

# URBAN PLANNING SPECIAL COMMITTEE



## MINUTES

(Open to the public)

**Monday 29 January 2018**

Council Chamber, 8 Inglesby Road, Camberwell

Date of Issue: 2 February 2018

**Commencement** 6.37pm

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

**Apologies** Councillor Steve Hurd

<b><u>Officers</u></b>	Phillip Storer	Chief Executive Officer
	Carolyn McClean	Director Community Development
	Shiran Wickramasinghe	Director City Planning
	Simon Mitchell	Manager Statutory Planning
	David Thompson	Manager Governance
	Krysten Forte	Coordinator Governance
	Joe Sevillano	Senior Statutory Planner
	Robert Costello	Senior Project Planner
	Elizabeth Manou	Governance Projects Officer

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## **1 Adoption and confirmation of the minutes of the Urban Planning Special Committee meeting held on 18 December 2017**

### **MOTION**

**Moved Councillor Parke**

**Seconded Councillor Sinfield**

**That the minutes of the Urban Planning Special Committee meeting held on 18 December 2017 be adopted and confirmed.**

### **CARRIED**

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

Refer to Item 3.4.

## **3 Presentation of officer reports**

### **3.1 725-757 Riversdale Road, Camberwell**

#### Proposal

The proposal seeks to allow for the sale of packaged liquor at an existing (approved and partly constructed) supermarket.

Permission is not required to use the land for a bottle shop under the Commercial 1 Zone. However, permission is required for the sale of packaged liquor under Clause 52.27 (Licensed Premises) of the Boroondara Planning Scheme.

#### Issues

The following are key issues in respect of this application:

- Whether the proposed sale of packaged liquor will result in adverse amenity impacts to the surrounding area;
- Issues raised in the objections.

#### Officer's response

It is considered that the proposed sale of packaged liquor will not result in any significant or unreasonable amenity impacts to the surrounding area. The Middle Camberwell Neighbourhood Centre already has one existing packaged liquor outlet directly opposite the subject site, and it is not considered that an additional outlet would significantly or unreasonably impact the amenity of the surrounding area. It is noted that, the 'BWS' liquor outlet opposite the site has a '5 star' rating for compliance with its licence on the VCGLR's website, which is the highest rating a liquor licence can be issued.

Importantly, the proposal will not allow for the consumption of liquor on the premises, limiting the potential amenity impacts associated with intoxication and associated behaviour. It is noted that sale of liquor is governed by the Liquor Control Reform Act 1998, and heavy penalties exist for breaches of duty. This includes the sale of liquor to intoxicated persons.

The objections received contend that there is no need or desire for a second packaged liquor outlet within the area. However, lack of need is not relevant to the assessment of the application.

Potential increases in crime or public nuisance due to the sale and consumption of liquor may be given weight in assessing a planning application, particularly where premises are located in a socially disadvantaged area. As outlined within the report, Camberwell is not considered to be area of social disadvantage.

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

*Seven speakers opposed to the officers' recommendation addressed the meeting. One speaker in support of the officers' recommendation addressed the meeting.*

## MOTION

Moved        Councillor Hollingsworth

Seconded    Councillor Watson

That the Urban Planning Special Committee resolve that a Notice of Decision to Grant Planning Permit No. PP17/00992 for Use of the land for the sale of packaged liquor at 725-757 Riversdale Road, Camberwell be issued under the Boroondara Planning Scheme subject to the following conditions:

### Layout of the redline delineation

1. The layout of the redline delineation shown on the endorsed plans must not be modified for any reason (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### Hours of sale and consumption of liquor

2. Without the further permission of the Responsible Authority, liquor may only be sold for consumption off the premises between the hours of:
  - Monday - Saturday: 9am - 10pm;
  - Sunday: 10am - 10pm;
  - ANZAC Day - 12noon - 10pm;
  - Good Friday and Christmas day - no trading.

### Liquor consumption

3. No liquor may be consumed on the site at any time without the prior written consent of the Responsible Authority.

### Permit to expire (liquor)

4. This permit will expire if the use of the land for the sale and consumption of liquor is not started within two (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 development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

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

Notes:

*Headings are for ease of reference only and do not affect the interpretation of permit conditions.*

*Prior to the commencement of the use, the details of any kitchen, food preparation area or other relevant facility requiring health approval must be submitted to Council's Health Department and the premises registered with Council under the Food Act 1984. (Use on all Permits where use requires Health approval)*

*This permit shall have no force or effect until such time as a Packaged Liquor Licence is issued by the Victorian Commission for Gambling and Liquor Regulation Liquor Licensing Victoria*

## **AMENDMENT**

**Moved Councillor Parke**

**Seconded Councillor Healey**

**That the Urban Planning Special Committee resolve that Notice of Decision to Grant a Planning Permit No. PP17/00992 for use of the land for the sale of packaged liquor at 735 Riversdale Road, Camberwell be issued under the Boroondara Planning Scheme subject to the following conditions:**

### **Layout of the redline delineation**

- 1. The layout of the redline delineation shown on the endorsed plans must not be modified for any reason (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**

### **Hours of sale and consumption of liquor**

- 2. Without the further permission of the Responsible Authority, liquor may only be sold for consumption off the premises between the hours of:**
  - Monday - Saturday: 9am - 11pm;**
  - Sunday: 10am - 11:00pm;**
  - ANZAC Day - 12noon - 11:00pm;**
  - Good Friday and Christmas day - no trading.**

**Liquor consumption**

3. **No liquor may be consumed on the site at any time without the prior written consent of the Responsible Authority.**

**Permit to expire (liquor)**

4. **This permit will expire if the use of the land for the sale and consumption of liquor is not started within two (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 development has not commenced; or**
- (ii) within twelve (12) months afterwards if the development has not been completed.**

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

**Notes:**

***Headings are for ease of reference only and do not affect the interpretation of permit conditions.***

***Prior to the commencement of the use, the details of any kitchen, food preparation area or other relevant facility requiring health approval must be submitted to Council's Health Department and the premises registered with Council under the Food Act 1984.***

***This permit shall have no force or effect until such time as a Packaged Liquor Licence is issued by the Victorian Commission for Gambling and Liquor Regulation Liquor Licensing Victoria***

The amendment was put and CARRIED

The amendment became the substantive motion

**The substantive motion was put and CARRIED**

**Procedural motion****MOTION****Moved Councillor Healey****Seconded Councillor Addis****That the following items:****3.2 VCAT decisions and decisions under delegation - November 2017****3.3 VCAT Decisions and decisions under delegation - December 2017****be moved en bloc as per the officers' recommendations outlined in the agenda.****CARRIED****3.2 VCAT decisions and decisions under delegation - November 2017**

This report sets out the delegated planning decisions made and VCAT decisions received during November 2017.

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

**MOTION****Moved Councillor Healey****Seconded Councillor Addis****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 November 2017.****CARRIED****3.3 VCAT Decisions and decisions under delegation - December 2017**

This report sets out the delegated planning decisions made and VCAT decisions received during December 2017.

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

**MOTION****Moved**        **Councillor Healey****Seconded**    **Councillor Addis**

**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 December 2017.**

**CARRIED****3.4 Amendment C266 - Canterbury Heritage Gap Assessment - Exhibition outcomes and request for Panel**

**Councillor Hollingsworth** declared an indirect Conflict of Interest in *3.4 Amendment C266 - Canterbury Heritage Gap Assessment - Exhibition outcomes and request for panel* in accordance with Section 78B of the *Local Government Act 1989*.

Councillor Hollingsworth advised the nature of the interest was "As a community group representative I provided historical information to the Heritage Assessor relevant to the commercial building at 35 Matlock Street, Canterbury (Sullivan House - Milkbar)."

*Councillor Hollingsworth left the Chamber at 7.57pm prior to the consideration and vote on this item.*

The purpose of this report is to inform the Urban Planning Special Committee (UPSC) of the exhibition outcomes of Amendment C266 to the Boroondara Planning Scheme. The amendment seeks to implement the recommendations of the Canterbury Heritage Gap Study (the Study) by applying the Heritage Overlay to twenty-two (22) individual heritage places, six (6) heritage precincts and one (1) precinct extension. These places and precincts have been identified as being of local cultural heritage significance to the City of Boroondara.

Exhibition of the amendment and the Study was undertaken between 31 August 2017 to 13 October 2017. A total of seventy (70) submissions were received. Of these, twenty-seven (27) supported the amendment, eight (8) partially supported the amendment (with 3 of those submissions mostly objecting) and thirty-five (35) objected to the amendment and the inclusion of their properties, or a precinct in the Heritage Overlay.

Issues that were raised by submitters included the impact on property values, impact on future development, disagreement with the heritage significance of properties and precincts, objections to specific properties being included in a Heritage Overlay, objections to the Heritage Overlay boundaries, and concerns over the accuracy of the citations.



The submissions have been considered by Council officers and Council's heritage consultant. A summary of all submissions received, the officers' response, and recommended changes made to the exhibited citations is provided in Attachment 1. A map showing from where submissions were lodged is provided at Attachment 2. A number of changes are proposed to the exhibited Study, which is provided in Attachment 3.

In accordance with Section 23 of the *Planning and Environment Act 1987*, Council as the planning authority must consider whether to change the amendment in response to a submission(s), refer the amendment to an independent Planning Panel or abandon the amendment in full or part. It is recommended that the amendment be referred to an independent Planning Panel to consider all unresolved submissions.

Officers are also seeking to make updates to the *Heritage Policy - Statements of Significance Reference Document* to include several statements of significance for heritage precincts which have been approved as part of Amendment C177 (Surrey Hills South Heritage Study) and Amendment C236 (Precinct 24 Heritage Overlays). These amendments were approved subsequent to the adoption of Amendment C229 (Boroondara Planning Scheme update) and need to be included in a revised reference document. This matter is separate to Amendment C266, which is the main subject of this report.

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

### **Adjournment**

**Moved            Councillor Healey**

**Seconded       Councillor Watson**

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

**CARRIED**

*The Urban Planning Special Committee meeting adjourned at 8.56pm.*

### **Resumption of meeting**

**Moved            Councillor Healey**

**Seconded       Councillor Sinfield**

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

**CARRIED**

*The Urban Planning Special Committee meeting resumed at 9.03pm with all councillors present except Councillor Hollingsworth and Councillor Hurd.*

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

- 1. Receive and note the submissions to Amendment C266 (Attachment 1) to the Boroondara Planning Scheme and the Canterbury Heritage Gap Study in accordance with Section 22 of the *Planning and Environment Act 1987*.**
- 2. Endorse the officers' response to submissions and recommended changes to Amendment C266 and the Canterbury Heritage Gap Study as shown at Attachments 1 and 3, subject to the following changes:**
  - a. Downgrade the property at 25 Victoria Avenue from contributory to non-contributory to the Victoria Avenue Precinct following recent demolition.**
  - b. Refer the late submission from 10 The Ridge, Canterbury to an independent Planning Panel.**
- 3. Request that the Minister for Planning appoint a Planning Panel under Section 153 of the Planning and Environment Act 1987 to consider unresolved submissions to Amendment C266.**
- 4. Refer the amendment and unresolved submissions to a Planning Panel in accordance with Section 23(1) of the Planning and Environment Act 1987.**
- 5. Adopt the revised Heritage Policy - Statements of Significance Reference Document (January 2018) which includes citations relating to Amendments C177 and C236.**

**CARRIED**

*Councillor Hollingsworth entered the Chamber and resumed her seat at 9.48pm.*

**4 General business****GB1 Victorian Planning Provisions Reform - Amendment VC142**

**Councillor Healey** requested to know whether over the Christmas and New Year period if the Minister for Planning had introduced any planning reforms that would have implications for the Boroondara community.

**The Director City Planning** advised that the State Government had released a discussion paper on the reforms and officers provided a submission to the State Government in November 2017. The Director City Planning advised that Amendment VC142 was approved by the Minister for Planning and gazetted accordingly and came into operation as at 16 January 2018.

**GB2 Planning Scheme Amendment C243 Part 2**

**Councillor Ross** informed the Committee that Amendment C243 Part 2 was approved by the Minister for Planning and gazetted accordingly and came into operation as at 25 January 2018.

**The Director City Planning** advised that the amendment introduces permanent Heritage Overlays into the Boroondara Planning Scheme for 9 Auburn Grove, Hawthorn East (HO665), 68 Riversdale Road, Hawthorn (HO667) and 123 Riversdale Road, Hawthorn (HO668). The Director City Planning noted that officers will notify all affected property owners and occupiers of the Minister's decision.

**5 Urgent business**

Nil

**6 Confidential business**

Nil

**The meeting concluded at 9.50pm**

**Confirmed**

**Chairperson**

**Date**