

URBAN PLANNING DELEGATED COMMITTEE



MINUTES

(Open to the public)

Monday 4 December 2023

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6:35pm

Attendance

Councillor Wes Gault (Chairperson)
Councillor Jim Parke
Councillor Felicity Sinfield (Deputy Mayor)
Councillor Victor Franco (arrived at 6:45pm)
Councillor Di Gillies
Councillor Lisa Hollingsworth (Mayor)
Councillor Jane Addis
Councillor Cynthia Watson
Councillor Susan Biggar
Councillor Garry Thompson

Apologies Councillor Nick Stavrou

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Scott Walker	Director Urban Living
	Kate McCaughey	Director Community Support
	David Cowan	Manager City Futures
	Joel Elbourne	Manager Urban Planning
	Bryan Wee	Manager Governance & Legal
	Jon Harper	Coordinator Urban Planning
	Mikaela Carter	Principal Strategic Planner
	Jock Farrow	Principal Urban Planner
	Nikhil Shah	Urban Planner
	Liam Merrifield	Senior Governance Officer

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1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Felicity Sinfield****Seconded Councillor Di Gillies****That the minutes of the Urban Planning Delegated Committee meeting held on 13 November 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 48-52 Riversdale Road, Hawthorn - Four storey apartment building - PP23/0152***Councillor Victor Franco entered the chamber and took his seat at 6:45pm*Proposal

The application seeks planning permission for the development of the land at 48-52 Riversdale Road, Hawthorn (the Site) for the purpose of multiple dwellings on a lot and alteration of access to a road in a Transport Zone 2; comprising 29 dwellings within a 4 storey apartment building, upon basement car parking.

The key details of the proposal are summarised as follows:

- Site area: 1,619sqm
- Apartments: 29 (1x1bed, 23x2bed & 5x3bed)
- Car parking spaces: 35 (34 spaces required)
- Bicycle parking spaces: 22
- Site coverage: 65.44%
- Permeability: 20.13%
- Building height: 4 storeys and 14.1 metres

The proposed building would adopt a contemporary form and appearance, presenting a 3 storey façade to Riversdale Road. The building has been designed with a split level arrangement owing to the slope of the land, allowing the building to step down to the rear of the Site, with the slope.

The proposal includes the removal of the majority of trees onsite; however, Tree 24 is proposed for retention. Tree 24 is a 15m high, mature Brittle Gum, located to the front setback.

13 objections have been received to the application.

Key Issues

The following key considerations are addressed in the Planning Assessment Report:

- Strategic Directions
- Planning Zone
- Neighbourhood Character
- Onsite and Offsite Amenity
- Traffic, Transport and Parking
- Environmental Sustainability
- Integrated Decision Making

Officer's Response

Planning Officers have undertaken a detailed assessment of the proposal in accordance with the requirements of the Boroondara Planning Scheme, as outlined in the Planning Assessment Report.

The proposal is considered to be appropriate and acceptable, for the following reasons:

- The proposal has strategic support from the Planning Scheme, which has a consistent theme of increasing residential density within accessible and strategically appropriate locations. This is reflected in Council's Housing Framework Plan which identifies the site for 'increased diversity and density' and categorises the land as a 'main road apartment precinct'.
- The proposal achieves the express purpose of the zone which includes to provide housing at increased densities in buildings up to and including four storeys.
- The proposal is well conceived from an architectural and urban design perspective, resulting in a high quality and contextual development which will sit comfortably within its context. Further, the development provides for an appropriate transition to the surrounding Neighbourhood Residential Zoned land.
- The development provides for considerable landscaping opportunities, appropriate to the physical and policy context.
- The development accommodates the retention of the mature Brittle Gum within the front setback.
- The development achieves excellent standards of onsite amenity, including appropriate levels of outdoor space.
- The development will not result in undue offsite amenity impacts.
- The development complies with all Clause 55 (ResCode & Apartment Development) objectives and most standards.
- The development provides an oversupply of parking spaces and the traffic movements will not unduly impact the surrounding network.
- The development provides an oversupply of bike parking spaces.
- The development achieves 'best practice' in term of sustainable design.

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

One submitter supporting the officers' recommendation addressed the meeting.

Procedural motion - Adjournment

MOTION

Moved Councillor Jane Addis

Seconded Councillor Susan Biggar

That the Urban Planning Delegated Committee meeting be adjourned.

CARRIED

The Urban Planning Delegated Committee adjourned at 8:04pm

Procedural motion - Resumption

MOTION

Moved Councillor Jane Addis

Seconded Councillor Garry Thompson

That the Urban Planning Delegated Committee meeting be resumed

CARRIED

The Urban Planning Delegated Committee resumed at 8:18pm

MOTION

Moved Susan Biggar

Seconded Jane Addis

That the Urban Planning Delegated Committee resolve to issue a Notice of Refusal for 48-52 Riversdale Road, Hawthorn on the following grounds:

- 1) The proposed development, by reason of its scale, massing, form, inadequate setbacks, and excessive site coverage, would result in excessive visual bulk to neighbouring dwellings and fail to provide for an appropriate transition to the surrounding Neighbourhood Residential Zone land, contrary to the purpose of the Residential Growth Zone, Clause 15.01-5L (Neighbourhood Character - Boroondara) and Clause 55 Standard B17 (side and rear setbacks) of the Boroondara Planning Scheme.
- 2) The proposed development would result in excessive shadows to the secluded private open space of neighbouring dwellings, failing to meet Standard B21 (Overshadowing open space) of Clause 55 of the Boroondara Planning Scheme.
- 3) The proposed development, by reason of its bulk, scale, form, materiality and inadequate front setback, fails to provide an acceptable contribution to the preferred character of the area, contrary to the policies at Clauses 15.01-1S/1R (Urban Design), 15.01-1L-01 (Urban Design and Built Form Outcomes), 15.01-2S (Building Design), 15.01-5S (Neighbourhood Character), 15.01-5L (Neighbourhood character - Boroondara); or Clause 55 Standards B1 (Neighbourhood character), B6 (Street setback) or B31 (Design details) of the Boroondara Planning Scheme.
- 4) The development provides for inadequate landscaping opportunities, contrary to the objectives and strategies of Clauses 12.01-1L (Protection of Biodiversity) and 15.01-5L (Neighbourhood character - Boroondara) along with the objectives of Clause 55 Standard B38 (Landscaping).

LOST

MOTION

Moved Garry Thompson

Seconded Jim Parke

That the Urban Planning Delegated Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP23/0152 to construct multiple dwellings on a lot and to create or alter access to a road in a Transport Zone 2, involving a 4 storey apartment building upon basement car parking, at 48-52 Riversdale Road, Hawthorn under the Boroondara Planning Scheme subject to the following conditions:

Stormwater Drainage Plan Prerequisite Requirements

- 1. Prior to the submission of Amended Plans pursuant to Condition 2, Development Stormwater Drainage Plans must be submitted to and approved by Council's Asset and Capital Planning team (Drainage), the Responsible Authority. The plans must be prepared by a Registered Professional Civil Engineer with endorsement as a building engineer and must include:**
 - (a) The use of an On-site Stormwater Detention (OSD) system;**
 - (b) The connection to the Council nominated Legal Point of Discharge;**
 - (c) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;**
 - (d) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the Environmentally Sustainable Design (ESD) and STORM report and include drainage details as a result of landscaping;**
 - (e) A suitably prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;**
 - (f) All drainage plans must show the Trees to be retained and include the Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, as detailed in accordance with the arborist report submitted with the application.**
 - (g) All drainage plans must show proposed trees to be planted in accordance with the landscape plan submitted with the application.**

Amended plans required

- 2. 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 plans advertised on 7 September 2023 but modified to show:**
 - (a) Details of the development stormwater drainage plans in accordance with Condition 1.**
 - (b) Annotation to confirm that any landscaping or other obstruction within the sight triangles must be no higher than 900mm in height or made to be 50% permeable in order to maintain visibility to pedestrians.**
 - (c) Electric Vehicle charging infrastructure to all car parking spaces.**
 - (d) A total provision of 29 bicycle parking spaces.**
 - (e) A rainwater harvesting tank with a total capacity of 12,500L.**

- (f) Increased setbacks to the second floor balcony balustrade/screening from the southern boundary, to comply with Clause 55 Standard B20 (north facing windows). The increased setback is to be absorbed within the building envelope and without reducing any other setback.**
- (g) Demonstrate through the use of overlooking sectional diagrams, along with any additional overlooking measures (as necessary), that the development complies with Clause 55 Standard B22 (Overlooking) from the following areas:**
 - a. Ground floor and associated decking to the west and rear. Any necessary screening to these interfaces must be setback from the common boundary and provided as free-standing screening.**
 - b. Second floor balconies to the rear and west.**
 - c. Third floor terrace/balcony, to all neighbouring interfaces.**
- (h) Updated materials schedule to depict the proposed balustrades / overlooking screening, specify the colour and materiality and confirm that screening will be no more than 25% open.**
- (i) The location of all outdoor heating and cooling units must be depicted and they must be located away from the existing habitable rooms.**
- (j) Any changes required by the Sustainable Management Plan, required at Condition 5.**
- (k) Any changes required by the Landscape Plan, required at Condition 8.**
- (l) Any reductions to the built form and/or works recommended in the endorsed Tree Management Plan, required at Condition 11. Any reductions must be accommodated within the building envelope and without the reduction of any other setbacks.**
- (m) Any changes required by the Waste Management Plan, required at Condition 27.**

Trees

- (n) The Tree Protection Zone and Structural Root Zone of Tree Nos. 2, 3, 4, 12, 15, 16, 17, 18, 19, 20, 21 22, 24, 26 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboricultural (dated 20/10/2022) drawn on all site and floor plans.**
- (o) Notation on all site and floor plans that Tree Nos. 2, 3, 4, 12, 15, 16, 17, 18 (neighbouring portion of tree group), 19, 20, 21 22, 24, 26 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit.**
- (p) Notation confirming that all fencing and decking structures within the TPZ of Tree 24 and all neighbouring trees to incorporate root sensitive footings or as otherwise agreed in the endorsed Tree Management Plan required by this Permit.**
- (q) Notation confirming permanent fencing within the Tree Protection Zone of Tree 12 and 26 are to be constructed on pier foundations with any required plinths constructed above existing grade.**
- (r) Notation confirming that existing ground levels are to be maintained in TPZs for retained trees (excluding approved built form).**
- (s) Any decking within the SRZ of Tree 15 and 17 to be deleted.**
- (t) A notation confirming that the siting of any necessary stormwater detention pit, underground services and pits, and/or rainwater harvesting tank will be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected.**
- (u) Notation on all site and floor plans that all excavations within the Tree Protection Zones of retained onsite trees and neighbouring trees shall be carried out in accordance with the endorsed Tree Management Plan required by this Permit.**

- (v) Notation on all site and floor plans that all excavations within the Tree Protection Zone of Tree 12 and 26 must be undertaken with hand tools or hydro-vacuum and that all excavation works must be supervised, documented and certified by the Project Arborist.**

Layout not to be altered

- 3. 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.**

Privacy measures must be installed

- 4. Prior to occupation of the development approved by this permit the installation of any privacy screens and measures shown on the endorsed plans must be undertaken in accordance with the endorsed plans. The privacy screens must be maintained thereafter to the satisfaction of the Responsible Authority.**

Updated Sustainable Management Plan

- 5. Concurrent with the endorsement of plans required by Condition 2, an updated Sustainable Management Plan (ESD Report) must be submitted to and approved to the satisfaction by the Responsible Authority. The Report must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the ESD Report advertised on 7 September 2023 prepared by Energy, Water and Environment, but modified to include the following changes:**
 - a. An amended stormwater management plan that includes a maintenance plan, stating periodic actions, requirements, and responsibilities.**
 - b. Specification for electric vehicle charging infrastructure provisions in accordance with the National Construction Code 2022.**

Where alternative ESD initiatives are proposed, 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.

Implementation of ESD measures

- 6. All works must be undertaken in accordance with the endorsed ESD Report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.**

Confirmation of ESD measures

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

Updated Landscape Plan

- 8. Concurrent with the endorsement of plans required by Condition 2, a detailed Landscape Plan must be submitted to satisfaction of the Responsible Authority. Once approved the Landscape Plan will be endorsed and form part of the permit. The Landscape Plan must be generally in accordance with the Landscape Concept Design advertised on**

7 September 2023 prepared by Vivid Green, except that the plan 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) 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;**
- (c) Planting of trees within drainage easements/adjacent to Council drains being limited to species with shallow root system (shrubs) which will not prejudice or damage the stormwater drain.**
- (d) Details of the surface finish of all pathways, paved areas and accessways and the use of permeable paving where required by the endorsed Tree Management Plan required by this permit;**
- (e) All hard surfaces proposed within the Tree Protection Zone of Tree Nos. 12 and 26 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.**
- (f) Notation confirming all trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;**
- (g) Notation confirming all canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;**
- (h) Depict the approved Development Stormwater Drainage Plans required under Condition 1, demonstrating that proposed landscaping can be accommodated while not prejudicing the approved drainage infrastructure;**
- (i) Demonstrate that all proposed trees are to be provided with sufficient soil volumes and depths (whether in planters or deep soil areas) by specifying the proposed soil volume and soil depth alongside the necessary soil volume and soil depth, for all proposed trees;**
- (j) Detailed construction specifications for all permeable surfaces that include cross-section diagrams;**
- (k) Landscaping and planting within all open areas of the site.**

Completion of landscaping works

- 9. 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

- 10. 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

- 11. Concurrent with the submission of amended plans required by Condition 2 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. Nos. 2, 3, 4, 12, 15, 16, 17, 18, 19, 20, 21 22, 24, 26 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboricultural (dated 20/10/2022)). 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, where the TPZs of these trees enter the subject land;**
 - ii. **All tree protection fenced off areas and areas where ground protection systems will be used;**
 - iii. **The type of foundations, fence footings and plinths (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;**
 - 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 of any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist; details of excavation methods; and details of how any hard and permeable surfaces within the Tree Protection Zone of retained trees will be constructed;**
- c) **Specify which trees require supervision from Council's Arborist when excavation is occurring within their root zones and specify that a suitable time will be arranged with Council's Arborist to organise supervision for these works.**
- d) **Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;**
- e) **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 a detailed photographic diagram specifying what pruning will occur. Note: Only Council or Authorised Council Contractors can prune Trees Nos. 12 and 26. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.**

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

- 12. The Construction Management Plan required as a condition of this permit must be in accordance with the Tree Management Plan and Tree Protection Plan.**

Contractors to be advised of trees to be retained

- 13. 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 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 authorized officer of Council this written record must be provided to Council.

Regulation of activities in Tree Protection Zone

- 14. 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 (other than as already approved by 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.**

Documentation and Certification by Project Arborist

- 15. Provide the following in relation to the project arborist and tree management:**
- a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.**
 - b) Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.**

Drainage

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

Drainage arrangements

- 17. 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.**

Sediment laden run-off

- 18. 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.**

Location of third party assets

- 19. The location of third party or utility assets within the development site must be verified by field survey and clearly shown on all development plans.**

Use & allocation 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; a minimum of 1 space must be allocated to each 1 or 2 bed dwelling and 2 spaces must be allocated to each 3+ bed dwelling; each pair of tandem spaces must be allocated to the same dwelling; all to the satisfaction of the Responsible Authority.**

Lighting of carpark and accessways

- 21. 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.**

Pedestrian sight triangles

- 22. Pedestrian sight triangle(s) are to be maintained so that any obstructions, including fencing and/or letterboxes, must be no higher than 900mm or 50% permeable within these triangles, to the satisfaction of the Responsible Authority.**

Boundary walls

- 23. 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

- 24. 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.**

Concealment of pipes

- 25. 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.**

Hours for waste collection

- 26. 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:	9:00am to 4:00pm
Saturday & Public Holidays:	9:00am to 6:00pm
Sunday:	No collection allowed

Unless otherwise agreed in writing by, and to the satisfaction of, the Responsible Authority.

Updated Waste Management Plan

- 27. Concurrent with the endorsement of plans required by Condition 2, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance**

with the Waste Management Plan advertised on 7 September 2023 prepared by Urban Waste Environmental Consultants, but modified:

- a. To note that each tenement is to be provided with a kitchen caddy and compostable liners for the management of the FOGO component of the waste stream.**
- b. To note that each waste stream is to be collected by separate dedicated waste trucks and taken to dedicated and licenced disposal facilities. Wastes are not to be collected in one truck.**
- c. To confirm that waste collection will occur outside of peak hours.**

Waste collection

- 28. Waste collection shall be carried out in accordance with the endorsed waste management plan for the lifetime of the development, to the satisfaction of the Responsible Authority.**

Construction management plan

- 29. Prior to the commencement of any site works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must be prepared in accordance with Council's Construction Management Plan Template and provide details of the following:**

- a) Hours for construction activity in accordance with any other condition of this permit;**
- b) Measures to control noise, dust, water and sediment laden runoff;**
- c) Measures relating to removal of hazardous or dangerous material from the site, where applicable;**
- d) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;**
- e) A Traffic Management Plan showing truck routes to and from the site;**
- f) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;**
- g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;**
- h) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;**
- i) Contact details of key construction site staff;**
- j) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and**
- k) Any other relevant matters, including the requirements of Head, Transport for Victoria and Yarra Trams.**

Head, Transport for Victoria

- 30. Prior to the occupation of the development the crossover driveway and all associated works show on plans (Pitard Group Ref TP-03 Rev 3 29/08/2023) must be constructed to the satisfaction of the Head, Transport for Victoria**

and the Responsible Authority, at no cost to the Head, Transport for Victoria.

- 31. All vehicles associated with the development must be able to conveniently enter and exit the subject land in a forward direction to the satisfaction of the Responsible Authority and the Head, Transport for Victoria.**
- 32. All disused or redundant crossings along Riversdale Road must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria prior to the occupation of the buildings hereby approved.**
- 33. The permit holder must avoid disruption to tram operation along Riversdale Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of 8 weeks prior.**
- 34. The permit holder must ensure that all track, tram and overhead infrastructure is not altered or damaged. Any alteration or damage to public transport infrastructure must be approved and / or rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.**

Permit to expire

35. 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 use or 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.

AMENDMENT**MOTION**

Moved Councillor Susan Biggar

Seconded Councillor Jane Addis

That the Urban Planning Delegated Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP23/0152 to construct multiple dwellings on a lot and to create or alter access to a road in a Transport Zone 2, involving a 4 storey apartment building upon basement car parking, at 48-52 Riversdale Road, Hawthorn under the Boroondara Planning Scheme subject to the following conditions:

Stormwater Drainage Plan Prerequisite Requirements

- 1. Prior to the submission of Amended Plans pursuant to Condition 2, Development Stormwater Drainage Plans must be submitted to and approved by Council's Asset and Capital Planning team (Drainage), the Responsible Authority. The plans must be prepared by a Registered Professional Civil Engineer with endorsement as a building engineer and must include:**
 - (a) The use of an On-site Stormwater Detention (OSD) system;**
 - (b) The connection to the Council nominated Legal Point of Discharge;**
 - (c) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;**
 - (d) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the Environmentally Sustainable Design (ESD) and STORM report and include drainage details as a result of landscaping;**
 - (e) A suitably prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;**
 - (f) All drainage plans must show the Trees to be retained and include the Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, as detailed in accordance with the arborist report submitted with the application.**
 - (g) All drainage plans must show proposed trees to be planted in accordance with the landscape plan submitted with the application.**

Amended plans required

- 2. 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 plans advertised on 7 September 2023 but modified to show:**

- (a) Details of the development stormwater drainage plans in accordance with Condition 1.**

- (b) Annotation to confirm that any landscaping or other obstruction within the sight triangles must be no higher than 900mm in height or made to be 50% permeable in order to maintain visibility to pedestrians.**
- (c) Electric Vehicle charging infrastructure to all car parking spaces.**
- (d) A total provision of 29 bicycle parking spaces.**
- (e) A rainwater harvesting tank with a total capacity of 12,500L.**
- (f) Increased setbacks to the second floor balcony balustrade/screening from the southern boundary, to comply with Clause 55 Standard B20 (north facing windows). The increased setback is to be absorbed within the building envelope and without reducing any other setback.**
- (g) Demonstrate through the use of overlooking sectional diagrams, along with any additional overlooking measures (as necessary), that the development complies with Clause 55 Standard B22 (Overlooking) from the following areas:**
 - a. Ground floor and associated decking to the west and rear. Any necessary screening to these interfaces must be setback from the common boundary and provided as free-standing screening.**
 - b. Second floor balconies to the rear and west.**
 - c. Third floor terrace/balcony, to all neighbouring interfaces.**
- (h) Updated materials schedule to depict the proposed balustrades / overlooking screening, specify the colour and materiality and confirm that screening will be no more than 25% open.**
- (i) The location of all outdoor heating and cooling units must be depicted and they must be located away from the existing habitable rooms.**
- (j) Any changes required by the Sustainable Management Plan, required at Condition 5.**
- (k) Any changes required by the Landscape Plan, required at Condition 8.**
- (l) Any reductions to the built form and/or works recommended in the endorsed Tree Management Plan, required at Condition 11. Any reductions must be accommodated within the building envelope and without the reduction of any other setbacks.**
- (m) Any changes required by the Waste Management Plan, required at Condition 27.**
- (n) Increased setbacks to comply with Clause 55 Standard B17 (side and rear setbacks), to the balcony balustrade belonging to Apartment 302, from the western boundary; setbacks must be accommodated within the building envelope and without the reduction of any other setback.**

Trees

- (o) The Tree Protection Zone and Structural Root Zone of Tree Nos. 2, 3, 4, 12, 15, 16, 17, 18, 19, 20, 21 22, 24, 26 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboricultural (dated 20/10/2022) drawn on all site and floor plans.**

- (p) Notation on all site and floor plans that Tree Nos. 2, 3, 4, 12, 15, 16, 17, 18, 19, 20, 21, 22, 24, 26 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit.**
- (q) Notation confirming that all fencing and decking structures within the TPZ of Tree 24 and all neighbouring trees to incorporate root sensitive footings or as otherwise agreed in the endorsed Tree Management Plan required by this Permit.**
- (r) Notation confirming permanent fencing within the Tree Protection Zone of Tree 12 and 26 are to be constructed on pier foundations with any required plinths constructed above existing grade.**
- (s) Notation confirming that existing ground levels are to be maintained in TPZs for retained trees (excluding approved built form).**
- (t) Any decking within the SRZ of Tree 15 and 17 to be deleted.**
- (u) A notation confirming that the siting of any necessary stormwater detention pit, underground services and pits, and/or rainwater harvesting tank will be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected.**
- (v) Notation on all site and floor plans that all excavations within the Tree Protection Zones of retained onsite trees and neighbouring trees shall be carried out in accordance with the endorsed Tree Management Plan required by this Permit.**
- (w) Notation on all site and floor plans that all excavations within the Tree Protection Zone of Tree 12 and 26 must be undertaken with hand tools or hydro-vacuum and that all excavation works must be supervised, documented and certified by the Project Arborist.**

Layout not to be altered

- 3. 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.**

Privacy measures must be installed

- 4. Prior to occupation of the development approved by this permit the installation of any privacy screens and measures shown on the endorsed plans must be undertaken in accordance with the endorsed plans. The privacy screens must be maintained thereafter to the satisfaction of the Responsible Authority.**

Updated Sustainable Management Plan

- 5. Concurrent with the endorsement of plans required by Condition 2, an updated Sustainable Management Plan (ESD Report) must be submitted to and approved to the satisfaction by the Responsible Authority. The Report must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the ESD Report advertised on 7 September 2023 prepared by Energy, Water and Environment, but modified to include the following changes:**
 - a. An amended stormwater management plan that includes a maintenance plan, stating periodic actions, requirements, and responsibilities.**

b. Specification for electric vehicle charging infrastructure provisions in accordance with the National Construction Code 2022.

Where alternative ESD initiatives are proposed, 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.

Implementation of ESD measures

- 6. All works must be undertaken in accordance with the endorsed ESD Report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.**

Confirmation of ESD measures

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

Updated Landscape Plan

- 8. Concurrent with the endorsement of plans required by Condition 2, a detailed Landscape Plan must be submitted to satisfaction of the Responsible Authority. Once approved the Landscape Plan will be endorsed and form part of the permit. The Landscape Plan must be generally in accordance with the Landscape Concept Design advertised on 7 September 2023 prepared by Vivid Green, except that the plan 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) 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;**
 - (c) Planting of trees within drainage easements/adjacent to Council drains being limited to species with shallow root system (shrubs) which will not prejudice or damage the stormwater drain.**
 - (d) Details of the surface finish of all pathways, paved areas and accessways and the use of permeable paving where required by the endorsed Tree Management Plan required by this permit;**
 - (e) All hard surfaces proposed within the Tree Protection Zone of Tree Nos. 12 and 26 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.**
 - (f) Notation confirming all trees must comply with Australian Standard**

AS2303:2015 - Tree Stock for Landscape Use;

- (g) Notation confirming all canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;**
- (h) Depict the approved Development Stormwater Drainage Plans required under Condition 1, demonstrating that proposed landscaping can be accommodated while not prejudicing the approved drainage infrastructure;**
- (i) Demonstrate that all proposed trees are to be provided with sufficient soil volumes and depths (whether in planters or deep soil areas) by specifying the proposed soil volume and soil depth alongside the necessary soil volume and soil depth, for all proposed trees;**
- (j) Detailed construction specifications for all permeable surfaces that include cross-section diagrams;**
- (k) Landscaping and planting within all open areas of the site.**

Completion of landscaping works

- 9. 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

- 10. 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

- 11. Concurrent with the submission of amended plans required by Condition 2 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. Nos. 2, 3, 4, 12, 15, 16, 17, 18, 19, 20, 21 22, 24, 26 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboricultural (dated 20/10/2022). 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, where the TPZs of these trees enter the subject land;**
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;**
 - iii. The type of foundations, fence footings and plinths (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;**
- 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 of any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist; details of excavation methods; and details of how any hard and permeable surfaces within the Tree Protection Zone of retained trees will be constructed;**
 - c) Specify which trees require supervision from Council's Arborist when excavation is occurring within their root zones and specify that a suitable time will be arranged with Council's Arborist to organise supervision for these works.**
 - d) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;**
 - e) 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 a detailed photographic diagram specifying what pruning will occur. Note: Only Council or Authorised Council Contractors can prune Trees Nos. 12 and 26. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.**

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

- 12. The Construction Management Plan required as a condition of this permit must be in accordance with the Tree Management Plan and Tree Protection Plan.**

Contractors to be advised of trees to be retained

- 13. 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 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 authorized officer of Council this written record must be provided to Council.**

Regulation of activities in Tree Protection Zone

- 14. 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 (other than as already approved by 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.

Documentation and Certification by Project Arborist

15. Provide the following in relation to the project arborist and tree management:

- a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.**
- b) Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.**

Drainage

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

Drainage arrangements

17. 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.

Sediment laden run-off

18. 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.

Location of third party assets

19. The location of third party or utility assets within the development site must be verified by field survey and clearly shown on all development plans.

Use & allocation 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; a minimum of 1 space must be

allocated to each 1 or 2 bed dwelling and 2 spaces must be allocated to each 3+ bed dwelling; each pair of tandem spaces must be allocated to the same dwelling; all to the satisfaction of the Responsible Authority.

Lighting of carparks and accessways

- 21. 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.**

Pedestrian sight triangles

- 22. Pedestrian sight triangle(s) are to be maintained so that any obstructions, including fencing and/or letterboxes, must be no higher than 900mm or 50% permeable within these triangles, to the satisfaction of the Responsible Authority.**

Boundary walls

- 23. 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

- 24. 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.**

Concealment of pipes

- 25. 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.**

Hours for waste collection

- 26. 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: 9:00am to 4:00pm

Saturday & Public Holidays: 9:00am to 6:00pm

Sunday: No collection allowed

Unless otherwise agreed in writing by, and to the satisfaction of, the Responsible Authority.

Updated Waste Management Plan

- 27. Concurrent with the endorsement of plans required by Condition 2, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan advertised on 7 September 2023 prepared by Urban Waste Environmental Consultants, but modified:**
- a. To note that each tenement is to be provided with a kitchen caddy and compostable liners for the management of the FOGO component of the waste stream.**

- b. To note that each waste stream is to be collected by separate dedicated waste trucks and taken to dedicated and licenced disposal facilities. Wastes are not to be collected in one truck.**
- c. To confirm that waste collection will occur outside of peak hours.**

Waste collection

- 28. Waste collection shall be carried out in accordance with the endorsed waste management plan for the lifetime of the development, to the satisfaction of the Responsible Authority.**

Construction management plan

- 29. Prior to the commencement of any site works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must be prepared in accordance with Council's Construction Management Plan Template and provide details of the following:**
- a) Hours for construction activity in accordance with any other condition of this permit;**
 - b) Measures to control noise, dust, water and sediment laden runoff;**
 - c) Measures relating to removal of hazardous or dangerous material from the site, where applicable;**
 - d) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;**
 - e) A Traffic Management Plan showing truck routes to and from the site;**
 - f) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;**
 - g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;**
 - h) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;**
 - i) Contact details of key construction site staff;**
 - j) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and**
 - k) Any other relevant matters, including the requirements of Head, Transport for Victoria and Yarra Trams.**

Head, Transport for Victoria

- 30. Prior to the occupation of the development the crossover driveway and all associated works show on plans (Pitard Group Ref TP-03 Rev 3 29/08/2023) must be constructed to the satisfaction of the Head, Transport for Victoria and the Responsible Authority, at no cost to the Head, Transport for Victoria.**

31. All vehicles associated with the development must be able to conveniently enter and exit the subject land in a forward direction to the satisfaction of the Responsible Authority and the Head, Transport for Victoria.
32. All disused or redundant crossings along Riversdale Road must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria prior to the occupation of the buildings hereby approved.
33. The permit holder must avoid disruption to tram operation along Riversdale Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of 8 weeks prior.
34. The permit holder must ensure that all track, tram and overhead infrastructure is not altered or damaged. Any alteration or damage to public transport infrastructure must be approved and / or rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Permit to expire

35. 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 use or 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.

Procedural motion - Suspension of standing orders

Moved Councillor Jim Parke

Seconded Councillor Victor Franco

That the standing orders be suspended.

CARRIED

Standing orders were suspended at 8:41pm.

Procedural motion - Resumption of standing orders

Moved Councillor Jim Parke

Seconded Councillor Felicity Sinfield

That standing orders be resumed.

CARRIED

Standing orders were resumed at 8:46pm.

Procedural motion - The closure

Moved Councillor Garry Thompson

Seconded Councillor Jane Addis

That the motion be now put.

CARRIED

The amendment was put and CARRIED.

The amendment became the substantive motion.

The motion was put and CARRIED.

3.2 10 Cross Street Canterbury - Construct a Single Dwelling in Heritage Overlay

10 Cross Street, Canterbury- Construct a single dwelling in Heritage Overlay.

Application no.: PP22/0465

Responsible director: Scott Walker, Director Urban Living

Authorised by: David Cowan, Manager Planning and Placemaking

Report officer: Nikhil Shah, Urban Planner

Proposal

The proposal seeks to construct a double-storey single dwelling on the lot, with a basement sub level (provided with internal access only). The proposed dwelling will be sited within the previously approved building envelope associated with PP20/0351. The proposed dwelling will be contemporary in form whilst utilising design elements and materiality from the wider heritage streetscape to sensitively integrate into the existing residential neighborhood.

Issues

The following are key issues in respect of this application:

- The design response of the proposed dwelling with respect to the Heritage Overlay.
- The scale, height, and massing of the dwelling.

Officer's response

The decision plans provide a considered response against relevant controls and policy. Heritage concerns have been addressed and implemented sufficiently. On balance the proposal is an appropriate outcome which should be supported.

Details of the proposal, discussion of all objections and assessment against relevant 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 Jane Addis

Seconded Councillor Garry Thompson

That the Urban Planning Delegated Committee resolve that Notice of Decision to Grant Planning Permit No. PP22/0465 for construction of one dwelling on a lot in a Heritage Overlay generally in accordance with the plans advertised on 24 October 2023 at 10 Cross Street, Canterbury 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 plans advertised on 24 October 2023 but modified to show:

- a. The 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. The samples must demonstrate the development consists of high quality, durable materials.
- b. Modifications to the fence design and materiality to a simplified, contemporary style timber picket which maintains the approximate height, spacing and visual permeability of traditional picket fences in the vicinity, e.g., nearby contributory property at 8 Cross Street.
- c. Modifications to the colour of the front door and garage door from dark brown to light brown.
- d. The width of the pedestrian pathway reduced to a maximum width of 1.2 metres.
- e. Glazing to be provided on either side of the entry door. The entry door to remain the same size.
- f. A Landscape Plan in accordance with Condition 3

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 show:

- a. A planting schedule of all proposed trees, shrubs and ground covers.
- b. Details of surface finish of all pathways, paved areas and accessways.
- c. At minimum, incorporation of one (1) canopy tree (minimum two metres tall when planted and must achieve a minimum mature height of 10 metres and canopy spread of 5 metres) and a row of shrubby behind the fence line in the front setback of the property.

Drainage

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

Permit to expire:

5. This permit will expire if:
 - a) The development does not start within two (2) years of the issue date of this permit; or
 - b) The development is not completed within four (4) years of the issue date of this permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:

- (i) within six (6) months afterwards if the development has not commenced; or**
- (ii) within twelve (12) months afterwards if the development has not been completed.**

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

CARRIED

3.3 36 Kooyongkoot Road, Hawthorn - Outcome of Ministerial Advisory Committee - Amendment C284Pt2boro

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the recommendations of the Ministerial Advisory Committee (MAC) appointed to consider submissions to Amendment C284Pt2boro (36 Kooyongkoot Road, Hawthorn) to the Boroondara Planning Scheme. The report also considers the officers' recommendation to refer the amendment to an Ordinary meeting of Council for abandonment.

Background

Amendment C284Pt2boro seeks to apply a permanent Heritage Overlay to the property at 36 Kooyongkoot Road, Hawthorn. The property was originally part of the Hawthorn Heritage Gap Study (Amendment C284boro).

On 14 July 2020, following the release of the Planning Panel report for Amendment C284boro, a Section 39 (defects in procedure) review was made by the property owner to the Victorian Civil and Administrative Tribunal (VCAT). On 3 August 2020, the UPDC resolved to split Amendment C284boro into two parts, and defer consideration of Amendment C284 (Part 2) until the VCAT proceedings pertaining to 36 Kooyongkoot Road, Hawthorn and any required actions are concluded.

On 18 March 2021, during the legal proceedings at VCAT, Minutes of Consent were signed by parties referring the matter to a Ministerial Advisory Committee (MAC). A MAC was appointed pursuant to Section 151 of the *Planning and Environment Act 1987*. The Terms of Reference for the Committee were signed by the former Minister for Planning on 14 September 2022.

A public hearing was held on 8 and 9 May 2023. The MAC returned its report to the Minister for Planning on 15 June 2023.

Key Issues

On 6 November 2023, the Minister for Planning issued the report of the MAC, which is provided at **Attachment 1**.

The MAC has recommended the amendment be abandoned, finding the thresholds for local significance for Criterion D, E and H presented through the exhibited heritage citation and Council's heritage expert evidence, have not been met.

While the recommendation to abandon is not consistent with Council's heritage expert, officers accept the recommendation.

Next Steps

Officers recommend the UPDC resolve to receive and acknowledge the MAC report and refer Amendment C284Pt2boro to an Ordinary Meeting of Council to be abandoned.

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

MOTION**Moved Councillor Susan Biggar****Seconded Councillor Garry Thompson****That the Urban Planning Delegated Committee resolve to:**

- 1. Receive and acknowledge the Ministerial Advisory Committee report and recommendations, as shown at Attachment 1.**
- 2. Endorse the officers' response to the Ministerial Advisory Committee's recommendations to Amendment C284Pt2boro.**
- 3. Refer Amendment C284Pt2boro to an Ordinary Meeting of Council to be abandoned in accordance with Section 28 of the *Planning and Environment Act 1987*.**

CARRIED**4. General business**

Nil.

5. Urgent business

Nil.

6. Confidential business

Nil

The meeting concluded at 9:05pm**Confirmed****Chairperson**

Date
