

# URBAN PLANNING SPECIAL COMMITTEE



## MINUTES

(Open to the public)

**Monday 20 July 2020**

Online - Delivered via Webex Events.

**Commencement** 6.34pm

**Attendance** Councillor Garry Thompson (Chairperson)  
Councillor Cynthia Watson (Mayor)  
Councillor Jane Addis  
Councillor Phillip Healey  
Councillor Lisa Hollingsworth  
Councillor Steve Hurd  
Councillor Jim Parke  
Councillor Coral Ross  
Councillor Felicity Sinfield  
Councillor Jack Wegman

**Apologies** Nil

<b><u>Officers</u></b>	Phillip Storer	Chief Executive Officer
	Shiran Wickramasinghe	Director City Planning
	Carolyn McClean	Director Community Development
	Simon Mitchell	Manager Statutory Planning
	Shiranthi Widan	Acting Manager Strategic Planning
	David Thompson	Manager Governance
	Michael Le Grange	Acting Manager Projects & Strategy
	Scott Lipscombe	Coordinator Transport Management
	Christian Wilmsen	Team Leader Strategic Planning
	Celia Robinson	Coordinator Governance
	Julia Smith	Senior Statutory Planner
	Helen Pavlidis	Governance Projects Officer
	Elizabeth Manou	Governance Projects Officer

## Table of contents

<b>1.</b>	<b>Adoption and confirmation of the minutes</b>	<b>3</b>
<b>2.</b>	<b>Declaration of conflict of interest of any councillor or council officer</b>	<b>3</b>
<b>3.</b>	<b>Presentation of officer reports</b>	
3.1	Kew Heritage Gap Study - Amendment C294 - Consideration of Panel Report	3
3.2	2 Kendall Street & 190-190b Canterbury Road, Canterbury (Canterbury Gardens)	7
3.3	VCAT decisions and decisions under delegation May 2020	15
<b>4.</b>	<b>General business</b>	<b>16</b>
<b>5.</b>	<b>Urgent business</b>	<b>16</b>
<b>6.</b>	<b>Confidential business</b>	<b>16</b>

## 1. Adoption and confirmation of the minutes

### MOTION

**Moved Councillor Parke**

**Seconded Councillor Sinfield**

**That the minutes of the Urban Planning Special Committee meeting held on 6 July 2020 be adopted and confirmed.**

### CARRIED

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

Refer to Item 3.1 Kew Heritage Gap Study - Amendment C294 - Consideration of Panel Report - Councillor Healey

Refer to Item 3.1 Kew Heritage Gap Study - Amendment C294 - Consideration of Panel Report - Councillor Sinfield.

## 3. Presentation of officer reports

### 3.1 Kew Heritage Gap Study - Amendment C294 - Consideration of Panel Report

The purpose of this report is to inform the Urban Planning Special Committee (UPSC) of the independent Planning Panel's recommendations in respect to Amendment C294 to the Boroondara Planning Scheme. The amendment seeks to implement the recommendations of the *Kew Heritage Gap Study* (the Study) by applying the Heritage Overlay to 20 individual heritage places, nine heritage precincts and six extensions to existing heritage precincts.

Exhibition of the amendment and the Study was undertaken from 21 February to 25 March 2019. A total of 95 submissions were received, including 28 supporting submissions, 11 partially supporting submissions, 53 opposing submissions and three that either support or oppose the amendment. In addition, officers received correspondence from two property owners after the conclusion of the Panel hearing who had not previously made submissions. Given these were submitted after the Panel hearing the feedback from these two residents could not be considered submissions to the amendment.

An independent Panel hearing to consider the submissions received was held on 17, 18, 21, 23 October and 6-7 November 2019. Thirty seven submitters were represented at the Panel hearing.

A petition with 56 signatories was tabled at the Ordinary Meeting of Council on 25 November 2019 which sought to have the Goldthorns Hill and Environs Precinct abandoned.

On 21 January 2020, officers received the Panel's report for Amendment C294 (**Attachment 1**). The Panel generally supports the amendment and recommends it be adopted subject to the following key changes:

- Abandon applying the Heritage Overlay to:
  - the west side of Bradford Avenue (Nos.7 to 15), 20 Bradford Avenue, 12 Stoke Avenue and 365 Cotham Road in the Bradford Estate Precinct.
  - the Clifton Estate Residential Precinct.
  - the Goldthorns Hill and Environs Precinct.

Officers generally accept the Panel's key recommendations with the exception of the recommendation to remove the western side of Bradford Avenue. A detailed discussion and response to the Panel's recommendations is provided at **Attachment 2**.

The UPSC must decide whether to accept the officers' response to the Panel's recommendations, endorse the amendment subject to further changes, or potentially abandon the amendment.

The Panel further suggests Council investigate the following properties for inclusion in the Heritage Overlay as individually significant places:

- 20 and 26 Goldthorns Avenue and 97 Argyle Road, Kew (Goldthorns Hill and Environs Precinct). These properties are identified as 'significant' to the precinct.
- 3-5, 6, 7, and 8 Florence Avenue, Kew (Clifton Estate Residential Precinct). These properties are identified as 'contributory' to the precinct.

Officers recommend further heritage assessments be undertaken for these properties followed by the commencement of a planning scheme amendment process to apply the Heritage Overlay to those properties deemed of individual significance. With respect to 20 and 26 Goldthorns Avenue and 97 Argyle Road, Kew (Goldthorns Hill and Environs Precinct), although these properties had been identified as "significant" to the proposed Goldthorns Hill and Environs precinct, further work is required to determine whether these places meet the threshold for individual significance. Additionally, although the Goldthorns Hill and Environs precinct citation provides an assessment of each place, a greater level of detail is required to justify a site specific Heritage Overlay, particularly with respect to comparative analysis. The Panel also noted that a separate amendment process would be required to progress heritage controls to any individually significant place through this process. To ensure these properties are protected from demolition while the heritage assessments are carried out, officers also recommend these properties be included on Council's 'possible' heritage GIS layer. Any application for demolition under Section 29A of the *Building Act 1993* would trigger an application for interim heritage protection to be lodged with the Minister for Planning.

The Panel also suggests 33 Thornton Street, Kew in the Thornton Estate Precinct be re-graded from 'non-contributory' to 'contributory' through a separate process. Through the Panel process it was discovered the building remains unaltered from its original design. However, in the absence of a supporting submission from the property owner for its regrading, Council's regrading of the property would constitute a transformative change and require re-exhibition. Department of Environment, Land, Water and Planning Officers have advised they would only support regrading to 'contributory' as part of Amendment C294, if Council was able to provide a letter of support from the property owners. While Officers have written to the property owner to seek their views on the proposed re-grading, a response had not been received at the time of finalising this report. Officers therefore recommend to adopt the amendment with the 'non-contributory' grading and commence the amendment process to regrade the building to 'contributory'.

To ensure the building is protected from demolition in the meantime, Council's heritage grading GIS layer will indicate that the grading is under review. This would trigger a referral of any application under Section 29A of the Building Act or any planning permit application to the Strategic Planning Department.

Officers recommend the UPSC endorse the officers' response to the Panel's recommendations and refer the amendment to an Ordinary Meeting of Council for adoption and submission to the Minister for Planning for final approval.

*Councillor Healey declared a Conflict of Interest in this item in accordance with Section 77B of the Local Government Act 1989. Councillor Healey advised the nature of the interest was "a number of submitters were involved in my election campaign".*

*Councillor Healey left the meeting at 6.39pm prior to the consideration and vote on this item.*

*Councillor Sinfield declared a Conflict of Interest in this item in accordance with Section 77B and Section 78E of the Local Government Act 1989. Councillor Sinfield advised the nature of the interest was "a property under consideration owned by an immediate relative could be impacted and my personal residential amenity could be impacted".*

*Councillor Sinfield left the meeting at 6.39pm prior to the consideration and vote on this item.*

*There were 18 speakers in relation to item 3.1 Kew Heritage Gap Study - Amendment C294 - Consideration of Panel Report addressed the meeting.*

### **Procedural motion - Adjournment**

**Moved Councillor Parke**

**Seconded Councillor Hurd**

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

**CARRIED**

*The Urban Planning Special Committee meeting adjourned at 8.16pm.*

### **Procedural motion - Resumption**

**MOTION**

**Moved Councillor Parke**

**Seconded Councillor Hurd**

**That the Urban Planning Special Committee Meeting be resumed.**

**CARRIED**

*The Urban Planning Special Committee meeting resumed at 8.18pm with all councillors present except Councillor Healey and Councillor Sinfield.*

**MOTION****Moved Councillor Parke****Seconded Councillor Hollingsworth****That the Urban Planning Special Committee resolve to:**

- 1. Receive and acknowledge the Panel's report and recommendations, as shown at Attachment 1, in accordance with Section 27(1) of the *Planning and Environment Act 1987*.**
- 2. Endorse the officers' response to the Panel's recommendations and recommended changes to Amendment C294 to the Boroondara Planning Scheme, as shown in Attachment 2.**
- 3. Adopt the revised Kew Heritage Gap Study as shown at Attachment 4 except the following:**
  - a) the heritage citation and associated recommendations for the Kew Service Reservoir at 370-376 Cotham Road, Kew.**
- 4. Split Amendment C294 into two parts:**
  - Part 1 relating to the Kew Service Reservoir at 370-376 Cotham Road, Kew;**
  - Part 2 relating to all other heritage places recommended for inclusion in the Heritage Overlay as detailed in Attachments 1, 2 and 4.**
- 5. Refer Amendment C294 (Part 2) to a Council meeting to be adopted in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 6. Defer consideration of Amendment C294 (Part 1) until further consultation is undertaken with the affected property owner.**
- 7. Undertake further heritage assessments of the following properties:**
  - 20 and 26 Goldthorns Avenue, Kew**
  - 97 Argyle Road, Kew**
  - 3-5, 6 and 7 and 8 Florence Avenue, Kew**
- 8. Include the properties listed at item 7 on Council's 'possible heritage' GIS layer.**
- 9. Upon completion of heritage assessments for properties noted at item 7, write to the Minister for Planning to request:**
  - a) authorisation to prepare an amendment(s) to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the *Planning and Environment Act 1987* to apply the Heritage Overlay to those properties considered locally significant.**

- b) that he prepare, adopt and approve an amendment(s) to the **Boroondara Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987* to introduce interim heritage controls to those properties identified as locally significant.**
10. **Following receipt of authorisation from the Minister for Planning, exhibit the amendment(s) referenced in item 9 in accordance with Section 19 of the *Planning and Environment Act 1987*.**
11. **Upon gazettal of Amendment C294 (Part 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 identify 33 Thornton Street, Kew as ‘contributory’ to the Thornton Estate Precinct.**
12. **Following receipt of authorisation from the Minister for Planning, exhibit the amendment relating to the regrading of 33 Thornton Street, Kew in accordance with Section 19 of the *Planning and Environment Act 1987*.**
13. **Authorise the Director City Planning to undertake administrative changes to the amendment(s) and associated planning controls that do not change the intent of the controls.**

## **CARRIED**

*Councillor Healey and Councillor Sinfield re-entered the meeting at 8.31pm*

### **3.2 2 Kendall Street & 190-190b Canterbury Road, Canterbury (Canterbury Gardens)**

#### Proposal

The proposal seeks to carry out partial demolition works and to construct alterations and additions to existing buildings (forming the Canterbury Community Hub) on land located in a Heritage Overlay (HO145) and a Special Building Overlay (SBO).

#### Issues

The following are key issues in respect of this application:

- Whether the proposed alterations and additions will have a negative impact on the heritage significance of the subject site, having regard to the requirements of the Heritage Overlay and Council’s Heritage Policy (refer to pages 33-43 and 44);
- Whether the proposed buildings and works appropriately mitigate risk of flooding (refer to pages 44-45);
- Whether the proposed provision of car parking is sufficient for the increase in proposed uses (refer to pages 17-26 and 45-46); and
- The matters raised by objectors (46-51).

### Officer's response

It is considered the proposed development achieves compliance with the relevant objectives and guidelines of Council's Heritage Policy. Having regard to the extent of proposed demolition, conservation works and the scale and design details of the proposed addition, it is considered the development will appropriately respond to the heritage significance of the site and wider Heritage Precinct.

Subject to the permit conditions recommended by Melbourne Water, the development will successfully mitigate flooding risks.

Council's Traffic Engineers have reviewed the proposal and are satisfied the number of car spaces proposed to be provided on the site is sufficient to accommodate the range of uses within the proposed Canterbury Community Hub. Council's Traffic Engineers have also reviewed the proposal and are satisfied the volume of traffic generated by the development will not exceed the capacity of the Kendall Street or the wider local network.

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

*There were no speakers wishing to make submissions to Council for this item.*

### **MOTION**

**Moved Councillor Addis**

**Seconded Councillor Watson**

**That the Urban Planning Special Committee resolve that a Notice of Decision to Grant a Planning Permit No. PP20/0202 for partial demolition works and construction of alterations and additions to existing buildings (forming the Canterbury Community Precinct) located in a Heritage Overlay (HO145); and construction of buildings and works in a Special Building Overlay (SBO) at 2 Kendall Street & 190-190B Canterbury Road, Canterbury be issued under the Boroondara Planning Scheme subject to the following conditions:**

#### **Amended plans required**

- 1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When the plans are to the satisfaction of the Responsible Authority they will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and an electronic copy provided (unlocked PDF), substantially in accordance with the plans advertised in May 2020 (Drawings TP00 -TP16, prepared by Perkins Architects) but modified to show:**
  - a) The location of the Melbourne Water drain shown on all site plans in accordance with the plans submitted to Council and Melbourne Water on 12 June 2020;**
  - b) The proposed basement level displayed on a full site plan;**
  - c) A notation added to the proposed site plan, basement plan and ground floor plan of the Community Hub Building to state any landscaping or other obstructions within the sight triangles along each proposed access way must be no higher than 900mm or made to be 50% permeable;**

- d) The finished floor levels of the Community Hub Building and Workshop clearly shown to be constructed to no lower than 56.80 metres to Australian Height Datum (AHD) in accordance with Condition 3;
- e) The basement car park apex associated with the Community Hub building clearly shown to be constructed to no lower than 56.80 metres to AHD in accordance with Condition 4 of this permit;
- f) The finished floor levels of the extended floor area of the Historical Society Building clearly shown to be constructed to no lower than 56.80 metres to AHD in accordance with Condition 6 of this permit;
- g) Alterations to fencing in accordance with Condition 7 of this permit;
- h) Any other changes required by Melbourne Water.

#### **Layout of Buildings not to be altered**

- 2. The layout of the site and the size, levels, design and location of buildings and works and the description of the uses on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

#### **Melbourne Water Conditions**

- 3. Finished floor levels of the Community Hub Building and Workshop must be constructed no lower than 56.80 metres to Australian Height Datum (AHD).
- 4. Finished floor levels of the carpark basement apex associated with the Community Hub Building must be constructed no lower than 56.80 metres to AHD.
- 5. Any opening including windows and vents etc to the carpark basement area must be located above the applicable flood level is 56.80 metres to AHD.
- 6. Finished floor levels of the extended floor area of the Historical Society Building must be constructed no lower than 58.80 metres to AHD.
- 7. Any new fencing (with the exception of child care safety fencing to the Community Hub building) must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.
- 8. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
- 9. A legal Build Over Agreement for structures and works including demolition and tree removal over Melbourne Water's drain must be entered into and approved with Melbourne Water prior to the issue of a Building Permit.
- 10. Prior to a building permit being issued, a separate Build Over application must be made directly to Melbourne Water's Asset Services Team for approval of works and structures over or within five (5) metres of Melbourne Water's asset. Design plans must be submitted to include the following:
  - a) The exact location of the Melbourne Water Asset;
  - b) Setbacks of the development from the Melbourne Water asset;
  - c) Design plans of the footings/foundations (including fence footings);
  - d) A copy of the survey results prepared by a licensed surveyor;
  - e) A work method statement from a suitably qualified engineer for any construction works within five (5) metres of the asset. This must include details of machinery access;

- f) A work method statement is required for any demolition works including tree removal within five (5) metres laterally of any Melbourne Water asset;
  - g) Post CCTV inspection of the drain must be carried out at the cost of the developer and resulting footage and report supplied to Melbourne Water;
  - h) Any other structures/works that are within easement or affecting the drain.
11. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification.
  12. No services are permitted to be installed within the Melbourne Water easement or over the Asset unless approval in writing has been granted by Melbourne Water.
  13. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

#### **Landscape Plan**

14. Concurrent with the submission of amended plans required by Condition 1 of this Permit, a Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plan must be substantially in accordance with the Landscape plan advertised in May 2020, drawn to scale with dimensions and an electronic copy provided. When endorsed, the plan will form part of the permit.

#### **Completion of landscaping works**

15. Landscaping as shown on the endorsed landscape plans must be carried out and completed to the satisfaction of the Responsible Authority prior to the occupation of the development.

#### **Landscaping maintenance**

16. 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 Protection**

17. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:

##### **a) Tree protection zone distances:**

- I. Tree 1 – 3.0 metre radius from the centre of the tree base.
- II. Tree 13 – 2.4 metre radius from the centre of the tree base.
- III. Tree 14 – 2.6 metre radius from the centre of the tree base.
- IV. Tree 15 – 2.4 metre radius from the centre of the tree base.
- V. Tree 19 – 2.0 metre radius from the centre of the tree base.
- VI. Tree 20 – 2.0 metre radius from the centre of the tree base.
- VII. Tree 21 – 2.0 metre radius from the centre of the tree base.

- VIII. Tree 22 – 2.6 metre radius from the centre of the tree base.
- IX. Tree 23 – 2.6 metre radius from the centre of the tree base.
- X. Tree 25 – 5.0 metre radius from the centre of the tree base.
- XI. Tree 26 – 6.0 metre radius from the centre of the tree base.
- XII. Tree 27 – 13.5 metre radius from the centre of the tree base.
- XIII. Tree 28 – 7.4 metre radius from the centre of the tree base.
- XIV. Tree 30 – 8.0 metre radius from the centre of the tree base.
- XV. Tree 32 – 3.5 metre radius from the centre of the tree base.
- XVI. Tree 33 – 8.6 metre radius from the centre of the tree base.
- XVII. Tree 34 – 11.0 metre radius from the centre of the tree base.
- XVIII. Tree 35 – 6.6 metre radius from the centre of the tree base.
- XIX. Tree 36 – 2.0 metre radius from the centre of the tree base.
- XX. Tree 39 – 11.1 metre radius from the centre of the tree base.
- XXI. Tree 41 – 2.0 metre radius from the centre of the tree base.
- XXII. Tree 42 – 2.0 metre radius from the centre of the tree base.
- XXIII. Tree 43 – 6.2 metre radius from the centre of the tree base.
- XXIV. Tree 44 – 2.0 metre radius from the centre of the tree base.
- XXV. Tree 45 – 2.0 metre radius from the centre of the tree base.
- XXVI. Tree 46 – 2.0 metre radius from the centre of the tree base.

b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:

- I. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
- II. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
- III. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
- IV. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
- V. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
- VI. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
- VII. TPZ fencing must not block off a footpath or roadway. The TPZ fencing location can be modified to ensure the tree(s) is protected, however must not obstruct, roads, footpaths, or access ways.

18. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:

- a) A Project arborist must be appointed by the applicant or builder. Project arborist qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist;

- b) The Project Arborist must supervise all approved works within the TPZs of Trees 1, 19, 20, 21, 22, 23, 25, 26, 27, 32 34, 35, 36, 39, 41, 42, 43, 44, 45 and 46. The project Arborist must ensure that all buildings and works (including site demolition) within the TPZs of the trees do not adversely impact their health or stability now or into the future;**
- c) Any additions to the existing Building where within the TPZ of Tree 30 must be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change within the TPZ. The postholes are to be hand dug and no roots greater than 25mm in diameter are to be cut or damaged. A Geotechnical Engineer must assess the soil type and provide the results to a Structural Engineer so that appropriate footings and foundations can be designed so that they are not affected by soil movement;**
- d) The car parking Bays where within the TPZs of Trees 13, 14 and 15 must be constructed above the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. There must be no grade change within the TPZs, and no roots are to be cut or damaged during any part of the construction process;**
- e) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land (which includes trenching and site scrapes) within greater than 10% of the TPZs of Trees 1, 19, 20, 21, 22, 23, 25, 26, 27, 32 34, 35, 36, 39, 41, 42, 43, 44, 45 and 46;**
- f) For Trees 1, 19, 20, 21, 22, 23, 25, 26, 27, 32 34, 35, 36, 39, 41, 42, 43, 44, 45 and 46, no roots are to be cut or damaged during any part of the construction process. Further, there must be no soil disturbance within the SRZ of any of these Trees.**
- g) No canopies (branches or foliage) are to be cut or damaged during any part of the construction process. All pruning works must be authorised (approved) by Council's Parks and Infrastructure Department. Pruning works can only be undertaken by Council Officers or their authorised representatives.**
- h) Trunk, branch, and ground protection must be implemented by the builder and / or the project arborist as directed by Council Officers or their authorised representatives. The project arborist can direct trunk, branch, and ground protection be installed, however must seek approval from Council's Parks and Infrastructure Department first.**
- i) Under this permit Arborist's from Council's Parks and Infrastructure Department (or a representative authorised by them) have the Authority to inspect all tree protection measures including tree protection fencing for Trees 1, 19, 20, 21, 22, 23, 25, 26, 27, 32 34, 35, 36, 39, 41, 42, 43, 44, 45 and 46, and direct the builder and / or project arborist to implement or upgrade protection measures, if they have not been adequately meet.**
- j) The project arborist and builder must ensure that TPZ Fencing Conditions and the Tree Protection Conditions for Trees 1, 19, 20, 21, 22, 23, 25, 26, 27, 32 34, 35, 36, 39, 41, 42, 43, 44, 45 and 46 are being adhered to throughout the entire building process, including site demolition, levelling, and landscape works.**

**Plant/equipment or features on roof**

19. No plant, equipment, services or architectural features other than those shown on the endorsed plan/s are permitted on the roof of the building without the prior written consent of the Responsible Authority.

**External Lighting**

20. All outdoor lighting of publicly accessible areas must be designed, baffled and located to prevent light from the site causing any detriment to the locality, to the satisfaction of the Responsible Authority.

**Vehicle Crossovers**

21. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority;
22. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

**Use of car parking spaces and driveways**

23. Car parking 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.
24. All vehicles entering and exiting the car park must do so in a forwards direction.

**Car Parking Management Plan**

25. Concurrent with the submission of amended plans required by Condition 1 of this Permit, a Car Parking Management Plan to the satisfaction of the Responsible Authority, prepared by an appropriately qualified Traffic Engineer, must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be substantially in accordance with the Car Parking Management Plan (prepared by Solution Traffic Engineers, dated November 2018) advertised in May 2020.

**Lighting of car parks and accessways**

26. 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.

**Construction Management Plan**

27. 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 to ensure the avoidance of any damage to street trees as a consequence of the movement of large vehicles and machinery (including cranes and excavators) to from the land or as a consequence of the operation of these vehicles and machines in association with the construction of the proposed building, including excavation of the land;**
- d) **Measures relating to removal of hazardous or dangerous material from the site, where applicable;**
- e) **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;**
- f) **A Traffic Management Plan showing truck routes to and from the site;**
- g) **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;**
- h) **A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;**
- i) **Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;**
- j) **Contact details of key construction site staff;**
- k) **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**
- l) **Any other relevant matters, including the requirements of VicRoads and Yarra Trams.**

#### **Hours for Construction Work**

**28. All buildings and works activity associated with the approved development (including demolition and earthworks) is to be limited to the following hours, unless with the prior written consent of the Responsible Authority:**

<b>Monday to Thursday:</b>	<b>7:00am to 6:30pm</b>
<b>Friday:</b>	<b>7:00am to 5:00pm</b>
<b>Saturday:</b>	<b>9:00am to 5:00pm</b>
<b>Sunday &amp; Public Holidays:</b>	<b>No construction</b>

#### **Permit to Expire**

**29. This Permit will expire if:**

- a) **The development does not start within two (2) years of the issue date of this Permit; or**
- b) **The development is not completed within four (4) years of the issue date of this Permit.**

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

- a) **Within six (6) months afterwards if the use or the development has not commenced; or**
- b) **Within 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 Notes:**

- ***Headings are for ease of reference only and do not affect the interpretation of permit conditions.***
- ***This is not a Building Permit. A Building Permit may be required prior to the commencement of any works associated with the proposed development.***
- ***An Asset Protection Permit is required prior to the commencement of site works in accordance with Council's Local Law 1E.***
- ***Prior consent from Council and any and all public authorities is required to be obtained for alteration or reinstatement of assets or services affected as a result of the development.***
- ***The applicant is required to obtain prior written consent from Council and any and all Public Authorities for alteration or reinstatement of (street) assets or services affected as a result of the development. Full compliance with any and all conditions is required. The applicant must provide copies of said written approvals / agreements to Council's Asset Management Department. All costs are to be borne by the developer.***

**CARRIED**

**3.3 VCAT decisions and decisions under delegation May 2020**

This report sets out the delegated planning decisions made and VCAT decisions received during May 2020.

*There were no speakers wishing to make submissions to Council for this item.*

**MOTION**

**Moved Councillor Watson**

**Seconded Councillor Ross**

**That the Urban Planning Special Committee resolve to receive and note the Delegated Planning Permit Decisions by Ward report and the VCAT Decisions by Ward report for May 2020.**

**CARRIED**

**4. General business**

Nil

**5. Urgent business**

Nil

**6. Confidential business**

Nil

**The meeting concluded at 8.44pm**

**Confirmed**

**Chairperson**

\_\_\_\_\_

**Date**

\_\_\_\_\_