plinths constructed above existing grade;
- v. Changes to private open space areas in the southeast and southwest corners of the property to facilitate replacement tree planting as required in the Landscape Plan conditions of this permit;
- w. Any changes as required by the Landscape Plan in accordance with this permit;
- x. Any changes as required by the Waste Management Plan in accordance with this permit;
- y. Any changes as required by the Tree Management Plan in accordance with this permit; and
- z. Any changes as required by the Sustainability 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 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 advertised landscape plan and must show:

- a. A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;
- b. All hard surfaces proposed within the Tree Protection Zone of Tree Nos. 1,2,3,4,10, 17, 18, 22 and 25 (as identified in the Arborist Report submitted with the application Tree Radar Australia (dated 16/06/2022) 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;
- c. Detailed construction specifications for all permeable surfaces that include cross-section diagrams;

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- d. Two (2) canopy trees (minimum 2 metres tall when planted and must achieve a minimum mature height of 12 metres and canopy spread of 5 metres) in the Southeast and Southwest corners of the site;
- e. Each canopy tree must be provided a minimum of 49 sqm of deep soil, with the available soil area clearly shown on the landscape plan;
- f. All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
- g. All canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
- h. All canopy trees must be planted more than 2 metres away from any above ground structures, paving, decking, property boundaries, easements, existing trees or shrubs;
- i. All small trees must be planted more than 1 metre away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;
- j. All trees within side and rear setbacks adequately setback from common boundaries to avoid mature canopy overhang of neighboring 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, 2, 3, 4, 5, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 25 (as identified in the Arborist Report submitted with the application prepared by Tree Radar Australia (dated 16/06/2022)). 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

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- 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.
- 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.

#### **Tree Management Plan and Construction Management Plan**

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

#### **Contractors to be advised of trees to be retained and protected**

- 8. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and protected as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees. A written record must be maintained on site of all contractors inducted regarding this condition. At the request of an authorised officer of Council this written record must be provided to council.

#### **Regulation of activities in Tree Protection Area**

- 9. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

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**Documentation and Certification by Project Arborist****10.**

- 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](mailto: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](mailto: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**

**11.** 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 liters and what the tank is connected to (e.g. toilets).

**Sustainability Management Plan**

**12.** Concurrent with the endorsement of plans, a Sustainability Management Plan (SMP) 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 be generally in accordance with the report by GIW Environmental Solutions dated 14 September 2022, but modified to include the following changes:





**a. Preliminary energy rating for apartment 2.03 demonstration compliance with clause 55.07 cooling load limits**

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.

13. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

**Drainage**

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

**Removal of redundant vehicle crossovers**

15. 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**

16. 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**

17. 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**

18. 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**

19. 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**

20. Concurrent with the endorsement of plans, 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 plans must be substantially in accordance with the advertised plan but modified to show:

- a. the type/s and number of waste bins;
- b. screening of bins;
- c. type/size of trucks;
- d. frequency of waste collection;
- e. delivery of bins to waste collection points and retrieval of bins once collected;
- f. Include that all town houses be provided with kitchen caddies and compostable liners for the storage of FOGO.
- g. Waste Collection, Arrangement and Vehicle access -note that each waste stream is to be collected in separate trucks and taken to the respective waste processors and not to be placed in one truck.

to the satisfaction of the Responsible Authority.

**Construction management plan**

21. 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;

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- 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**

22. 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**

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

**The Head, Transport for Victoria**

24. Prior to the occupation of the development all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.
25. Prior to the occupation of the development, the crossover and driveway generally in accordance with the Ground Floor Plan TP01.03 dated 16/06/2022, are to be constructed to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and at no cost to the Head, Transport for Victoria.
26. Prior to the occupation of the development, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
- i. Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
  - ii. Treated with an all-weather seal or some other durable surface.
27. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be setback a minimum of 7 metres inside the property boundary to allow vehicles to store clear of the Riversdale Road pavement and footpath.
28. All vehicles must enter and exit the site in a forward direction.
29. The level of the footpath must not be lowered or altered in any way to facilitate access to the site.

**Permit to expire:**

30. 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:

1. within six (6) months afterwards if the development has not commenced;  
or
2. 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.

Councillor Thompson moved that the motion be put.

The motion was put and CARRIED

#### 4 General business

##### 4.1 Planning Policy

**Councillor Thompson** noted comments made by Councillors and submitters during Item 3.2 - PP22/0521 - 570 Riversdale Road, CAMBERWELL - Residential Apartment Development. Councillor Thompson suggested to his colleagues that a future discussion could be had amongst councillors regarding Council's position on environmentally sustainable development and the Climate Action Plan.

**Councillor Gillies, Councillor Sinfield and Councillor Gault** echoed the comments of Councillor Thompson.

**Councillor Franco** also requested a discussion take place regarding car parking in urban centres, parking permit provisions for new developments and buildings being demolished prior to the approval of planning permits.

**Councillor Parke** suggested that the quarterly planning workshops for Councillors would be the appropriate forum to have these discussions.

**The Chief Executive Officer** noted Councillor Parke's comments and invited Councillors to provide the administration with a clear direction in that forum, so that appropriate resources can be allocated to investigating the requests.

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**5 Urgent business****5.1 76 Wattle Road, Hawthorn****MOTION**

**Moved Councillor Felicity Sinfield**

**Seconded Councillor Garry Thompson**

That the Urban Planning Delegated Committee resolve to admit as an item of urgent business, the matter of 76 Wattle Road, Hawthorn because this item relates to or arises out of a matter which has arisen since the distribution of the agenda and it cannot be deferred until the next Urban Planning Delegated Committee meeting.

**CARRIED**

**MOTION**

**Moved Councillor Felicity Sinfield**

**Seconded Councillor Garry Thompson**

Write to the Minister for Planning in follow up to the letter sent on 23 January 2023 requesting a reconsideration of the previous Minister's refusal of Council's request for heritage protection of 76 Wattle Road, Hawthorn. The letter should emphasise the VCAT hearing relating to the redevelopment of the site commencing 13 February 2023 and address any additional relevant heritage considerations raised by the community not previously put forward.

**CARRIED**

**6 Confidential business**

Nil.

**The meeting concluded at 9.38pm**

**Confirmed**

**Chairperson**



**Date**

20/2/23