

URBAN PLANNING SPECIAL COMMITTEE



MINUTES

(Open to the public)

Monday 6 August 2018

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.35pm

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

Apologies Councillor Phillip Healey

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Carolyn McClean	Acting Director City Planning
	Shiran Wickramasinghe	Acting Director Environment and Infrastructure
	Marilyn Kearney	Director Customer Experience & Business Transformation
	Jeanine Niuewenhuizen	Chief Customer Officer
	Cassandra Rea	Acting Manager Statutory Planning
	David Thompson	Manager Governance
	Krysten Forte	Coordinator Governance

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1. Adoption and confirmation of the minutes

Moved Councillor Hollingsworth

Seconded Councillor Parke

That the minutes of the Urban Planning Special Committee meeting held on 16 July 2018 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 21 Kinkora Road Hawthorn

Proposal

The proposal seeks to subdivide the site into two (2) lots, each containing an existing building, as well as the construction of a dividing fence and removal of 3 metres of front fence to construct vehicle access and a driveway for proposed Lot 2.

The site was originally three (3) Lots created in 1913. The lots were consolidated in 1986 as a condition of a permit issued to erect a new hostel building associated with the existing house, which was being used as a hostel at that time. The hostel use has now ceased.

Issues

The following are key issues in respect of this application:

- Potential impact of the subdivision upon the heritage precinct and neighbourhood character;
- Provision of appropriate vehicle access for Lot 2;
- Potential to redevelop the lots; and
- The objections received.

Officer's response

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

The proposed subdivision creates two lots. Lot 1 will have a frontage of 27 metres and an area of 1579 square metres. Lot 2 will have a frontage of 17.5 metres and an area of 1018 square metres. Kinkora Road contains a range of lot frontages and areas. It is not considered the subdivision will have a negative impact on the neighbourhood character or the heritage precinct.

The proposed vehicle crossing for Lot 2 is not considered to impact on the heritage significance of the streetscape. Vehicle crossings are not uncommon along the street. Council's Traffic Engineers have undertaken a detailed assessment and are of the view the crossing is acceptable from a safety point of view.

The application does not propose the redevelopment of the lots. A condition is proposed to require the owner to enter into an agreement to ensure only one dwelling can be located on each of the lots. Any redevelopment will require a planning permit from Council given the site is located in a Heritage Overlay.

*One speaker opposed to the officers' recommendation addressed the meeting.
One speaker in support of the officers' recommendation addressed the meeting.
One speaker neither in support nor in opposition to the officer's recommendation addressed the meeting.*

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That the Urban Planning Special Committee resolve that a Notice of Decision to Grant a Planning Permit No. PP17/01033 for the subdivision of the land into two (2) Lots, construction of dividing fence, removal of 3 metres of front fence and construction of new vehicle access and driveway in accordance with the endorsed plans at 21-25 Kinkora Road, Hawthorn be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended plans required

- 1. Before the plan of subdivision can be endorsed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the plans described as Reference: 9856 Version 1 but modified to show:**
 - (a) The width of the car space within Lot 2 to be 3m wide and cross over to be located with two meter separation from the cross over at 27 Kinkora Road**
 - (b) Easements to service the site to the satisfaction of the referral authorities.**

Endorsed plans not to be altered

- 2. The size, layout and location of the lots as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

Telecommunication services

- 3. The owner of the land must enter into an agreement with:**
 - (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**

- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 4. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
 - (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
 - (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical**

Referral authority requirements

- 5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.**
- 6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

Drainage

- 8. Prior to the certification of the Plan of Subdivision, appropriate easements must be added to support shared internal services or the submission of additional drainage works for independent stormwater drainage must be approved to the satisfaction of the Responsible Authority.**
- 9. Prior to the issue of the Statement of Compliance, any additional drainage works must be constructed to the satisfaction of the Responsible Authority.**

Vehicle Access

- 10. Prior to the issue of a Statement of Compliance, the proposed vehicle crossing for Lot 2 must be constructed to the satisfaction of the Responsible Authority. The crossover must incorporate a 2 meter wide nature strip island between the new crossover and the crossover servicing No. 27 Kinkora Road Hawthorn.**

Section 173 Agreement

11. Prior to the issue of a Statement of Compliance, the owners of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for the following:

- (a) The owner must not build, construct or erect or cause to be built, constructed or erected more than one dwelling and associated outbuildings on each lot approved by this planning permit.

Before the issue of a statement of compliance, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act. The owner of the land must pay the costs of the Responsible Authority in relation to preparation, execution and registration of the Section 173 agreement (including legal costs).

Tree Protection

12. Prior to the issue of a Statement of Compliance the dividing fence between the lots must be constructed to the satisfaction of the Responsible Authority, on posts without a strip footing and with the post holes dug by hand within 4m of either Tree 14 (Exotic) and Tree 18 (Palm Tree) for their protection. Woody roots, if encountered must be left intact and the post holes shifted.

Permit to Expire

13. This permit will expire if one of the following circumstances applies:

- (a) The plan of Subdivision is not certified within two (2) years of the issue date of this permit.
- (b) The plan of Subdivision is not registered with Land Registry within five (5) years of the date of certification.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

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

There is no provision to grant an extension of time for a Certified Plan.

Notations:

- *Headings are for ease of reference only and do not affect the interpretation of permit conditions.*
- **NBN Telecommunications** Boroondara is no longer within a Telstra NBN area. This requires developers to apply to NBN for Telecommunications approval. Three months' notice is often required. Register your site by visiting nbn.com.au/newdevelopments or call 1800 687 626 Email: newdevelopments@nbn.com.au
- **Engineering Drainage Condition:** Contact Stephen D'Agata Team Leader -Drainage on Telephone 9278 4593

- **Vehicle crossing advice: Contact George Athanasiadis - Team Leader Works Permits on 9278 4509**

The applicant is required to obtain an Asset Protection Permit prior to the commencement of site works in accordance with the Protection of Council Assets and Control of Building Sites Local Law 2011. Materials used in the crossover shall be to the satisfaction of the Responsible Authority.

- **Section 173 Agreement The applicant is to arrange for the preparation of the Section 173 Agreement. All agreements are checked by Council's Solicitor, Maddocks at the applicants cost. Alternatively, should you choose Maddocks to prepare the document, no checking fee will be required. Contact Maddocks on 9258 3765**
- **Arborist advice: Contact Chris Spencer on Telephone 9278 4294**

CARRIED

4. General business

Nil

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 7.11pm

Confirmed

Chairperson _____

Date _____