

URBAN PLANNING DELEGATED COMMITTEE



MINUTES

(Open to the public)

Monday 13 November 2023

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 7:50pm

Attendance

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

Apologies

- Councillor Susan Biggar
- Councillor Victor Franco

Officers

Phillip Storer	Chief Executive Officer
Scott Walker	Director Urban Living
Daniel Freer	Director Places and Spaces
Kate McCaughey	Director Community Support
David Cowan	Manager Statutory & Strategic Planning
Bryan Wee	Manager Governance & Legal
Arturo Ruiz	Placemaking Coordinator
Robert Cosetllo	Coordinator Strategic Planning
Mikaela Carter	Principal Strategic Planner
Jack Richardson	Senior Urban Planner
Chiara Lorini	Senior Urban Planner
Amaya De Silva	Senior Urban Planner
Liam Merrifield	Senior Governance Officer

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Procedural motion - Adjournment**MOTION****Councillor Hollingsworth****Councillor Gault****That the Urban Planning Delegated Committee meeting be adjourned.****CARRIED***The Urban Planning Delegated Committee adjourned at 7:50pm***Procedural motion - Resumption****MOTION****Councillor Parke****Councillor Hollingsworth****That the Urban Planning Delegated Committee meeting be resumed****CARRIED***The Urban Planning Delegated Committee resumed at 9:24pm***1. Adoption and confirmation of the minutes****MOTION****Moved Councillor Gillies****Seconded Councillor Gault****That the minutes of the Urban Planning Delegated Committee meeting held on 16 October 2023 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 Glenferrie Place Plan - Consideration of final plan

Purpose

The purpose of this report is to seek Council adoption of the final Glenferrie Place Plan (2023) (**Attachment 1**).

The Place Plan will assist with revitalising the Glenferrie precinct and guide Council's Placemaking activities that are designed to enhance the public realm, grow the local economy, support cultural activity, and promote a greener, more accessible and sustainable precinct.

Background

The Glenferrie Place Plan project commenced in early 2020 and has been informed by extensive technical research and 4 stages of community consultation.

The following Place Vision for Glenferrie received 87% support from the community.

"Glenferrie will be a vibrant and accessible place where everyone feels welcome. The streets and public spaces will offer more greenery and opportunities for people to meet, shop, learn and hold events. The local economy and community will flourish, with people and businesses representing the area's rich diversity."

Key Issues

The Glenferrie Place Plan provides a long-term vision that will guide public and private investment in this major activity centre over the coming decades. It features a range of projects and initiatives that will help revitalise the precinct to become an appealing destination attracting visitors from across Melbourne.

The Plan features an upgrade to the Glenferrie Road streetscape that will improve the pedestrian environment, deliver safer crossings, green the streets, and greatly enhance the retail experience throughout the precinct. To enable these streetscape upgrades, some on-street car parking spaces should be relocated to a multi-level parking facility on Park Street. Community feedback on the options for the Park Street parking facility are outlined in Sections 4 and 5 of the full report below.

Other key initiatives in the Place Plan include:

- Public realm upgrades to the laneways around Glenferrie Station.
- Improved interface with Swinburne University and potential for an Innovation Hub in the future.
- Tram stop upgrades and new pedestrian crossings along Glenferrie Road.
- Refurbishment of the Tuck Stand and replacement of the Ferguson Stand with public open space.
- Improved public space near the Hawthorn Arts Centre with potential for a new cultural facility.

Next Steps

The Plan provides guidance on the timeframes for when each project will be delivered over the next 20 years (subject to budget allocations) to help revitalise the Glenferrie precinct.

Two speakers opposed to the officers' recommendation addressed the meeting.

One submitter opposed to the officers' recommendation chose not to address the meeting.

MOTION

Moved Councillor Gault

Seconded

The Urban Planning Delegated Committee resolve to adopt the Glenferrie Place Plan (2023) to guide the future revitalisation of the Glenferrie precinct, subject to the following amendments:

1. Amend Initiative 4 and other relevant sections of the Glenferrie Place Plan to remove the proposed Park Street parking facility (Option 1) and retain the existing surface parking (Option 3), while allowing for one (1) level of additional parking (Option 2) to be delivered in future if required.

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

Moved Councillor Gault

Seconded Councillor Watson

That the question lie on the table.

CARRIED

3.2 PP15/00645.01 - Child care centre - 123-125 Greythorn Road & 10-12 Hedderwick Street BALWYN NORTH

123-125 Greythorn Road and 10-12 Hedderwick Street, Balwyn North - Amendment to Plans for a child care centre and sign

Application no.: PP15/00645.01

Responsible director: Scott Walker, Director Urban Living

Authorised by: David Cowan, Manager Planning and Placemaking

Report officer: Chiara Lorini, Senior Urban Planner

Proposal

The proposal seeks to amend a previously approved development and use of the site for a child care centre. It includes a reduction in the number of children in care from 154 to 132, and remove the uppermost level of the development. It also seeks to reduce the provision of carparking by two spaces (however it remains in excess of the standard carparking requirements) and to alter the previously approved buildings and works, landscaping, and material finishes.

Issues

Fifteen (15) objections to the amendment application have been received, raising the following concerns:

- Centre is unnecessary as there are other centres in the area;
- Impact on parking in the street and traffic in the area;
- Built form inconsistent with neighbourhood character;
- Lowering of front fence allows visibility of the centre from the street; and
- Airconditioning units will be unsightly.

Officer's response

The application seeks an amendment to an existing approved permit and endorsed plans. Key matters such as the use as a child care centre have already been determined through the previous application and review at the Victorian Civil and Administrative Tribunal and accordingly are not matters for consideration in this amendment request.

Broadly, the amendment application seeks an overall reduction in the development (reduction in one level) and reduction in number of children in care.

The proposed built form is generally consistent with the previously approved development. The proposed amendment materials palette is consistent with the surrounding neighbourhood character, and the scale and massing of the proposal is consistent with the previously approved design.

Details of the proposal, discussion of all objections and assessment against relevant planning controls and policies are contained in the attachment to this report.

One speaker in support of the officers' recommendation addressed the meeting.

MOTION

Moved Councillor Watson

Seconded Councillor Addis

That the Urban Planning Delegated Committee resolve to issue a Notice of Decision to Grant an Amendment to Planning Permit No. PP15/00645. The amended permit allows:

In accordance with the endorsed plans:

- **Use and development of land for a child care centre; and**
- **The display of a Business Identification sign**

in the Neighbourhood Residential Zone Schedule 3.

The amended permit amends the previously issued permit at 123-125 Greythorn Road and 10-12 Hedderwick Street, Balwyn North as follows:

- **Updated plans with modified building envelope and sign;**
- **Updated condition 1 requirements to reflect the amended plans;**
- **Update reference to landscaping plans;**
- **Update reference to tree management plan;**
- **Update reference to arborist report in tree protection permit;**
- **Number of children in care reduced from 154 to no more than 132 children; and**
- **Update to the number of car parking spaces, and update to car parking management condition.**

The amended permit is subject to the following conditions:

[*Strikeout to show words deleted from previous permit and italics to show insertion of new words]

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 plans advertised in *July 2023* but modified to show:**
 - a. The removal of the business identification signage to the Hedderwick Street frontage in accordance with discussion plan received 29 August 2023 and advertised in October 2023;***
 - b. Notation that the basement carpark is for staff parking in accordance with notation to discussion plan received 29 August 2023 and advertised in October 2023;***
 - c. Any air conditioning units proposed to the roof area to be clearly shown to plans and including details of any screening;***
 - d. The waste management plan dated 24 February 2023 prepared by Leigh Design amended to include provision for separate glass recycling;***
 - e. The materials schedule updated to include glass screening details, retaining walls, and car parking surface treatment;***
 - f. A physical samples board containing samples of all construction materials, external finishes and colours;***
 - g. An updated Landscape Plan in accordance with Condition 5 of this permit;***

- h. An updated Tree Management Plan in accordance with Condition 8 of this permit;*
- i. An updated Noise Management Plan in accordance with Condition 17 of this permit;*
- j. An updated Car Parking Management Plan in accordance with Condition 21 of this permit;*
- k. An updated Waste Management Plan in accordance with Condition 29 of this permit, and*
- l. A Construction Management Plan in accordance with Condition 31 of this permit;*

Layout not to be altered

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Acoustics report

3. Concurrent with the submission of amended plans under Condition 1, an acoustics report must be submitted to and approved to the satisfaction of the Responsible Authority. The report must be completed by a suitably qualified Acoustic Engineer. The report must confirm the detailed specifications of the acoustic treatment of the building and the external play areas as shown on the endorsed plans to the satisfaction of the Responsible Authority.
4. Prior to the use commencing, an updated acoustics report completed by a suitably qualified Acoustic Engineer must be submitted to the Responsible Authority confirming that the works to achieve the acoustic treatment of the building and the external play areas as shown on the endorsed plans have been undertaken in accordance with the detailed specifications set out in the Acoustic Report required under Condition 3.

Landscape plan

5. A landscape plan must be submitted to the satisfaction of the Responsible Authority and endorsed by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan for VCAT prepared by John Patrick Landscape Architects Pty Ltd Job ~~16-1058~~ 23-139, Drawing No ~~VCAT01 TP01 and TP02~~ dated ~~January 2017~~ April 2023 as modified to incorporate the requirements of Condition 1 of this permit. The plan drawn to scale with dimensions and three (3) copies provided. When endorsed, the plan will form part of the permit.

The landscape plan must show:

- a. A survey (including botanical names) of all existing trees to be retained (including the Tree Protection Zones of the Trees) 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. Details of the surface finish of all pathways, paved areas and accessways;
- c. 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;

- d. **Incorporation of any relevant acoustic screening measures into the landscaping plan;**
- e. **Unless otherwise agreed to by the Responsible Authority, planting of a continuous row of evergreen screen planting, other than in the location of structures to be built on the southern title boundary. The evergreen screening vegetation must be capable of reaching a height of four (4) to six (6) metres at maturity, able to be maintained at this height and planted at two (2) metres high at time of planting and be of a species with a shallow root system suitable for planting over an easement; and**
- f. **Planting required by any other condition of this permit.**

Completion of landscaping works

6. **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

7. **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

8. **Prior to the endorsement of the plans referred to in Condition 1 of this permit or the commencement of any works including levelling of the site, a Tree Management Plan prepared by a suitably qualified and experienced arborist must be submitted to and endorsed by the Responsible Authority. Three (3) copies of the tree management plan must be provided. When the tree management plan is endorsed it will then form part of the permit. The tree management plan must specify actions for the management and maintenance of Trees 19 and 20 as detailed in the submitted Arborist Report by Treemap Arboriculture (~~Dated November 2015~~ *May 2023*) to be retained, making specific comment on the following matters to the satisfaction of the Responsible Authority to ensure that the tree remains healthy and viable on site.**
 - a. **A minimum setback of 2.0 metres must be achieved from the riding space of the proposed crossover within the Hedderwick Street frontage to the existing street tree;**
 - b. **The use of appropriate foundations within the TPZ of the trees;**
 - c. **The foundation type and method will need to be specified by the arborist in conjunction with engineering specifications;**
 - d. **The mapping of the foundation excavation points on a site plan;**
 - e. **Reporting on the presence of any exposed roots over 50 mm diameter and management of these roots e.g. how they were pruned, fertilisation, watering regime etc;**
 - f. **When supervision by an arborist will be required on-site and time frames specified for supervision;**
 - g. **The establishment of a fixed Tree Protection Zone and where it will be located in relation to the tree and proposed buildings. This TPZ should be clearly identified on a site plan and have specific recommendations stipulated on these plans referenced from the Tree Management Plan;**
 - h. **Specifications that the permeable pavers and wheel stops of the car parking spaces are to be crowned/angled to allow runoff to the landscaped areas;**

- i. **Specifications that the car parking spaces are to be constructed above existing grade level with no site scrape/excavation greater than 100mm to occur over the car parking area;**
- j. **Any remedial pruning works that are required to be performed on the tree before, during and post development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.**

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Supervision of works by arborist

9. **All buildings and works within the Tree Protection Zone and Critical Root Zone as specified in the endorsed Tree Management Plan must be supervised by a suitably qualified and experienced arborist, to the satisfaction of the Responsible Authority. Any person acting on the permit must advise Council's Arborist (Statutory Planning) in writing at least 48 hours prior to the commencement of the works to be supervised.**

Tree protection during construction

10. **Before any development (including demolition) starts on the land, a tree protection fence must be erected around the Trees 19 and 20 as well as the Melaleuca located in the centre of the nature strip, as detailed in the submitted Arborist Report by Treemap Arboriculture (Dated ~~November 2015~~ *May 2023*) to define a "Tree Protection Zone" as detailed in the endorsed Tree Management Plan. The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.**

Contractors to be advised of trees to be retained

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

Regulation of activities in Tree Protection Zone

12. **No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone 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.**

Hours of operation

13. **The use allowed under this permit must operate only during the following hours, except with the further written consent of the Responsible Authority:
Monday to Friday (excluding public holidays) – 7:00am and 7:00pm
Saturdays – Closed
Sundays – Closed
Public holidays – Closed.**

Loading and unloading

- 14. Except for food and drink deliveries to the premises, all loading and unloading of vehicles, including for the collection of waste, must be carried out within the garage basement and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority. Loading and unloading of vehicles associated with food and drink deliveries must occur within the Greythorn Road frontage.**

Number of children in care restricted

- 15. No more than 454 132 children in care must be present on the subject land without the further written consent of the Responsible Authority.**

Soundproofing of plant and equipment

- 16. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.**

Noise Management Plan

- 17. Prior to the commencement of the use, a noise management plan (NMP) must be submitted to and approved by the Responsible Authority. The NMP must address, but not be limited to:**
- a. All children required to be indoors after 6.30pm;**
 - b. Behaviour of children to be monitored by staff and action taken to ensure that:
 - i. Crying babies and children are taken indoors and comforted; and**
 - ii. Screaming or high pitched squealing is discouraged.****
 - c. Carers to be educated to control the level of their voice while outside;**
 - d. External doors to play rooms not to be held open;**
 - e. The centre has an indoor/outdoor program whereby indoor activities are offered during outdoor play times to provide an option to play indoors or outdoors;**
 - f. Group singing to occur indoors only;**
 - g. No amplified music outdoors;**
 - h. Amplified music indoors to be set at a low level;**
 - i. Musical instruments avoided wherever practical;**
 - j. If complaints are received, the use of any musical instruments or amplified music should cease and advice from an acoustic consultant should be obtained; and**
 - k. Routine inspection of the acoustic barriers and acoustic treatments of the building and immediate action taken to repair any defects.**

Loudspeakers

- 18. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes, to the satisfaction of the Responsible Authority.**

Drainage

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

Driveways and car parking areas to be constructed

- 20. Before the use starts or any building is occupied, area/s set aside for car parking, access lanes and driveways shown on the endorsed plans must be:**

- a. **Constructed;**
 - b. **Line marked to indicate each car space; and**
 - c. **Clearly marked to show the direction of traffic along the access lanes and driveways.**
- to the satisfaction of the Responsible Authority.**

Car Parking Management Plan

- 21. Prior to the commencement of the use, a car parking management plan must be submitted to and approved by the Responsible Authority the CMP must address, but not be limited to:**
- a. **Allocation of spaces to parents and staff;**
 - b. **No less than ~~33~~ 32 car parking spaces are to be provided on site;**
 - c. **Measures to ensure that access is only to staff and the disabled parking bay within the basement garage to Hedderwick Street *with the exception of parents/carers requiring access to the disabled car parking bay;***
 - d. **Car 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;**
 - e. **The areas set aside for car parking shown on the endorsed plans must be made available for use free of charge to employees and visitors at all times and must not be used for any other purpose; Sufficient on-site spaces must be allocated to serve visitors to the site, to the satisfaction of the Responsible Authority. And**
 - f. **Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.**

Vehicle crossovers

- 22. 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

- 23. All disused or redundant vehicle crossover sections must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.**

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.**

Security alarms

- 25. 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

- 26. 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 or features on roof

- 27. 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/s without the prior written consent of the Responsible Authority.**

External lighting

- 28. 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.**

Waste management plan

- 29. An *updated* waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority. The plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:**
- a. the type/s and number of waste bins;**
 - b. screening of bins;**
 - c. type/size of trucks;**
 - d. frequency of waste collection;**
 - e. plan showing the layout of the bins at collection time including sufficient clearances from all street services, features and infrastructure;**
 - f. specification that loading of the waste vehicles will occur within the basement level (i.e. bins are not removed from the basement to load into a truck parked on a road)**
 - g. Collection times must not be before 9:00am and not after 5:00pm Monday to Friday and not on weekends**
 - h. *waste management plan amended to include provision for separate glass recycling***

to the satisfaction of the Responsible Authority.

Maintenance of waste storage area

- 30. 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; and**
 - c. Maintained in a clean and tidy condition free from offensive odours**

to the satisfaction of the Responsible Authority.

Construction management plan

- 31. Prior to the commencement of any site works 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 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. The location and design of a vehicle washdown bay for construction vehicles on the site;**

- d. **The location of parking areas for construction and sub-contractors' vehicles on the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises and traffic flows. Any basement carpark on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;**
- e. **Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;**
- f. **Contact details of key construction site staff;**
- g. **The location of any site sheds and the like; and**
- h. **Any other relevant matters.**

Hours for demolition and construction

- 32. 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 6:30pm
Friday:	7:00am to 5:00pm
Saturday:	8:00am to 5:00pm
Sunday & Public Holidays:	No construction

Amenity of Area

- 33. The amenity of the area must not be adversely affected by the use or development as a result of:**
- a. **Transport of materials, goods or commodities to or from the land;**
 - b. **appearance of any building, works, stored goods or materials;**
 - c. **emission of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products or oil; or**
 - d. **the presence of vermin;**
- to the satisfaction of the Responsible Authority.**

Signs not to be altered

- 34. The location, layout, dimensions, structures and features of the approved sign(s) (including the design, colours, materials, degree of illumination, wording and sign type) shown on the endorsed plans must not be altered (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**

Sign maintenance

- 35. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.**

Signs within land boundary

- 36. All signs must be located wholly within the boundaries of the land.**

No sign illumination

- 37. The sign(s) must not be illuminated by external or internal light, except with the prior written consent of the Responsible Authority.**

No flashing light

38. No flashing, intermittent or changing colour light is permitted to be displayed, except with the prior written consent of the Responsible Authority.

Permit to expire:

39. This Permit will expire if:

- a. The development does not start within three (3) years of the issue date of this Permit; or
- b. The development is not completed within five (5) years of the issue date of this Permit; or
- c. The use does not commence within two (2) years of the completion of the development; or
- d. The advertising signs are not erected and displayed within two (2) years of the completion of the development.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

CARRIED

3.3 Victorian Government Housing Statement - response and proposed submission

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the release of the *Victorian Government Housing Statement* (the Housing Statement), the *Improving Residential Development Standards for small lots* discussion paper, and related planning reforms. The report also seeks adoption of the respective submission responses prepared by officers.

Background

Since 2015, Council has lodged several submissions to various planning reform initiatives. Many of these reforms have been implemented to varying degrees, prior to or in conjunction with the release of the recent Housing Statement.

On 20 September 2023, the Victorian Government released the *Housing Statement (Attachment 1)* that set out 32 reform proposals, grouped into five key areas:

1. Good decisions, made faster
2. Cheaper housing, closer to where you work
3. Protecting renters' rights
4. More social housing
5. A long-term housing plan.

Amendments VC242 and VC243 were then gazetted on 20 & 23 September 2023 respectively to amend the *Victoria Planning Provisions* and all planning schemes in Victoria to:

- Expand the State's Development Facilitation Program for Significant Economic Development and Significant Residential Development with Affordable Housing (VC242)
- Introduce 'deemed to comply' residential standards *and the Future Homes* program (VC243)
- Change single dwelling permit triggers and assessment pathways (VC243)

Officers have prepared a submission to the Housing Statement and related amendments, which is provided at **Attachment 2**.

On 2 October 2023, DTP released a discussion paper titled '*Improving residential development standards on small lots*' (ResCode for small lots). The discussion paper is provided at **Attachment 3**. Officers have prepared a response to this discussion paper, which is provided at **Attachment 4**.

On 9 October 2023, DTP released a discussion paper titled '*Modernising car and bicycle parking requirements*'. This discussion paper and Council's response will be the subject of a separate report to the UPDC.

Key Issues

The Housing Statement was not released as a discussion paper, and no specific consultation was undertaken by the Minister for Planning prior to its release. The statement is light on detail and does not provide clear direction for many of the actions, although subsequent amendments have delivered some immediate changes without transitional arrangements.

It is disappointing the way the reforms have been conceived and ultimately released without consultation, despite Boroondara and other Councils calling for consultation on potential planning reforms for the last two years. The process undermines confidence in the Victorian planning system, and the role of local communities in decision-making on land use and development.

The reforms are predicated on inaccurate assumptions and assertions relating to the capacity of local councils to make informed and timely decisions on planning matters. In this respect, the wider constraints on housing supply in Victoria, which sit outside the planning system, have been overlooked. These non-planning constraints will continue to slow the speed of housing delivery to significant degree, regardless of the planning reforms.

Further, these reforms continue a trend over recent years of concentrating planning powers with the Minister for Planning, whilst removing the role of local councils and communities in decision-making on planning issues. This pattern undermines transparency through opaque Ministerial call-in powers, and the continued reliance on the Development Facilitation Unit at the Department of Transport and Planning to make decisions on planning matters directly affecting local communities. This shift in decision making and lack of transparency is contrary to the recommendations in the Operation Sandon Report.

The following planning reforms will impact the Boroondara community directly:

- The expansion of the *Development Facilitation Program*, including changes to permitted uses in residential zones.
- The introduction and expansion of the *Future Homes* program.
- New 'deemed to comply' codified residential standards.
- Construction of single dwellings on lots between 300 and 500 square metres no longer requiring a planning permit unless triggered by overlays.
- Construction of single dwellings on lots less than 300 square metres, without overlays, to be decided within 10 days through the VicSmart process.

Reforms which affect Boroondara which are yet to be actioned include:

- Camberwell Junction being identified as one of ten activity centres where the Victorian Government propose to 'introduce planning controls' by the end of 2024 to facilitate additional housing supply.
- Forty-five Victorian Government-owned sites identified for rezoning to deliver additional housing, including at least 10% affordable housing. It is unclear whether the VicRoads site in Kew Junction is one of the nominated sites.
- The ministerial review and potential 'call in' of planning permit applications for new developments with a value exceeding \$10 million which have not been determined by local councils within 6 months.
- Secondary dwellings, such as granny flats, with a site area less than 60 square metres to no longer requiring a planning permit.
- Implementation of the Red Tape Commissioner recommendations, including additional VCAT powers to dismiss matters without a prospect of success and imposing time limits on submissions.
- Review of the *Planning and Environment Act 1987*.
- Review of *Plan Melbourne* and its evolution into a new *Plan for Victoria*, including local government housing targets.
- The further strengthening of Victoria's apartment design standards.

The Housing Statement also proposes reforms relating to social housing, renters' rights, a *Short Stay Levy* and projects in other municipalities.

The *ResCode for small lots* discussion paper proposes changes to the following ResCode standards for lots under 300 square metres:

- Street setback (standards A3 and B6)
- Site coverage (standards A5 and B8)
- Permeability (standard A6)
- Walls on boundaries (standards A11 and B18).

Next Steps

It is recommended that the UPDC receive and note the release of the Housing Statement and the ResCode for small lots discussion paper. It is also recommended that the UPDC endorse the submissions prepared by officers.

The submission should also be circulated to the Municipal Association of Victoria and all Members of Parliament which represent the Boroondara community.

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

MOTION

Moved Councillor Parke

Seconded Councillor Thompson

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the *Victorian Government Housing Statement* provided at Attachment 1, and the *Improving Residential Development Standards for small lots* discussion paper at Attachment 3.**
- 2. Adopt the response to the *Victorian Government Housing Statement* provided at Attachment 2 (subject to deletion of the paragraph regarding tax reforms at page 29) and submit the response to the Minister for Planning and the Department of Transport and Planning.**
- 3. Adopt the response to the *Improving Residential Development Standards for small lots* discussion paper provided at Attachment 4 and submit the response to the Department of Transport and Planning.**
- 4. Provide a copy of Council's responses to planning reforms to the Municipal Association of Victoria and all members of State Parliament representing Boroondara.**

CARRIED

3.4 442-450 Auburn Road and 9 Bills Street, Hawthorn - Multi level residential development - Amendment C376boro

Purpose

The purpose of this report is to update the Urban Planning Delegated Committee on the outcome of Amendment C376 to the Boroondara Planning Scheme which was prepared, adopted and approved by the Minister for Planning on 28 September 2023. The Amendment relates to a multi level residential apartment development on the former Melbourne University Campus in Hawthorn.

Background

The University of Melbourne (in conjunction with Hamton Property Group) lodged a request with the Minister for Planning to amend the Boroondara Planning Scheme in March 2022. The amendment sought to rezone the former University of Melbourne - Hawthorn Campus at 442-450 Auburn Road and 9 Bills Street, Hawthorn from the Public Use Zone to the Residential Growth Zone (RGZ), and apply the Development Plan Overlay (DPO) and Environmental Audit Overlay (EAO) to the land.

On 1 August 2022, the Urban Planning Delegated Committee resolved to write to the Minister for Planning outlining Council's position on the amendment, and to seek the appointment of an advisory committee to consider the matter.

The amendment was referred to the Priority Projects Standing Advisory Committee (the Advisory Committee), with a hearing conducted between 20-24 March 2023. Council called expert evidence on urban design matters.

On 28 September 2023, Amendment C376boro was gazetted, following the recent implementation of planning reforms through Amendment VC242 and VC243. The report prepared by the Advisory Committee considering the amendment was made publicly available on 18 October 2023.

Key Issues

Process

The amendment was facilitated by the Minister for Planning, through the Development Facilitation Unit at the Department of Transport and Planning.

The process was uncertain, had no defined process and lacked transparency, which is a reflection of the broader trend of the Victorian Government to limit local government involvement in major development projects.

Officers make the following comments in relation to the gazetted amendment:

Responsible Authority and Planning Controls

- The amendment makes the Minister for Planning the Responsible Authority for considering and approving the Development Plan. This means Council and the community are unlikely to have any further opportunities to have a say in the final form of the development. Council will be the Responsible Authority for issuing planning permits against the Development Plan approved by the Minister. Future planning permit applications which are generally in accordance with the

Development Plan are exempt from public notice and are exempt from third party appeal rights.

- The Minister chose to apply the Residential Growth Zone to the site. Council's position was the land should be rezoned to the General Residential Zone, reflecting the site's proximity to established residential amenity in the Neighbourhood Residential Zone.

Key design elements

- The final form of the amendment includes a reduction in building height to the corner of Woodburn Road and Auburn Road to a maximum 4-6 storeys instead of 7 storeys as originally proposed. The building is to present to the street as 3-4 storeys, measured above footpath level.
- Front setbacks to all buildings (including the Bills Street development by Homes Victoria to the south) as put forward by Council's urban design expert have been adopted as the upper limit in a range and are specified in the DPO Schedule.
- The DPO Schedule specifies 10% affordable housing to be provided on the land. It is considered that this is an improvement on the draft amendment where the extent of affordable housing was not quantified in the schedule, only in the draft development plan (which had no statutory weight). The proponent is required to enter into a Section 173 Agreement with Council with respect to the affordable housing provision.
- The Schedule to the DPO specifies 2,670sqm should be set aside for open space. The open space should be publicly accessible, and designed and located to be inviting and clearly accessible to the public during daylight hours.

Next Steps

Officers recommend the UPDC receive and note the approval and gazettal of the amendment, including Schedule 4 to the Development Plan Overlay provided at **Attachment 1**.

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

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Thompson

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the approval and gazettal of Amendment C376 to the Boroondara Planning Scheme by the Minister for Planning, including Schedule 4 to the Development Plan Overlay as provided at Attachment 1 in relation to the former Melbourne University site at 442-450 Auburn Road and 9 Bills Street, Hawthorn.**
- 2. Note the process the Minister for Planning and Department of Transport and Planning used to consider the rezoning was uncertain, had no defined pathway, lacked transparency, forced Council and the community to advocate for improvements without any recovery of costs through application fees and has not resulted in a faster outcome to the delivery of housing.**

CARRIED

3.5 27 Willow Grove, Kew East (Willsmere Park) - Social pavilion and change room facilities - PP23/0579

27 Willow Grove, Kew East (Willsmere Park) - Social pavilion and change room facilities - PP23/0579

Application no.:	PP23/0579
Responsible director:	Scott Walker, Director Urban Living
Authorised by:	David Cowan, Manager Planning and Placemaking
Report officer:	Jack Richardson, Senior Urban Planner

Proposal

The proposal seeks to construct buildings and works associated with a new social pavilion and change room facilities, and removal and pruning of native vegetation.

The redevelopment will deliver two change room pavilions, containing four change rooms, four amenity areas, two storage areas, two umpire amenity areas and a first aid room. The new social pavilion includes an external viewing area, kiosk, toilets and storage.

The buildings are elevated single storey structures, with the social pavilion having an overall height of 7.43 metres, and the change pavilion having an overall height of 8.32 metres.

An additional 16 on-street car parking spaces will be provided along Willow Grove, and three (3) trees are proposed to be removed.

Officer's response

The proposal responds positively to the relevant planning controls and policies of the planning scheme.

The proposal improves the design of the existing sporting club and the recreational and leisure facilities available to the community. The amenity of neighbouring properties has been considered through the design of the built form following the topography of the land and the colours and materials selected to integrate with the surrounding context. The overall height is modest and the project will benefit from the retention of existing canopy trees and new landscaping opportunities.

The removal of three native trees is proposed to make space for new car parking spaces and is supported by Council's Environmental Sustainability and Open Space Department. Flooding of the site and area has also been considered in the design of the proposal, with Melbourne Water supportive of the proposal subject to conditions.

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

MOTION**Moved Councillor Parke****Seconded Councillor Watson**

That the Urban Planning Delegated Committee resolve that a planning permit subject to conditions for buildings and works associated with a social pavilion and change room facilities, and removal of and pruning to native vegetation in the Land Subject to Inundation Overlay (LSIO) and Significant Landscape Overlay (SLO1) in accordance with the endorsed plans at 27 Willow Grove, Kew East be issued under the Boroondara Planning Scheme subject to the following conditions:

Melbourne Water Conditions

- 1. Prior to the endorsement of plans under this permit, amended plans to the satisfaction of Melbourne Water and Council must be submitted to and approved by Melbourne Water and Council. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - a) The building(s) / pavilion(s) must be constructed with finished floor levels set no lower than 18.82 metres to Australian Height Datum (AHD), which is 600 mm above the applicable flood level of 18.22 metres to AHD.**
 - b) Carparking must be constructed with finished floor levels set no lower than the applicable flood level of 18.22 metres to Australian Height Datum (AHD).****
- 2. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.**
- 3. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the building(s) / pavilion(s) and ramps.**
- 4. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water.**
- 5. All decking including stairs must be constructed with unenclosed foundations to allow for the passage of overland flows. Stairs up to the decking must contain no vertical risers.**

Layout not to be altered

- 6. 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.**

Permit to expire:

- 7. 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.

Data available at Melbourne Water indicates that the above property is subject to flooding. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property is 18.22 metres to Australian Height Datum (AHD).

Freeboard is the difference between the floor level of a building and the 100-year flood level. Freeboard requirements are designed to ensure that valuable buildings, their contents and the people in them are safely above the 100-year flood level.

Melbourne Water requires the building to be constructed with finished floor levels set minimum of 600mm above the applicable flood level. This is consistent with State Floodplain Management Policy and the Victorian Building Regulations 2018.

CARRIED

3.6 Modernising Car and Bicycle Parking Requirements - Response and proposed submission

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the release of the Discussion Paper “Modernising car and bicycle parking requirements”. The report also seeks adoption of the submission response prepared by officers.

Background

The Department of Transport and Planning (DTP) has released a discussion paper that proposes to:

- Introduce a Public Transport Accessibility Level (PTAL) map that nominates a location’s public transport accessibility level as poor, low, medium or high.
- Introduce new car parking rates that align with each PTAL.
- Set maximum car parking provisions for locations with medium or high PTAL.
- Refine minimum car parking provisions.
- Group different land uses with similar car parking demand into seven categories and apply car parking rates based on the category and PTAL.
- Introduce minimum rates and new design standards for bicycle parking and end of trip facilities.
- Consolidate Clause 52.06 (Car Parking) and Clause 52.34 (Bicycle Facilities) into the same provision.
- Digitally integrate PTALs into the State Governments mapping system VicPlan.

The discussion paper is light on detail, which makes it challenging to assess the merits of the proposed reforms and the implications for Boroondara. However, it is also welcome that Councils are being engaged at an early stage of the process and can therefore influence how the reforms are progressed in future.

The Department seeks feedback from Council in relation to the proposed changes by 17 November 2023.

Key Issues

Parking requirements are a complex and contested issue with wide ranging implications. Car based travel will continue to be important to many households and businesses, particularly in less accessible locations, however traditional car parking requirements can have unintended consequences for housing choice, affordability, development feasibility, traffic congestion and sustainability.

The discussion paper proposes a new approach that aligns car and bicycle parking requirements with a location’s accessibility based on Public Transport Accessibility Level (PTAL) mapping, which in principle is a logical approach and has merit from an urban planning and transport planning perspective.

The effectiveness of the approach will greatly depend on:

- the accuracy and practicality of the PTAL mapping mechanism; and
- the appropriateness of the proposed new car parking rates and land use groups.

In regard to the **PTAL mapping mechanism**, the general idea has merit and will bring a contemporary and logical approach to reforming car parking requirements in the planning scheme. However the approach may be too 'broad brush' and not appropriately reflective of the different levels of accessibility within a municipality like Boroondara. It is recommended that:

- local Council's have the opportunity to shape the maps to reflect local characteristics;
- the mapping consider the accessibility benefits of activity centres, not just public transport; and
- the PTAL boundaries be based on roads and property boundaries rather than grid maps that have been used elsewhere.

In regard to the **Land Use Groups**, the general approach of grouping land uses with similar car parking needs is considered appropriate, however the current groups suggested need further refinements. For example, normal dwellings have very different parking needs from a hotel.

The proposed changes to **bicycle parking requirements** are generally supported, however the PTAL mapping needs adjustment to suit active transport modes.

The **car parking rates** proposed, and in particular the removal of minimum car parking requirements and the introduction of maximum requirements for medium and high PTAL levels, may be a contentious issue for some people in the community. It is considered that reductions in parking requirements need to be considered to help address issues like housing choice and affordability, development feasibility, traffic congestion and sustainability. However, without a draft PTAL map or further detail to respond to it is difficult to review the practical implications of the proposed reforms. Therefore, only the following broad feedback can be offered at this stage:

- In highly accessible locations, close to public transport and major activity centres, the removal of minimum car parking requirements and the introduction of maximum requirements has merit from an urban planning and transport planning perspective. The appropriate level of these maximum requirements cannot be determined without further information.
- There should be a feasible mechanism for Councils to collect a car parking infrastructure charge from developments that provide low levels of parking. This would enable Councils to fund more efficient public parking where necessary.
- In locations with medium levels of accessibility, the removal of minimum car parking requirements and the introduction of maximum requirements is not supported, however a lower minimum level may be considered appropriate to offer improved housing choice, depending on the proposed location mapping.

The reduction in parking requirements in new development may result in more competition for publicly available parking, however in most cases public parking at highly accessible public transport locations is already limited by parking permits and short-term parking, so the practical impacts are likely to be minimal.

There may be some concern in the community about reduced parking requirements for new development, however these should be weighed against the wider benefits for housing choice and affordability, development feasibility, traffic congestion and sustainability.

Next Steps

It is recommended that the UPDC receive and note the release of the Discussion Paper “Modernising car and bicycle parking requirements”. It is also recommended that the UPDC endorse the submission prepared by officers. The submission should also be circulated to the Municipal Association of Victoria and all Members of Parliament which represent the Boroondara community.

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

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Gillies

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the Discussion Paper “Modernising car and bicycle parking requirements” provided at Attachment 1.**
- 2. Adopt the response to the Discussion Paper “Modernising car and bicycle parking requirements” provided at Attachment 2 and submit the response to the Department of Transport and Planning.**
- 3. Provide a copy of Council’s responses to the discussion paper to the Municipal Association of Victoria and all members of State Parliament representing Boroondara.**

CARRIED

4. General business

4.1 Councillor Sinfield

Councillor Sinfield thanked Councillor Stavrou for his work as Chairperson of the Urban Planning Delegated Committee meeting, overseeing 14 meetings and reports on Community Heritage Nomination Process, the Glenferrie Place Plan, Smythesdale Estate, etc.

4.2 Councillor Gault

Councillor Gault raised that the process for Councillor Amendment circulation should be reviewed to ensure Councillors have access prior to the meeting.

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 10:45pm

Confirmed

Chairperson _____

Date _____