

URBAN PLANNING SPECIAL COMMITTEE



MINUTES

(Open to the public)

Monday 18 March 2019

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.34pm

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

Apologies Councillor Steve Hurd

| | | |
|------------------------|-----------------------|-----------------------------------|
| <u>Officers</u> | Phillip Storer | Chief Executive Officer |
| | Shiran Wickramasinghe | Director City Planning |
| | Simon Mitchell | Manager Statutory Planning |
| | David Thompson | Manager Governance |
| | Joe Sevillano | Senior Statutory Planning Officer |
| | Elizabeth Manou | Governance Projects Officer |

Table of contents

| | | |
|-----------|---|----------|
| 1. | Adoption and confirmation of the minutes | 3 |
| 2. | Declaration of conflict of interest of any councillor or council officer | 3 |
| 3. | Presentation of officer reports | 3 |
| 3.1 | 143 Through Road Camberwell | 3 |
| 4. | General business | 9 |
| 4.1 | Heritage | 9 |
| 5. | Urgent business | 9 |
| 6. | Confidential business | 9 |

1. Adoption and confirmation of the minutes

Moved Councillor Parke

Seconded Councillor Hollingsworth

That the minutes of the Urban Planning Special Committee meeting held on 18 February 2018 be adopted and confirmed.

CARRIED

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

Refer to Item 3.1 - 143 Through Road Camberwell - Councillor Hollingsworth

3. Presentation of officer reports

3.1 143 Through Road Camberwell

Proposal

The proposal seeks to construct a three storey building above a basement level containing eight apartments.

Issues

The following are key issues in respect of this application:

- Whether the proposal will be consistent with the preferred neighbourhood character (pages 22 - 28);
- Whether the proposal will result in any unreasonable amenity impacts to adjoining or nearby properties (pages 28 - 31); and
- Issues raised within objections received (pages 35 - 42).

Officer's response

The proposal is considered to be respectful of the preferred neighbourhood character as articulated by Council's Neighbourhood Character Study Precinct Statement 58. Notably, the proposal will present as a two storey form with a pitched roof which is consistent with the presentation of buildings within the streetscape and surrounding area.

The proposal will be fully compliant with the site coverage, permeability, daylight to existing windows, overshadowing and side and rear setback requirements of ResCode. Subject to a recommended permit condition, the proposal will also be fully compliant with the overlooking requirements of ResCode. It is therefore considered that potential amenity impacts to adjoining and nearby properties have been appropriately resolved.

The proposal fully complies with the car parking standard set out in the Boroondara Planning Scheme. Council's Traffic and Transport Department have assessed the impact of the anticipated traffic generation and are of the view the proposal will not significantly impact on the operation of Through Road or the surrounding road network.

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

Councillor Hollingsworth declared an indirect interest by close association in accordance with section 78 of the Local Government Act 1989.

Councillor Hollingsworth advised that the nature of the interest is that "my husband's brother and his wife have objected to this planning application. In accordance with the Local Government Act, 1989 I must abstain from the proceedings in this matter".

Councillor Hollingsworth left the Chamber at 6.40pm prior to the consideration and vote on this item.

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

MOTION

Moved Councillor Healey

Seconded Councillor Thompson

That the Urban Planning Special Committee resolve that Notice of Decision to Grant a Planning Permit No. PP17/01081 for construction of a three storey building containing eight dwellings at 143 Through Road, Camberwell 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 three (3) copies provided, substantially in accordance with the plans submitted with the application but modified to show:**
 - a) A minimum of height clearance of 2.2m provided for all parts of the basement ramp and basement, measured from the wheel base line of a B85 vehicle to any overhead obstructions;**
 - b) Details of all first floor screening measures provided. together with notations that they will be designed to comply with Standard B22 (Overlooking) of Clause 55;**
 - c) The adaptable bathrooms of Apartments G.01-G.04 designed to comply with Standard B41 (Accessibility) of Clause 55;**
 - d) The balconies of Apartments 1.01-1.04 increased to a minimum 13.5m² in area without reducing any other setback;**
 - e) The indicative location of an on-site stormwater detention system, to be sited to avoid conflicts with retaining walls, terraces, storage cages and any other feature;**

- f) Minimum height clearance of 2.2m provided within the basement (including basement ramp), taken from the wheel base line of a B85 vehicle to any overhead obstructions;**
- g) A Landscape Plan in accordance with Condition 3;**
- h) A Stormwater Assessment in accordance with Condition 10 of this permit.**

Layout not to be altered

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**

Landscape plan

- 3. A landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and three (3) copies provided. When endorsed, the plan will form part of the permit.**

The landscape plan must be generally in accordance with the landscape concept plan dated August 2018 prepared by John Patrick Landscape Architects Pty Ltd except that the plan must show:

- (a) A notation that any visual obstructions within the pedestrian sightlines required by Design Standard 1 of Clause 52.06-9 must be no higher than 900mm;**
- (b) Any shrub plantings adjacent to side/rear boundaries to have a minimum height of 3m at maturity; and**
- (c) The indicative location of an on-site stormwater detention system consistent with the amended plans required by Condition 1 of this permit, located to avoid conflicts with the proposed landscaping layout and any other features of the proposal.**

Completion of landscaping works

- 4. Landscaping as shown on the endorsed landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority prior to the occupation of the development.**

Landscaping maintenance

- 5. 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.**

Drainage

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

Visitor parking spaces

- 7. Visitor parking spaces within the development must be:**
 - (a) Clearly identified by appropriate signage having an area no greater than 0.3m²;**
 - (b) Line marked to indicate each car space; and**
 - (c) Available for visitor usage at all times.**

Vehicle crossovers

- 8. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.**

Removal of redundant vehicle crossovers

- 9. 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.**

Stormwater assessment

- 10. Concurrent with the endorsement of any plans in accordance with Condition 1 of this permit, the applicant/permit holder must submit an assessment of the proposal against the (Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended). The assessment must demonstrate full compliance with the following:**
 - a. Suspended solids (SS) - 80 per cent retention of the typical urban annual load;**
 - b. Total phosphorus (TP) - 45 per cent retention of the typical urban annual load;**
 - c. Total nitrogen (TN) - 45 per cent retention of the typical urban annual load;**
 - d. Litter - 70 per cent retention of typical urban annual load; and**
 - e. Flows - maintain discharges for the 1.5 year ARI at pre-development levels.**

Construction management plan

- 11. Prior to the commencement of any site works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must be prepared in accordance with Council's Construction Management Plan Template and provide details of the following:**
 - a) Hours for construction activity in accordance with any other condition of this permit;**
 - b) Measures to control noise, dust, water and sediment laden runoff;**
 - c) Measures relating to removal of hazardous or dangerous material from the site, where applicable;**
 - d) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;**
 - e) A Traffic Management Plan showing truck routes to and from the site;**
 - f) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;**
 - g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;**

- h) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;**
- i) Contact details of key construction site staff;**
- j) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and**
- k) Any other relevant matters, including the requirements of VicRoads and Yarra Trams.**

Hours for demolition and construction

- 12. All works including earthworks, demolition and construction activity associated with the approved development must take place only during the following hours, except with the prior written consent of the Responsible Authority:**

Monday to Thursday: 7:00am to 6:30pm
Friday: 7:00am to 5:00pm
Saturday: 9:00am to 5:00pm
Sunday & Public Holidays: No construction

Waste Management Plan

- 13. Submission of a waste management plan setting out private collection of waste to be undertaken from the basement only.**

Permit to expire:

- 14. This permit will expire if:**

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

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

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

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

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.

Pursuant to Council's Residential Parking Permit Policy (2011), the owners and occupiers of dwellings approved in this development will not be eligible to obtain resident or visitor parking permits.

Prior to the commencement of any works on the site, the owner/developer must submit drainage plans for assessment and approval by the Responsible Authority (Asset Management).

Stormwater drains are to be connected to a legal point of discharge approved by Council. Drainage Connections within a road reserve, right-of-way, parkland, within an easement or to a Health Act drain must be to Council's standards. A Council Supervision Permit is required for this work. All fees and charges associated with the connection are to be borne by the applicant.

Prior to the commencement of any works on the site, the owner / developer must submit any new vehicular crossover or modification or alteration to an existing crossover proposal for assessment and approval by the Responsible Authority (Asset Management).

The Tree Protection Local Law requires that a Local Law Tree Permit be sought from Council for the removal and/or lopping of a 'Significant Tree' and/or excavation within the critical root zone of a Significant Tree. A list of Significant Trees is available at <http://www.boroondara.vic.gov.au/our-city/trees/significant-trees>. A Local Law Tree Permit is also required to remove, damage kill or destroy any identified 'Canopy Tree' which may include any excavation within the tree protection zone of a 'canopy tree'. The Tree Protection Local Law identifies a 'Canopy tree' as any tree with a single trunk circumference of 110cm or a combined circumference of a multi stemmed tree of 110cm or greater measured at 1.5m above ground level. A Planning Permit does not constitute a Local Law Tree Permit or permission to remove, damage kill or destroy a significant or canopy tree. The Tree Protection Local Law is available to download at <http://www.boroondara.vic.gov.au/our-city/trees/tree-works-permits> alternatively please contact Council's Arborist - Statutory Planning (telephone 9278 4888) should a Local Law Tree Permit be required.

An Asset Protection Permit is required prior to the commencement of site works in accordance with Council's Protection of Council Assets and Control of Building Sites Local Law 2011.

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 full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.

Discharge to the legal point of discharge will be allowed subject to the flow being limited to a rate equivalent to pre-development levels or less. Any additional discharge and / or runoff above the pre-development level is to be detained on site, via an approved storm water detention system. This matter should be discussed with Council's Asset Management Department.

CARRIED

Councillor Hollingsworth returned to the chamber at 8.01pm and resumed her seat.

4. General business

4.1 Heritage

Councillor Healey advised his colleagues that he attended the Kew Historical Society McIntyre Lecture on 13 March 2019, presented by Professor Charles Sowerwine.

Councillor Healey advised that the content of the lecture covered the historic and current challenges to heritage and conservation in Melbourne and significant heritage issues, including the Queen Victoria Market and the demolition of the Corkman Irish Pub in 2016.

Councillor Healey then informed his colleagues that Professor Sowerwine had possibly identified a legal loophole in the laws surrounding heritage matters and requested officers look into this potential loophole.

The Director City Planning noted the comments made by Councillor Healey and advised that officers would provide clarification and further information to councillors in due course.

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 8.06pm

Confirmed

Chairperson _____

Date _____