

URBAN PLANNING DELEGATED COMMITTEE



MINUTES

(Open to the public)

Monday 22 May 2023

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 8.45pm

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

Apologies Councillor Cynthia Watson

Officers

| | |
|-----------------|--|
| Phillip Storer | Chief Executive Officer |
| Scott Walker | Director Urban Living |
| Kate McCaughey | Director Community Support |
| David Cowan | Manager Statutory & Strategic Planning |
| Bryan Wee | Manager Governance & Legal |
| Kirstin Ritchie | Coordinator Governance |
| Jock Farrow | Principle Urban Planner |
| Chiara Lorini | Senior Urban Planner |
| Jack Richardson | Senior Urban Planner |
| Liam Merrifield | Senior Governance Officer |

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2. Declaration of conflict of interest of any councillor or council officer

Nil

3. Presentation of officer reports

3.1 115-133 Cotham Road Kew - Modify Building and extend liquor licence area - PP06/01357

115-133 Cotham Road, Kew (Studley Ward)

Application no.: PP06/01357.01

Responsible director: Scott Walker, Director Urban Living

Authorised by: David Cowan, Manger Planning and Placemaking

Report officer: Jack Richardson, Senior Urban Planner

Proposal

The proposal seeks to amend Planning Permit PP06/01357 and the endorsed plans for 115-133 Cotham Road, Kew to modify the existing building and increase the activity under the liquor licence. In particular, the proposal involves:

Buildings & Works

- Relocation of Hotel Entry to the western façade fronting Ridgeway Avenue. The proposed hotel entry area will be 157sqm and will include a lobby lounge, reception desk and small lobby bar with tables and chairs.
- Deletion of four (4) hotel rooms at ground floor level to facilitate hotel entry space.
- Re-configuration to existing restaurant including two new restaurant entries proposed from Cotham Road and on the corner of Cotham Road and Ridgeway Avenue.
- Modifications to internal ground floor building layout and building services, including to landscaping and integrated into the building.

Liquor Licence

- Extend the red line plans area of the restaurant/bar;
 - Increase the operating hours of the restaurant/bar to 7:00am - 1:00am the following day, 7 days a week.

[Current approved operating hours:

- 6:30am – 11:00pm 7 days a week for restaurant.
- 7:00am – 11:00pm 7 days a week for bar].

- Increase the patron numbers of the restaurant/bar to 250 patrons, including 150 seated (current approved patron number is 130).

Issues

Twenty-three (23) objections to the application have been received.

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

- Adequacy of car parking;
- Increased presence of the hotel in Ridgeway Avenue;
- Noise emitted from the hotel and restaurant/bar;
- Potential amenity impacts from anti-social behaviour

Officer's response

A thorough assessment of the proposal has been undertaken against the Boroondara Planning Scheme as outlined in the Planning Assessment Report (Attachment 1)

Under the *Planning and Environment Act 1987*, assessment is limited to consideration of the proposed amendments to the existing permit. This application does not give Council the ability to re-consider the original application in its entirety.

The proposed physical changes along Cotham Road and Ridgeway Avenue will not alter the overall appearance of the existing built form located on the subject site. The works will allow both the existing hotel and restaurant/bar an increased presence within the Cotham Village Neighbourhood Centre, whilst improving the relationship of the building within the streetscape through improved functionality, amenity and appearance.

Whilst there are changes to the liquor licence including the increase in red line plan area, increase in patron numbers and increase in operating hours, potential significant amenity impacts will be mitigated through various conditions proposed including:

- Compliance with noise regulations;
- Preparation of a Noise Amenity Action Plan;
- Limiting late night trade to Thursday-Saturday (inclusive);
- Closing hotel lobby bi-fold windows at a specific time;
- Requiring more seating and serving of meals associated with the liquor licence;
- No live music; and
- Acoustic testing to demonstrate compliance.

Ten (10) speakers opposed to the officers' recommendation addressed the meeting. One (1) speaker in support of the officers' recommendation addressed the meeting.

Procedural Motion - Adjournment

MOTION

Moved Councillor Felicity Sinfield

Seconded Councillor Jim Parke

That the Urban Planning Delegated Committee meeting be adjourned.

CARRIED

The Urban Planning Delegated Committee meeting adjourned at 9.46pm.

Procedural Motion - Resumption

MOTION

Moved Councillor Felicity Sinfield

Seconded Councillor Jim Parke

That the Urban Planning Delegated Committee meeting be resumed.

CARRIED

The Urban Planning Delegated Committee meeting resumed at 10.02pm with all councillors present except Councillor Watson.

MOTION

Moved Councillor Felicity Sinfield

Seconded Councillor Wes Gault

That the Urban Planning Delegated Committee issue a Notice of Refusal at 115-133 Cotham Road, Kew on the following grounds:

- 1) The proposed buildings and works including the relocation of the hotel entry and restaurant/bar outdoor dining terrace area and open bi-fold doors to Ridgeway Avenue results in an increased commercial presence and significant intensification of activity, which will adversely impact the amenity of surrounding and nearby residential properties.**
- 2) The increase in patron numbers, area and hours for sale and consumption of liquor associated with the existing restaurant/bar will adversely impact the amenity of surrounding residential properties, resulting in increased noise and nuisance.**

CARRIED

3.2 570 Burwood Road, Hawthorn (PP22/0648) Construction of a mixed use four (4) storey building

570 Burwood Road, Hawthorn - Construction of a four (4) storey mixed use building and a reduction in carparking

Application no.: PP22/0648

Responsible director: Scott Walker, Director Urban Living

Authorised by: David Cowan, Manager Planning and Placemaking

Report officer: Chiara Lorini, Senior Urban Planner

Proposal

It is proposed to demolish the existing commercial building and construct a four (4) storey, mixed use building. The site is located within the Burwood Road/Camberwell Road Commercial Corridor and is in the Commercial 1 Zone and is affected by the Design and Development Overlay, Parking Overlay, and Environmental Audit Overlay.

The proposed development has an overall height of 15.62m and a street wall height to Burwood Road of 11m with a 5m upper floor setback. The ground floor will be occupied by a retail premises (café/restaurant) which has direct access from Burwood Road. The upper levels (1 and 2) are proposed for office use for two tenancies with the uppermost level a communal staff breakout space.

Vehicle access will be at ground level via the right of way (ROW) at the rear. The proposal includes a mechanical car stacker which accommodates a total of 10 car parking spaces.

Fifteen (15) objections have been received to the application.

Issues

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

- Building height and visual bulk
- Overlooking and overshadowing
- Adequacy of car parking
- Traffic access via rear laneway

Officer's response

Council officers have undertaken a thorough assessment of the proposal against the Boroondara Planning Scheme as outlined in the Planning Assessment Report (Attachment 1)

Overall, the proposed land use and development scale is appropriate to the sites Commercial 1 Zone and its location within the Burwood Road/Camberwell Road Commercial Corridor.

The design achieves a high level of compliance with the Design and Development Overlay controls, the relevant requirements of Clause 55 (ResCode), and is supported by Council's Urban Designer.

The proposal provides an active street frontage to Burwood Road, public realm improvement via pedestrian awning, and responds appropriately to the preferred commercial corridor built form.

The commercial street wall frontage is enhanced with brickwork cladding, steel louvres, and vertical landscaping that provides a contemporary response to the traditional commercial building forms of the streetscape.

To the rear of the site, the proposal adopts setbacks in compliance with Standard B17 (Clause 55.04-1) that adequately transition to the residential interface. The site is also separated from nearby residential zoned land by a right of way. Furthermore, the proposal satisfactorily responds to overlooking and overshadowing of residential properties to the south of the laneway.

The proposal is well suited to a reduction in the standard car parking rate given it is conveniently located within proximity to public transport, that bicycle storage and end of trip facilities have been provided as part of the proposal, and a green travel plan prepared. Furthermore, the applicants have provided detail with regard to proposed low density occupancy of the office spaces that can be secured via permit condition. Council's Transport Engineers support the car parking and traffic arrangements.

*Five (5) speakers opposed to the officers' recommendation addressed the meeting.
One (1) speaker in support of the officers' recommendation addressed the meeting.*

Procedural Motion - Continuance of Meeting

MOTION

Moved Councillor Felicity Sinfield

Seconded Councillor Wes Gault

That the Urban Planning Delegated Committee meeting continue to 11.30pm.

CARRIED

Procedural Motion - Continuance of Meeting

MOTION

Moved Councillor Jim Parke

Seconded Councillor Susan Bigger

That the Urban Planning Delegated Committee meeting continue to 12.00am.

CARRIED

MOTION

Moved Councillor Wes Gault

Seconded Councillor Garry Thompson

That the Urban Planning Delegated Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP22/0648 for construction of a four (4) storey mixed use building and a reduction in the standard carparking requirement at 570 Burwood Road, Hawthorn be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and electronic copies provided (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:
 - a) Removal of the steel ball feature to the front façade or re-introduction of the corresponding metal frog sculpture as proposed on plans received 3 August 2022 to the under-awning area;
 - b) Notation that the water tanks will be located and accessible for maintenance purposes;
 - c) A 150mm apex located along the entire southern boundary.
 - d) Inclusion of climbing or trailing planting to the rear balcony planter boxes;
 - e) Provision of a full colour schedule of external materials showing the proposed palette of materials and finishes (including a physical sample board of all external materials and finishes) selected for all sides of the building;
 - f) A Landscape Plan in accordance with condition 3 of this permit;
 - g) A Waste Management Plan in accordance with condition 10 of this permit;
 - h) An ESD Report in accordance with condition 11 of this permit; and
 - i) A Green Travel Plan in accordance with condition 12 of this permit
 - j) Permanent and fixed measures to the rear balconies to avoid overlooking to surrounding residential properties, to the satisfaction of the Responsible Authority.

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 landscape concept plan dated October 2022 prepared by John Patrick Landscape Architects, except that the plan must show:

- a) Details of the surface finish of all pathways, paved areas and accessways;

- b) A planting schedule of all proposed shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and the quantities of each plant;
- c) Detailed plan for vertical green wall planting;
- d) Detailed plan for the watering and long-term maintenance of vertical green wall and planter boxes;
- e) Planting required by any other condition of this permit; and
- f) Landscaping and planting within all open areas of the site.

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.

Drainage

6. The site must be drained to the satisfaction of the relevant building surveyor.
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. The ground floor finished level must be no lower than 40.71RL.

Sediment Laden Run-off

9. 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.

Waste Management Plan

10. An updated Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan submitted with the application (prepared by Leigh Design dated 2 September 2022) but updated to reflect latest set of plans. 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; and
 - (f) delivery of bins to waste collection points and retrieval of bins once collected to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Report

11. Concurrent with the submission of plans pursuant to Condition 1 of this Permit, and 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 be generally in accordance with the report submitted with the application (prepared by Frater Consulting Services dated 8 November 2022)) but updated to reflect latest set of plans. The ESD 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 building to the satisfaction of the Responsible Authority.

Green Travel Plan

12. Before the use of the land commences, a Green Travel Plan in accordance with the actions contained in the 'Green Travel Plan' report prepared by Traffix Group dated July 2022 must be submitted and approved by the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes. The Plan must include the following:

- a) A description of the development's location in the context of alternate modes (non-private vehicle) of transport and objectives for the Green Travel Plan;
- b) The suitable transport options that are realistic, effective and efficient for the location of the workplace. This includes specific action items and information to being both the employer and employee learn to travel more sustainably.
- c) Initiatives that would encourage employees and visitors of the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the site, such as:
 - i. Provision of Myki cards.
 - ii. Provision of maps depicting the site and locations of key public transport stops including details of the approximate distances and trip times to these stop.
 - iii. The promotion of various public transport smartphone applications, such as tram tracker.
 - iv. Education on the environmental, economic and social benefits of travelling sustainably.
- d) The implementation, timescale, and management responsibilities, including identifying a person(s) (e.g., "Champion") responsible for the implementation of actions to assist employees to travel more sustainably;
- e) A monitoring and review plan requiring annual review for at least five years;
- f) Details of measures to avoid parking in the surrounding residential streets along residential frontages.
- g) The installation of signs in prominent locations advising of the location of existing and proposed car-share schemes, bicycle parking facilities for employees and visitors, railway station, bus stops, and bicycle paths;
- h) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3 (New Bicycle Parking Requirements).

13. The Green Travel Plan must not be amended without prior written consent of the Responsible Authority.

Suitable Environmental Condition of Land

14. Prior to the commencement of construction of the building hereby approved:

- a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the buildings and works and/or the proposed uses; or
- b) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use and development allowed by this permit.

Transport for Victoria

15. Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.

Number of Staff (Retail and Office)

16. The number of staff, proprietors, and person related to the proprietors working on the site or any other persons working on the site, whether paid or unpaid, must not exceed twenty-five (25) on the site at any one time without the prior written consent of the Responsible Authority.

Section 173 Agreement

17. Before the development starts (other than demolition or works to remediate contaminated land), the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land pursuant to Section 181 of the Section 173 of the Planning and Environment Act 1987, and must provide for the following:

- a) The number of staff, proprietors, and person related to the proprietors working on the site or any other persons working on the site, whether paid or unpaid, must not exceed twenty-five (25) on the site at any one time.

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987. A dealing number must be provided to the Responsible Authority.

Number of Car Parking Spaces

18. A minimum of 10 car parking spaces must be provided on the land to the satisfaction of the Responsible Authority.

Allocation of Car Parking

19. Car parking spaces must be allocated or made available to the following uses as follows:

- a) Ground floor retail - 2 spaces; and
- b) Level 1-3 Office - 8 spaces.

Use of Car Parking Spaces

20. 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.

Model of Car Stacker

21. Unless otherwise agreed in writing by the Responsible Authority, the model of car stacker used in the basement car park is to be the Klaus 'Combination system TrendVario6300+/235 & TrendVario6300/235 2er LP250 2.0t with Electrical Vertical Gates'.

Car Stackers Installed

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

Maintenance of Car Stackers

23. The car stackers 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.

Boundary Walls

24. 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.

External Lighting

25. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the Responsible Authority.

Security Alarms

26. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standards published by Standards Australia International Ltd and must be connected to a registered security service, to the satisfaction of the Responsible Authority.

Concealment of Pipes

27. 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.

Plant/Equipment

28. All plant, equipment, services or architectural features must be located within the roof service platform other than roof top solar panels without the prior written consent of the Responsible Authority.

Permit to Expire:

29. 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.

LOST

Procedural Motion - Continuance of Meeting

MOTION

Moved Councillor Jim Parke

Seconded Councillor Felicity Sinfield

That the Urban Planning Delegated Committee meeting continue until 12.30am.

CARRIED

MOTION

Moved Councillor Felicity Sinfield

Seconded Councillor Jim Parke

That the Urban Planning Delegated Committee resolve to issue a Notice of Refusal for 570 Burwood Road, Hawthorn on the following grounds:

- 1. The proposal does not provide sufficient car parking given the likely long term car parking demand generated by the proposed office use which will unreasonably impact upon the surrounding parking network and neighbouring residents.**
- 2. The bulk and mass of the proposed development will adversely impact the heritage place to the rear of the subject site.**
- 3. The bulk and mass of the proposed development provides an insufficient transition to the rear residential interface.**
- 4. The scale and bulk of the proposal are excessive and result in an over development of the site, to the detriment of the amenity of the surrounding area.**

CARRIED

The meeting concluded at 12.08am.

Confirmed

Chairperson

Date
