

# URBAN PLANNING DELEGATED COMMITTEE



## MINUTES

(Open to the public)

**Monday 4 March 2024**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement** 6:38pm

**Attendance**

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

**Apologies**

Councillor Nick Stavrou  
Councillor Victor Franco

<b><u>Officers</u></b>	Phillip Storer	Chief Executive Officer
	Scott Walker	Director Urban Living
	David Cowan	Manager City Futures
	Joel Elbourne	Manager Urban Planning
	Arturo Ruiz	Coordinator Placemaking
	Kirstin Ritchie	Coordinator Governance
	Christian Wilmsen	Coordinator Strategic Planning
	Emil Dickson	Senior Strategic Planner Heritage
	Elizabeth Spanjer	Senior Strategic Planner
	Liam Merrifield	Senior Governance Officer

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## 1. Adoption and confirmation of the minutes

### MOTION

Moved Councillor Gillies

Seconded Councillor Sinfield

That the minutes of the Urban Planning Delegated Committee meeting held on 19 February 2024 be adopted and confirmed.

### CARRIED

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

Nil.

## 3. Presentation of officer reports

### 3.1 756-758 Glenferrie Road, Hawthorn - Planning Application for Packaged Liquor (bottle shop) - PP23/0503

#### Proposal

It is proposed to partially demolish, alter and extend the existing commercial building and introduce a 'Packaged Liquor' licence to the land associated with a new Bottle Shop (Dan Murphy's). The site is located within the *Hawthorn–Glenferrie Road Major Activity Centre* and is in the Commercial 1 Zone. It is affected by the Design and Development Overlay, Parking Overlay, Heritage Overlay, and Special Building Overlay.

A retail premises (bottle shop) will occupy the ground and first floors and have direct access from Glenferrie Road and Liddiard Street.

Vehicle access will be at ground level via the right-of-way (ROW) at the rear. The proposal includes three parking spaces on site.

A total of 39 objections to the application have been received.

#### Issues

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

- Loss of residential and public amenity.
- Cluster effects of liquor licences within the Activity Centre.
- Provision of car parking.
- Traffic access via the rear laneway.

#### Officer's response

The proposed land use and development scale is appropriate to the site's location in the Commercial 1 Zone and within the *Hawthorn–Glenferrie Road Major Activity Centre*. The provision of packaged liquor which will be until no later than 9pm on any

day is considered acceptable on a main road within a commercial zone as part of this major activity centre.

Council's Transport Engineers support the car parking rate reduction and layout of the proposed car parking noting that the application proposes a different retail activity and that the existing operation on the site already generates a demand on carparking.

The design complies with the Design and Development Overlay and Heritage Overlay controls, the relevant requirements of the Municipal Planning Strategy and the Planning Policy Framework, and is supported by Council's Urban Designer, Waste Officer, and Heritage Advisor.

*Three speakers opposed to the officers' recommendation addressed the meeting.*

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

## **MOTION**

**Moved Councillor Biggar**

**Seconded Councillor Parke**

**That the Urban Planning Delegated Committee resolve to issue a Notice of Decision to Grant a Planning Permit for No. PP23/0503 for *Use of the land for the sale of liquor (packaged liquor), display of business identification signage, reduce the number of car parking spaces required under Clause 52.06-5 (Car Parking), and part demolition and buildings and works associated with premises in a Commercial 1 Zone (C1Z), Design and Development Overlay (DDO15), Heritage Overlay (HO491), and Special Building Overlay (SBO) at 756-758 Glenferrie Road, Hawthorn under the Boroondara Planning Scheme subject to the following conditions:***

### **Amended Plans Required**

- 1. Before the use and development commences, 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 be substantially in accordance with the advertised plans, and modified to show/:**
  - a. The Liddiard Street doors finished in a clear and articulate manner that does not result in a loss of contrast of the features to the satisfaction of the Responsible Authority.**
  - b. A Noise and Amenity Action Plan in accordance with Condition No. 12 of this permit.**
  - c. Any changes required to the Waste Management Plan in accordance with Condition No. 13 of this permit.**
  - d. Any changes required to the Traffic Impact Assessment in accordance with Condition No. 19 of this permit.**

### **Layout and uses not to be altered**

- 2. The layout of the site, including the size of the spaces to which this permit applies, and the description of the use(s) on the endorsed plans must not**

**be modified for any reason without the prior written consent of the Responsible Authority.**

**Licensed premises (Packaged Liquor Licence)**

- 3. The use of the land for the sale of liquor must be in accordance with *Packaged Liquor Licence*. The specified licence must not be modified for any reason without the prior written consent of the Responsible Authority.**

**Red Line Area**

- 4. The layout of the redline delineation shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.**
- 5. The sale of liquor must only occur with the red line area shown on the endorsed plan.**

**Signs not to be altered**

- 6. 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 without the prior written consent of the Responsible Authority.**

**Hours of sale of liquor ('Packaged Liquor Licence')**

- 7. The liquor license use allowed under this permit must operate only during the following hours, except with the prior written consent of the Responsible Authority:**

**Monday to Saturday: 9 am to 9 pm.**

**Sunday: 10 am to 9 pm.**

**ANZAC Day: 12pm (noon) to 9 pm.**

**Good Friday and Christmas Day: No trade**

**Amenity of area**

- 8. The amenity of the area must not be adversely affected by the use and development as a result of the:**
  - a. Transport of materials, goods or commodities to or from the land; and/or**
  - b. Appearance of any building, works, stored goods or materials; and/or**
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or oil; and/or**
  - d. The presence of vermin.**

**or in any other way, to the satisfaction of the Responsible Authority.**

**Noise levels**

- 9. Noise levels emanating from the premises must not exceed the relevant levels prescribed by the 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues - Publication 1826.4', or any successive relevant legislation, to the satisfaction of the Responsible Authority.**

**Testing of noise emissions**

**10. At the request of the Responsible Authority, the owner or occupier must, within 30 days, supply an assessment by a qualified acoustic consultant of noise levels emitted from the site with readings taken at times and locations specified by the Responsible Authority.**

**The cost of the assessment is to be borne by the owner or occupier. If necessary, additional noise control features must be installed in consultation with an acoustic engineer, or activities and noise sources on the premises regulated at the direction of and to the satisfaction of the Responsible Authority.**

**The frequency of this request will be at the discretion of the Responsible Authority.**

**No external audio equipment**

**11. 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.**

**Noise and Amenity Action Plan**

**12. Before the use for the sale of liquor starts, a Noise and Amenity Action Plan (NAAP) must be submitted to and approved by the Responsible Authority. At a minimum the NAAP must address the following regarding the sale of liquor (Packaged Liquor Licence) associated with the retail premises:**

- (a) the hours of operation for the sale of 'Packaged Liquor' to reflect those permitted by this permit;**
- (b) details of the management of the sale of packaged liquor for consumption off the premises;**
- (c) identification of noise sensitive areas, including residential areas and accommodation in close proximity to the licensed premises;**
- (d) details of staffing arrangements, including numbers of staff, working hours, and responsibilities regarding ensuring compliance with this permit and implementation of the NAAP;**
- (e) the methods and procedures for recording and responding to complaints, including standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victorian Police, an authorised officer of the Responsible Authority, or an officer of the liquor licensing authority;**
- (f) details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operation issues;**
- (g) details of measures to ensure that customers leave the licensed premises in an orderly manner with due regard to any noise sensitive areas identified in the NAAP;**
- (h) details of waste management, including storage and hours for disposal, to be in accordance with Condition 14 of this permit;**
- (i) location of external lighting on the licensed premises, security lighting outside the licensed premises, and any overspill of lighting;**
- (j) any other measures to be undertaken to ensure minimal amenity impacts on any noise sensitive areas and accommodation identified in the NAAP; and**

**(k) any other matters addressed in the conditions of this permit.**

**Once endorsed, the NAAP will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.**

#### **Waste Management Plan**

**13. All waste must be stored and collected via private collection in accordance with the Waste Management Report prepared by Ratio Consultants dated 07 July 2023 to the satisfaction of the Responsible Authority.**

#### **Regular waste removal**

**14. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to satisfaction of the Responsible Authority.**

#### **Maintenance of waste storage area**

**15. All bins and receptacles used for the collection and storage of solid waste, recyclable 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 suitable designed enclosure;**
- c. Supplied with adequate hot and cold water; and**
- d. Maintained in clean and tidy condition free from offensive odors.**

**to the satisfaction of the Responsible Authority.**

#### **Hours for deliveries**

**16. Deliveries to the site must only be undertaken in accordance with the City of Boroondara Amenity Local Law (2019), or any successive relevant law, to the satisfaction of the Responsible Authority. No deliveries may take place on Sunday. Newspaper deliveries may take place outside these hours.**

#### **Hours for loading and unloading**

**17. Loading and unloading of vehicles must only be undertaken in accordance with the City of Boroondara Amenity Local Law (2019), or any successive relevant law, to the satisfaction of the Responsible Authority.**

#### **Loading and unloading**

**18. All loading and unloading of vehicles must be carried out within the designated loading areas as shown on the endorsed plans 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.**

**19. All loading/unloading activity associated with the site in accordance with the Traffic Impact Assessment Report, prepared by Ratio Consultants on 06 July 2023 to the satisfaction of the Responsible Authority.**

#### **Number of car parking spaces**

**20. A minimum of 3 car parking spaces must be provided on the land to the satisfaction of the Responsible Authority.**

**Use of car parking spaces**

- 21. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.**

**Use of car parking spaces and driveways**

- 22. 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.**

**Parking to be free of charge**

- 23. 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.**

**Lighting of carpark and accessways**

- 24. 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.**

**External lighting**

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

**Security alarms**

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

**Sign maintenance**

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

**No sign illumination**

- 28. 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**

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

**Removal of all existing signs**

- 30. Prior to the erection of the approved sign(s), all existing signs on the subject land must be removed to improve the appearance of the subject premises, to the satisfaction of the Responsible Authority.**



**Internally illuminated signs**

**31. The intensity of lighting associated with the illumination of the advertising sign(s) must be limited so as not to cause glare or be a distraction to motorists in adjoining streets or cause a loss of amenity in the surrounding area to the satisfaction of the Responsible Authority.**

**Sign not to cause distraction**

**32. The sign must not:**

- a. Dazzle or distract drivers due to its colouring;**
- b. Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles;**
- c. Be able to be mistaken as an instruction to drivers.**
- d. to the satisfaction of the Responsible Authority.**

**Time for commencement (display a sign)**

**33. Without the written consent of the Responsible Authority, this permit will lapse unless the approved sign/s is/are displayed within 2 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.**

**Permit to expire (display a sign)**

**34. Subject to the display of the approved signs before the permit lapses, this permit expires 15 years from the date this permit was issued.**

**Expiry of permit for use ('Packaged Liquor Licence')**

**35. This permit as it relates to use will expire if the use does not commence within two (2) years after the issue date of this permit.**

**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.**

**Expiry of permit for development**

**36. 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; or**
- c) The use does not commence within two (2) years of the completion of the development.**

**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.**

**CARRIED**

### 3.2 Camberwell Junction Structure and Place Plan - Consideration of Final Plan for Adoption

#### Purpose

This report presents the final Camberwell Junction Structure and Place Plan (**Attachment 1**) for adoption by the Urban Planning Delegated Committee (UPDC). The report also summarises the results of community engagement undertaken in late 2023, including the issues raised by submitters, officer responses to those issues and the corresponding amendments made to the Plan.

#### Background

The Camberwell Junction Structure and Place Plan project commenced in late 2021 with initial community engagement and extensive background research. This research and engagement informed the preparation of the Vision & Priorities Report which was subject to community consultation in Sept-Oct 2022.

The project team then proceeded to draft the Camberwell Junction Structure and Place Plan, which was taken to community consultation for a period of 6 weeks from 30 October to 11 December 2023.

#### Key Issues

The Camberwell Junction Structure and Place Plan (the Plan) presents an overarching vision for the centre; a planning framework to guide future development; place precincts identifying key placemaking projects; and an implementation plan to guide delivery.

The planning framework is structured under the following 6 themes:

1. Thriving Economy
2. Sustainable Living
3. Built Form
4. Public Realm
5. Access & Movement
6. Community Wellbeing

The Plan then focuses on 6 place precincts to provide more detailed guidance on how development should be designed and the key placemaking projects that will assist with revitalising the centre in the future.

The Draft Plan achieved high visibility during the recent 6-week consultation period with a total of 6,953 distinct visitors to the Engage Boroondara project page, of which 340 (4.8% of total visitors) provided written feedback.

A Community Engagement Outcomes Report (**Attachment 2**) has been prepared to provide detailed information on the consultation's participation and results.

In response to community feedback and submissions, a number of amendments have been made to the Structure and Place Plan. A summary table of these submissions, officer responses and the proposed amendments to the Plan are provided in **Attachment 3**.

### Next Steps

Once adopted, the Camberwell Junction Structure and Place Plan will move into its implementation phase, including a subsequent Planning Scheme Amendment that is currently being prepared.

*Fifteen speakers opposed to the officers' recommendation addressed the meeting.*

*Two speakers supporting the officers' recommendation addressed the meeting.*

### Adjournment

**Moved Councillor Gillies**

**Seconded Councillor Addis**

**That the Urban Planning Delegated Committee meeting be adjourned.**

**CARRIED**

*The Urban Planning Delegated Committee meeting was adjourned at 8:54pm.*

### Resumption

**Moved Councillor Sinfield**

**Seconded Councillor Addis**

**That the Urban Planning Delegated Committee meeting be resumed.**

**CARRIED**

*The Urban Planning Delegated Committee meeting was resumed at 9:08pm.*

### **MOTION**

**Moved Councillor Gillies**

**Seconded Councillor Watson**

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

- 1. Receive and note the outcomes of the consultation on the Draft Camberwell Junction Structure and Place Plan summarised in the**

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**Community Engagement Outcomes Report (Attachment 2) and the Submission Summary and Response Table (Attachment 3).**

2. **Adopt the Camberwell Junction Structure and Place Plan (2024) as shown at Attachment 1, and authorise the Director Urban Living to make administrative updates and changes to the Plan as required.**
3. **Following the drafting of the relevant planning controls, write to the Minister for Planning to request authorisation to prepare an amendment to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the *Planning and Environment Act 1987* to implement the relevant land use and built form components of the Camberwell Junction Structure and Place Plan.**

**CARRIED**

### **3.3 508-510 Burke Road Camberwell - Proposed Heritage Overlay - Outcomes of Preliminary Consultation**

#### Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the outcome of the preliminary consultation regarding potential heritage, including the Council officer responses to submissions, for the property known as *Barrabool* at 508-510 Burke Road Camberwell (the land).

The report also seeks a resolution to commence a planning scheme amendment to apply the Heritage Overlay to the land on a permanent basis.

#### Background

*Barrabool* was originally considered for heritage protection during the Camberwell Heritage Gap Study (Amendment C274) as a significant heritage place within a proposed extension to the Burke Road Precinct Heritage Overlay (HO144). Ultimately, the panel appointed to consider the amendment did not support the precinct extension and Council removed it from the amendment.

In April 2023, Council received a nomination from a community member in response to a two-lot subdivision application that would have required demolition of the building. The community nomination was supported by new information identifying Christopher Cowper as the building's architect which significantly strengthened the case for individual significance.

A detailed heritage assessment was carried out in May 2023 and recommended the inclusion of *Barrabool* in the Heritage Overlay as an individually significant place.

The planing permit application was withdrawn in May 2023 following discussions with the applicant about Council's intention to pursue an individual Heritage Overlay for the site.

On 5 September 2023, Council received a Section 29A request for Report and Consent for partial demolition to the rear of the dwelling and demolition of the detached garage. In assessing the proposal, Council's heritage consultants advised that the proposed demolition works would not detrimentally impact the heritage significance of the dwelling. Accordingly, Council officers consented to the Section 29A request.

To address concerns for the ongoing protection of *Barrabool*, the planning scheme amendment to include the property in the Heritage Overlay on a permanent has been expedited.

#### Key Issues

Preliminary consultation on the heritage citation for *Barrabool* ran from 22 November 2023 until 2 February 2024, longer than the customary month to account for the end of year holiday season.

Owners and occupiers of the affected property, adjoining and adjacent properties, historical groups and community members that had previous correspondence with Council regarding the potential heritage significance of the place were notified in writing of the consultation period and invited to provide feedback.

Council received a total of 31 supporting submissions with some noting minor concerns and suggesting changes to the heritage citation, including;

- Concerns that the home was previously included in the Heritage Overlay but removed.
- Concerns that the approved demolition works to the rear of the property in 2023/24 affected original fabric of the home.
- Concerns that the home was overlooked/missed during the Camberwell Heritage Gap Study.
- Suggestion to include both tree and paint controls as part of the citation.

These concerns and suggestions are responded to in detail at Section 4 of this report. Feedback received during preliminary consultation is also tabled in full at **Attachment 2**. Council officers do not recommend any changes to the existing draft heritage citation in response to the feedback received.

### Next Steps

Officers recommend that the Heritage Citation for 'Barrabool 508-510 Burke Road Camberwell' at **Attachment 1** be adopted, and that the Committee resolve to write to the Minister for Planning to request authorisation to prepare and exhibit a planning scheme amendment to implement the Heritage Overlay on a permanent basis.

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

## **MOTION**

**Moved Councillor Hollingsworth**

**Seconded Councillor Gillies**

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

1. **Adopt the heritage citation for 508-510 Burke Road, Camberwell contained in Attachment 1.**
2. **Write to the Minister for Planning to request authorisation to prepare an amendment to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the *Planning and Environment Act 1987* to include 508-510 Burke Road, Camberwell in the Heritage Overlay.**
3. **Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.**
4. **Authorise the Director Urban Living to undertake administrative changes to the amendment that do not change the intent of the amendment or any changes required under the Minister for Planning's Authorisation prior to the commencement of exhibition.**

**CARRIED**

**4. General business**

Nil.

**5. Urgent business**

Nil.

**6. Confidential business**

Nil

**The meeting concluded at 9:35pm**

**Confirmed**

**Chairperson**

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**Date**

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