



# City of Whitehorse

## AGENDA

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### Ordinary Council Meeting

To be held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 20 March 2017**

at 7.00pm

**Members:** Cr Denise Massoud (Mayor), Cr Bill Bennett,  
Cr Raylene Carr, Cr Prue Cutts, Cr Andrew Davenport,  
Cr Sharon Ellis, Cr Tina Liu, Cr Andrew Munroe,  
Cr Ben Stennett, Cr Tanya Tescher

**Ms Noelene Duff**  
Chief Executive Officer

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## AGENDA

### 1 PRAYER

#### 1a Prayer for Council

*We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.*

*Grant that our own generation may build worthily on the foundations they have laid.*

*Direct our minds that all we plan and determine, is for the wellbeing of our City.*

***Amen.***

#### 1b Aboriginal Reconciliation Statement

*"In the spirit of reconciliation, Whitehorse City Council acknowledges the Wurundjeri people as the traditional custodians of the land we are meeting on. We pay our respects to their Elders past and present."*

### 2 WELCOME AND APOLOGIES

### 3 DISCLOSURE OF CONFLICT OF INTERESTS

### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 20 February 2017, Confidential Ordinary Council Meeting 20 February 2017 and Special Council Meeting Review of the Councillor Code of Conduct 20 February 2017.

#### RECOMMENDATION

***That the minutes of the Ordinary Council Meeting 20 February 2017, Confidential Ordinary Council Meeting 20 February 2017 and Special Council Meeting Review of Councillor Code of Conduct 20 February 2017 having been circulated now be confirmed.***

### 5 RESPONSES TO QUESTIONS

## **6 NOTICES OF MOTION**

### **6.1 Notice of Motion No 104 - Cr Davenport**

*That Council:*

- 1. In consideration of the Ministerial Guidelines for Differential Rating dated April 2013 and the relevant legislation review*
  - a. The implications and impacts to the wider community of introducing differential rating, with specific consideration of retirement village properties*
  - b. The legislative criteria and current application of Cultural and Recreation land use*
- 2. Recommends that this review consider current rating strategies applied by surrounding municipalities.*

## **7 PETITIONS**

## **8 URGENT BUSINESS**

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 711-713 Whitehorse Road, MONT ALBERT (LOT 4 LP 2664 ECSS) – Amendment to Planning Permit WH/2015/284 (Issued for buildings and works associated with the use of land for a restaurant (cafe) and reduction of the standard car parking requirements) for the use of land for the sale and consumption of liquor**

FILE NUMBER: WH/2015/284/A  
ATTACHMENT

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#### **SUMMARY**

*This application was advertised, and a total of 42 objections were received. The objections raised issues with car parking, amenity impacts and compliance with the previous approval. A Consultation Forum was held on 8 December 2016 chaired by an external facilitator, at which the issues were explored but no resolution was reached. The application was amended by the applicant following this meeting to remove the request to extend the hours of use. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **RECOMMENDATION**

##### ***That Council:***

- A. *Being the Responsible Authority, having caused Application WH/2015/284/A for 711-713 Whitehorse Road, MONT ALBERT (LOT 4 LP 2664 ECSS) to be advertised and having received and noted the objections is of the opinion that the granting of an Amendment to Planning Permit WH/2015/284 (Issued for buildings and works associated with the use of land for a restaurant (cafe) and reduction of the standard car parking requirements) to allow the use of land for the sale and consumption of liquor is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Notice of Decision to Grant an amended Permit under the Whitehorse Planning Scheme to the land described as 711-713 Whitehorse Road, MONT ALBERT (LOT 4 LP 2664 ECSS) WH/2015/284 to include the use of land for the sale and consumption of liquor.***
- C. *Issue a Notice of Decision to Grant an amended Permit under the Whitehorse Planning Scheme to the land described as 711-713 Whitehorse Road, MONT ALBERT (LOT 4 LP 2664 ECSS) WH/2015/284 to include the following conditions controlling the use of the land for the sale and consumption of liquor, and to amend the expiry condition to reference this additional use:***
  - 1. *The sale and consumption of liquor in association with the use of land as a restaurant must also accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.***
  - 2. *Unless with the further written consent of the Responsible Authority, liquor may only be sold and consumed between the hours of:***
    - i. *Monday – Saturday: 7am to 4pm;***
    - ii. *Sunday 10am to 4pm; and***
    - iii. *Good Friday and ANZAC Day: 12pm to 4pm.***

### **9.1.1**

(cont)

3. *The amenity of the area shall not be detrimentally affected by the sale and consumption of liquor as hereby permitted to the satisfaction of the Responsible Authority.*
4. *Liquor may only be sold and consumed within the area identified as a red line on the endorsed plan.*
5. *This permit will expire if one of the following circumstances applies:*
  - a) *The development or use is not commenced within two (2) years from the date of issue of this permit;*
  - b) *The development is not completed within four (4) years from the date of this permit.*

*The Responsible Authority may extend the periods referred to if a request is made in writing pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.*

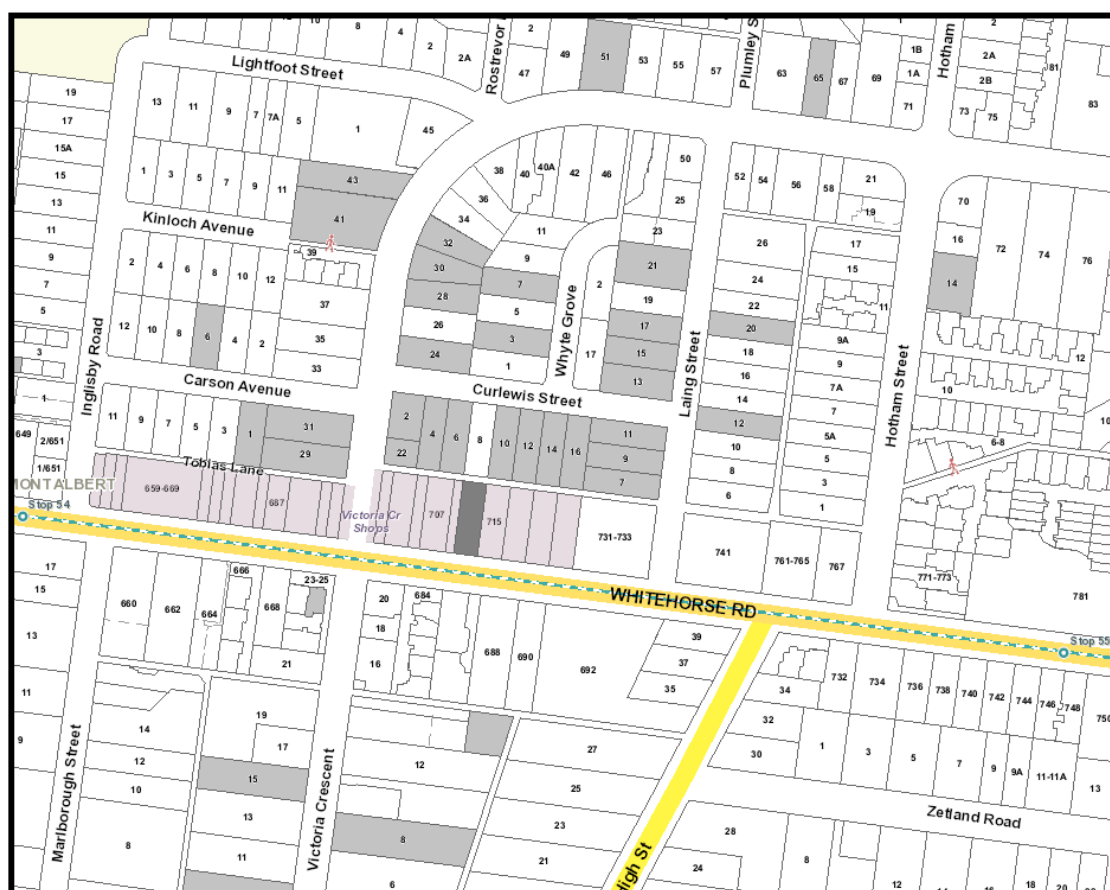
**Permit Note:**

- A. *Prior to the commencement of the use of land, an internal kitchen floor plan layout and any food display areas must be submitted to Council's Health Department for approval. Council's Health Department can be contacted during Council's business hours on 9262 6333.*
  - D. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*
-

# 9.1.1 (cont)

MELWAYS REFERENCE 46 K8

Applicant:	Mister And Miss Cafe
Zoning:	Mixed Use Zone
Overlays:	Design and Development Overlay (Schedule 4)
Relevant Clauses:	<div> <div>Clause 11</div> <div>Settlement</div> </div> <div> <div>Clause 15</div> <div>Built Environment and Heritage</div> </div> <div> <div>Clause 17</div> <div>Economic Development</div> </div> <div> <div>Clause 21.07</div> <div>Economic Development</div> </div> <div> <div>Clause 22.06</div> <div>Activity Centres</div> </div> <div> <div>Clause 32.04</div> <div>Mixed Use Zone</div> </div> <div> <div>Clause 52.06</div> <div>Car Parking</div> </div> <div> <div>Clause 52.27</div> <div>Licensed Premises</div> </div> <div> <div>Clause 65</div> <div>Decision Guidelines</div> </div>
Ward:	Elgar



		Subject site		41 Objector Properties (3 outside of map)	<div> <div>↑</div> <div>North</div> </div>
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### **9.1.1**

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## **BACKGROUND**

### **History**

Planning Permit WH/2015/284 was issued on 12 August 2015 for buildings and works associated with the use of land for a restaurant (café) and reduction in the standard car parking requirements. Plans complying with the permit were endorsed on 7 September 2015.

This application to amend the permit was lodged on 3 June 2016, specifically to extend the hours of the use from 7am to 4pm seven days a week to 7am to 10pm Monday to Thursday and Sunday, and 7am to 11pm Friday and Saturday, and to permit the sale and consumption of liquor. This application was amended after notice to delete the request to extend the hours of use.

A number of complaints regarding the operation of the approved restaurant have been received by Council Officers. These matters do not directly relate to this amendment application but are relevant to the approved use of the land.

These matters have been resolved but ongoing inspections will continue to ensure compliance.

### **The Site and Surrounds**

The subject site is located on the northern side of Whitehorse Road in Mont Albert, 200 metres east of the intersection with Inglisby Road. The site has a total frontage of 13 metres to Whitehorse Road and a depth of 40.84 metres and an overall site area of approximately 544m<sup>2</sup>. A laneway is located to the rear of the subject site and is accessible via Victoria Crescent and Laing Street. The subject site forms part of a larger Mixed Use Precinct which consists of generally single to double storey buildings with a range of uses including motorcycle sales, car accessory sales and commercial offices.

On-street metered car parking is provided directly in front of the subject site and extends along the northern side of Whitehorse Road. The subject site currently contains an existing restaurant, which is setback 3m from the frontage with tables and chairs in this front setback. The site was previously used as an automotive servicing centre. The building occupies approximately 284m<sup>2</sup> of the site, with the rear yard used for car parking and storage.

The land is well serviced by public transport with tram stop (Route 109) located approximately 200 metres west of the subject site and runs into the retail core of Box Hill (approximately 1km east from the subject site), and Mont Albert train station is 400 metres to the south.

The land to the north and the south is primarily residential comprising of single and double storey dwellings.

### **Planning Controls**

#### Clause 32.04 Mixed Use Zone

The purpose of this Zone is to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality, to provide for housing at high densities, to encourage development that responds to the existing or preferred neighbourhood character and to facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to the zone.

A permit is required to use land for the purposes of a restaurant.

### **9.1.1**

(cont)

#### Clause 43.02 Design and Development Overlay (Schedule 4)

The purpose of this Overlay is to incorporate specific built form controls for an area where they are designed. Schedule 4 to the Overlay relates to all neighbourhood activity centres across Whitehorse. Each activity centre has prescribed building setbacks and heights based on its locational attributes. The subject site is located within area 2A – small-medium neighbourhood centre on a wide main road. The preferred maximum height limit in this area is 14.5 metres.

The current amendment proposes no buildings or works and as such this Overlay is not relevant to this assessment.

#### Clause 52.27 Licensed Premises

The purpose of this Particular Provision is to ensure that licensed premises are situated in appropriate locations, and that the impact of the licenced premises on the amenity of the surrounding area is considered.

The application proposes an on-premises liquor licence and as such needs a permit pursuant to this particular provision.

### **PROPOSAL**

The application proposes to amend the existing permit to allow for the sale and consumption of liquor in association with the restaurant use. The application to amend the hours of use was withdrawn after notice.

### **CONSULTATION**

#### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice at the Whitehorse Road frontage. Following the advertising period 42 objections have been received from 41 objector properties.

The issues raised are summarised as follows:

#### Car parking and traffic

- Insufficient car parking provision will be exacerbated by extended hours of use.
- Loss of pedestrian safety from increase in traffic.
- Damage to cars parking in the surrounding streets.
- Approval of nearby apartment building will exacerbate lack of on-street car parking spaces.
- Parking restrictions not adequately enforced by Council.
- Safety concerns with extensive parking in surrounding road network, including illegal parking.

#### Amenity impacts

- Potential increase in anti-social and criminal behaviour due to alcohol consumption.
- Amenity and noise impacts and parking issues from extended hours and liquor licence.
- Liquor licence not consistent with the dry history of the area.
- No alcohol management plan provided with the application.
- Consumption of alcohol outside the building.

### 9.1.1

(cont)

#### Concerns with existing permit

- Insufficient car parking provision for the existing use.
- Patrons currently park in residential streets and unreasonably occupy car parking spaces and increase traffic movements.
- Visitors to the site park illegally and don't follow road rules in the surrounding road network.
- Cooking smells emitted from the site.
- Noise impacts from waste collection.
- Waste collection currently carried out at inappropriate hours.
- Waste not appropriately contained within the site.
- Non-compliance with the existing permit in regards to car parking provision, hours of use, patron numbers and storage/collection of rubbish.
- Majority of patrons are not locals.
- Noise impacts at night from existing illegal operation.
- Noise impacts from existing use.
- Intensity of current use exceeds that of a café.

#### Other matters

- Inadequate advertising for the application to amend the permit.
- Inability of Council street sweepers to access the surrounding road network.
- Property devaluation.

#### **Consultation Forum**

A Consultation Forum was held on 8 December 2016 at Box Hill Town Hall, chaired by an external facilitator. Approximately 30 objectors attended the meeting, as well as planning officers and both Ward Councillors.

A large number of concerns were discussed at the forum, including the impact the existing restaurant is having on car parking availability in the area, existing amenity impacts, the likely impacts from the extended hours and the amenity impacts from the sale of liquor.

While no resolutions were reached at the forum, it is noted that the applicant amended the application after the meeting in response to these discusses to remove the request to extend the hours of use.

#### **Section 57A amendment**

The application to amend the permit was amended after notice under section 57A of the *Planning and Environment Act 1987* to remove the request to extend the hours of use. This amendment was received on 16 December 2016 and was made in response to the issues and concerns raised by objectors at the consultation forum.

This amendment was not re-advertised as the deletion of the changes to the hours of use will not result in any further material detriment to the surrounding land users.

#### **Referrals**

No referrals, either internal or external, were required.

#### **DISCUSSION**

##### **Consistency with State and Local Planning Policies**

The continued use of the land as a restaurant is supported by the State and Local Planning Policies. The inclusion of the sale and consumption of liquor in association with the existing restaurant use is also supported by these policies.

### 9.1.1

(cont)

#### Clause 52.27 Licensed Premises

It is considered the on-premises liquor licence will have no adverse impacts on the amenity of the area and is an appropriate outcome.

The hours for the sale of liquor will be aligned with the restaurant, which as noted above are from 7am-4pm Monday to Sunday. Some limitation will be placed on the ability to sell liquor beyond the hours of use, as required by the liquor licencing authority. As the proposed sale and consumption will cease at 4pm, this will discourage inappropriate consumption of liquor after business hours and in to the evening.

The liquor licence will also be linked to the restaurant and liquor sales will only be able to occur in conjunction with the service of food. This will discourage the inappropriate consumption of liquor.

There are few, if any, premises nearby that sell liquor. This part of Whitehorse is in a Dry Area where the sale and consumption of liquor is highly regulated and limited to approved restaurant uses. On this basis it is considered the cumulative impact of existing licensed premises and the proposal will be low.

#### Objectors Concerns

- *Insufficient car parking provision will be exacerbated by extended hours of use.*
- *Approval of nearby apartment building will exacerbate lack of on-street car parking spaces.*

The existing permit currently allows up to 108 people to be permitted on the site based on the provision of six car parking spaces in the rear setback of the site. The patron numbers are not sought to be changed and it is not considered the approval of a liquor licence will affect this requirement.

- *Loss of pedestrian safety from increase in traffic.*

The amendment to the permit will have no effect on the amount of traffic in the surrounding road network.

- *Damage to cars parking in the surrounding streets.*

This is not considered to be a relevant planning consideration.

- *Parking restrictions not adequately enforced by Council.*
- *Safety concerns with extensive parking in surrounding road network, including illegal parking.*

Officers from Council's Community Laws Department have undertaken regular inspections of the surrounding road network to ensure compliance with the parking restrictions, and will continue to do so.

- *Potential increase in anti-social and criminal behaviour due to alcohol consumption.*

It is considered that the hours of sale and consumption of liquor and the requirement that liquor only be consumed in conjunction with meals will discourage inappropriate behaviours.

- *Amenity and noise impacts and parking issues from extended hours and liquor licence.*

No extended hours are now proposed. It is not considered that the approval of a liquor licence will have any impact on noise, amenity or parking issues in the area.

- *Liquor licence not consistent with the dry history of the area.*

### 9.1.1

(cont)

While the surrounding area is subject to a dry area restriction, this was amended by poll to allow liquor licenses associated with restaurants. There are large numbers of restaurants in the Box Hill area with liquor licences and the current proposal is considered to be consistent with these existing uses.

- *No alcohol management plan provided with the application.*

No alcohol management plan is required by the Whitehorse Planning Scheme and is a matter for the granting of the liquor licence by the Victorian Commission for Gambling and Liquor Regulation.

- *Consumption of alcohol outside the building.*

All liquor must be consumed in accordance with the planning permit and liquor licence, which will include the area in front of the building facing Whitehorse Road.

- *Insufficient car parking provision for the existing use.*

As noted above, the amendment to the permit does not seek to amend the hours of use, the number of patrons or to reduce the car parking provision any further and as such this matter cannot be considered through this assessment.

- *Patrons currently park in residential streets and unreasonably occupy car parking spaces and increase traffic movements.*
- *Visitors to the site park illegally and don't follow road rules in the surrounding road network.*

As noted above, officers from Council's Community Laws Department have undertaken regulator inspections of the area to achieve compliance with the parking regulations.

- *Cooking smells emitted from the site.*

The applicant is aware of their obligations to ensure that the site complies with the building and health regulations.

- *Noise impacts from waste collection.*
- *Waste collection currently carried out at inappropriate hours.*

The applicant has given a commitment to ensure that waste is collected from the site during reasonable hours. Council's Planning Enforcement officer has been undertaking investigations of the site to ensure that waste collection does not unreasonably impact the amenity of the surrounding area. However, some noise from the collection of waste is unavoidable given the close proximity of dwellings to the rear of the commercial properties fronting Whitehorse Road.

- *Waste not appropriately contained within the site.*

Council's Planning Enforcement Officer has undertaken investigations of the site to ensure waste is being stored appropriately.

- *Non-compliance with the existing permit in regards to car parking provision, hours of use, patron numbers and storage/collection of rubbish.*

Council's Planning Enforcement Officer has undertaken investigations of the site to ensure the use is being carried out in accordance with the planning permit.

- *Majority of patrons are not locals.*

This is not considered to be a relevant planning consideration.

### 9.1.1

(cont)

- *Noise impacts at night from existing illegal operation.*

While non-compliance with the conditions of the restaurant permit has occurred in the past, the applicant has made undertakings that all future use of the land will be in accordance with the hours specified in the permit. This will be monitored by Council's Planning Enforcement Officer.

- *Noise impacts from existing use.*

Council's Planning Enforcement Officer has been undertaking investigations of the site to ensure the use is not causing unreasonable amenity impacts on the surrounding land.

- *Intensity of current use exceeds that of a café.*

The intensity of the use is consistent with the permit that was granted for a 108 seat restaurant.

- *Inadequate advertising for the application to amend the permit.*

The application was advertised in accordance with the requirements of the *Planning and Environment Act 1987*.

- *Inability of Council street sweepers to access the surrounding road network.*

This is not a relevant matter for this assessment.

- *Property devaluation.*

This is not a relevant matter for this assessment.

### CONCLUSION



The amendment to Planning Permit WH/2015/284 (Issued for buildings and works associated with the use of land for a restaurant (café) and reduction of the standard car parking requirements) to include use of land for the sale and consumption of liquor is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Mixed Use Zone and Clause 52.27 Licensed Premises.

The sale and consumption of liquor in association with an existing restaurant is unlikely to result in unreasonable amenity impacts on the surrounding area, while enhancing the restaurant use. The applicant has responded to concerns from objectors about extending the hours of use by further amending the application to delete this request.

A total of 42 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is recommended that the application be approved subject to additional conditions relating to liquor licencing and an updated permit pre-ambles

### ATTACHMENT

- 1 Original Permit 
- 2 Red Line Plan 

### **9.1.2 12-18 Barkly Terrace, MITCHAM (LOT 1-4 PS 628516M)– Use and development of land as a childcare centre and display of a business identification sign**

FILE NUMBER: WH/2016/985  
ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 14 objections were received. The objections raised issues with traffic and parking, residential amenity and landscaping. A Consultation Forum was held on 1 February 2017 chaired by Councillor Cutts, at which the issues were explored and some resolutions were reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **RECOMMENDATION**

##### ***That Council:***

- A. *Being the Responsible Authority, having caused Application WH/2016/985 for 12-18 Barkly Terrace, MITCHAM (LOT 1-4 PS 628516M) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use and development of land as a childcare centre and display of a business identification sign is acceptable and should not unreasonably impact the amenity of adjacent properties.***
  - B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 12-18 Barkly Terrace, MITCHAM (LOT 1-4 PS 628516M) for the Use and development as a childcare centre and display of a business identification sign, subject to the following conditions:***
    - 1. *Before the development starts, or any trees or vegetation removed, amended plans (three copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
      - a) *Relocation of the turning bay to where car space 8 is located. The turning bay is to be reduced by 2 metres in length and the area is to be developed as garden area.***
      - b) *The acoustic fence along the eastern boundary must have a minimum height of 2.0 metres.***
      - c) *Provision of appropriate low level lighting to the car park area.***
      - d) *Parking Management Plan in accordance with Condition 7.***
      - e) *A Waste Management Plan in accordance Condition 11.***
      - f) *Landscape Plan in accordance with Condition 3, including the following:***
        - i. *Removal of Trees 1 and 2. These trees must be replaced with two canopy trees capable of growing in excess of 8 metres in height at maturity in the outdoor play area.***
        - ii. *The provision of a minimum of three canopy trees capable of growing in excess of 4 metres in height around the car park area.***
        - iii. *The planting within and around the perimeter of the site is to comprise trees and shrubs with all trees to be located within mulched garden beds.***
        - iv. *All new trees must be planted at a minimum height of 1.5 metres.***
- All of the above must be to the satisfaction of the Responsible Authority.***

**9.1.2**  
(cont)

*Once approved these plans become the endorsed plans of this permit.*

2. *The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
3. *No buildings or works must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:*
  - a) *A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
  - b) *Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
  - c) *No trees are to be planted within the easement.*
  - d) *Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
    - i. *Providing a complete garden scheme,*
    - ii. *Softening the building bulk,*
    - iii. *Providing some upper canopy for landscape perspective,*
  - e) *A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.*
  - f) *The proposed design features such as paths, paving, lawn and mulch.*
  - g) *A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

*Landscaping in accordance with this approved plan and schedule shall be completed before the addition to the building is occupied.*

*Once approved these plans become the endorsed plans of this permit.*

4. *The garden/play areas shown on the endorsed plan must only be used as gardens/play areas and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
5. *Unless with the prior written consent of the Responsible Authority, not more than 54 children are permitted on the premises at any one time.*
6. *Unless with the prior written consent of the Responsible Authority, the use is only permitted between 6.30am and 7.00pm, Mondays to Fridays.*

**9.1.2**  
(cont)

**Car Parking Management**

7. *Prior to the commencement of buildings and works on the site, the owner must prepare a Car Parking Management Plan detailing the management of the use of car parking on site to the satisfaction of the Responsible Authority. The Car Parking Management Plan must provide for but not be limited to:*
- a) *Management of the use of the car park for staff during the course of the day;*
  - b) *Details of how the management plan will be distributed to staff and parents to ensure all are aware of the document and parking arrangements;*
  - c) *Provision of designated car parking spaces for use by parents;*
  - d) *Method of identifying car parking spaces for patrons;*
  - e) *Details of security to be provided within the car park particularly outside of normal business hours.*
  - f) *Details of the management of the use of the car park for staff and users during special events.*

*Once submitted to and approved by the Responsible Authority the Car Parking Management Plan will form part of the documents endorsed as part of this planning permit.*

8. *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
9. *The car parking areas and access ways as shown on the endorsed plans shall be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.*
10. *Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:*
- a) *Constructed to the satisfaction of the Responsible Authority.*
  - b) *Properly formed to such levels that they can be used in accordance with the plans.*
  - c) *Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.*
  - d) *Drained to the satisfaction of the Responsible Authority.*
  - e) *Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.*
  - f) *In accordance with any Council adopted guidelines for the construction of car parks.*
  - g) *Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.*

## **9.1.2**

(cont)

### **Waste Management**

- 11. Prior to the commencement of works on the site, the owner shall prepare an amended Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site to the satisfaction of the Responsible Authority. The Waste Management Plan must provide for:**
- a) The method of collection of garbage and recyclables for the use;**
  - b) Designation of methods of collection including the need to provide for private services;**
  - c) Appropriate areas of bin storage on site to be accommodated within the basement;**
  - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;**
  - e) Litter management.**

**Once submitted to and approved by the Responsible Authority the Waste Management Plan will form part of the documents endorsed as part of this planning permit.**

- 12. Adequate provision, to the satisfaction of the Responsible Authority, must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must, to the satisfaction of the Responsible, be kept in a storage area screened from view. All bins and receptacles must be maintained, to the satisfaction of the Responsible Authority, in a clean and tidy condition and free from offensive odour.**

### **Construction Management**

- 13. Prior to the commencement of buildings or works on the land, a Construction Management Plan, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by Council.**

**This plan is to be to the satisfaction of the Responsible Authority and must be prepared in accordance with the City of Whitehorse Construction Management Plan Guidelines.**

**Once submitted to and approved by the Responsible Authority the Construction Management Plan will form part of the documents endorsed as part of this planning permit.**

**When approved the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority, to the extent that this is in the control of the owner of the land. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the Construction Management Plan.**

**9.1.2**  
(cont)

**Amenity**

14. *The amenity of the area shall not be detrimentally affected by the use or development, through:*
  - a) *Transportation of materials, goods or commodities to or from the land;*
  - b) *Appearance of any building, works or materials;*
  - c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;*
  - d) *Presence of vermin; and*
  - e) *In any other way.*
15. *Alarms must be directly connected to a security service and must not produce noise beyond the premises.*
16. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts or playing of music.*
17. *All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.*

**Advertising Sign**

18. *The advertising sign and panels shall be constructed and maintained to the satisfaction of Responsible Authority. Any sign in a state of disrepair shall, at the direction of the Responsible Authority, be removed from the site.*
19. *Except where no permit is required under the provisions of Clause 52.05 of the Planning Scheme, no additional advertisement or sign other than that already permitted shall be erected or established on the site without the prior written consent of the Responsible Authority. In this context it is noted an advertisement includes painted on advertising media, flags, bunting, streamers or similar devices used for advertising, and the control extends to an advertisement inside a building which can ordinarily be seen by a person who is outside the building.*
20. *The sign permitted must not be illuminated or floodlit.*
21. *The sign shall not alter its message or move in part or whole.*
22. *No bunting, streamers and festooning shall be displayed.*
23. *The sign/s shall only contain an advertisement which provides or supplies information relating to the business conducted on the abovementioned land.*

**Assets Management**

24. *All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.*
25. *Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer, and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.*

### **9.1.2**

(cont)

- 26. Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.**
- 27. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.**
- 28. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 29. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**
- 30. The proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.**
- 31. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.**
- 32. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.**
- 33. Any trees that need to be removed due to the location of the proposed vehicle crossing must be approved by Parkswide prior to endorsement of the plans.**

#### **VicTrack Conditions**

- 34. The permit holder must, at all times, ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the car park.**
- 35. The permit holder must not, at any time:**
  - a) Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or**
  - b) Store or deposit any waste, soil or other materials on the railway land.**
- 36. Any wall/fence to be built on the common boundary between the subject land and the VicTrack land must be cleaned and finished using a graffiti proof finish at the cost of the permit holder. VicTrack, in consultation with the Rail Operator, may nominate alternative measures to be implemented, at the cost of the permit holder, to prevent or reduce the potential for graffiti. Any graffiti that appears on the wall must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the wall must be borne by the permit holder and/or the future owners of the land.**

## **9.1.2**

(cont)

- 37. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.**
- 38. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.**

### **Permit Expiry**

- 39. This permit will expire if one of the following circumstances applies:**
  - a) The development is not commenced within two (2) years from the date of issue of this permit.**
  - b) The development is not completed within four (4) years from the date of this permit.**
  - c) The use is not commenced within one (1) year from the completion of the development.**

**The Responsible Authority may extend the periods referred to if a request is made in writing pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.**

### **Permit Notes**

- A. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.**
- B. The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.**
- C. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.**
- D. All of the structures/ any works (excavation/fill)/ planting over the drainage easement should be referred to the engineering asset team of council and resolved prior to endorsement of the plans.**
- E. Minimum floor levels for any habitable areas must be determined by the engineering asset team of council prior to the endorsement of the plans. The applicant has to be informed in the early stage to apply for a consent and report – minimum floor levels.**
- F. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.**
- G. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.**

### **9.1.2**

(cont)




- H. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.*
  - I. The proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.*
  - J. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.*
  - K. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.*
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*
-

## 9.1.2 (cont)

MELWAYS REFERENCE 48 K9

Applicant:	The Ellis Group Architects
Zoning:	General Residential Zone, Schedule 2
Overlays:	Nil
Relevant Clauses:	<div> <div>Clause 11</div> <div>Settlement</div> </div> <div> <div>Clause 12</div> <div>Environment and Landscape Values</div> </div> <div> <div>Clause 15</div> <div>Built Environment and Heritage</div> </div> <div> <div>Clause 19</div> <div>Infrastructure</div> </div> <div> <div>Clause 21.05</div> <div>Environment</div> </div> <div> <div>Clause 21.06</div> <div>Housing</div> </div> <div> <div>Clause 21.08</div> <div>Infrastructure</div> </div> <div> <div>Clause 22.02</div> <div>Visual Amenity and Advertising Signs</div> </div> <div> <div>Clause 22.03</div> <div>Residential Development</div> </div> <div> <div>Clause 22.04</div> <div>Tree Conservation</div> </div> <div> <div>Clause 22.05</div> <div>Non-residential uses in residential areas</div> </div> <div> <div>Clause 52.05</div> <div>Advertising Signs</div> </div> <div> <div>Clause 52.06</div> <div>Car Parking</div> </div> <div> <div>Clause 65</div> <div>Decision Guidelines</div> </div>
Ward:	Springfield



	Subject site		14 Objector Properties* (2 outside of map)	 North
* 2-24 Church Street contains two (2) objector properties				

## 9.1.2

(cont)

### BACKGROUND

#### History

Planning Permit WH/2004/15064 was issued on 13 December 2005 for the development of four dwellings on a lot.

Planning Permit WH/2009/205 was issued on 10 August 2009 for the subdivision of land into four lots.

Planning Permit WH/2016/646 was issued on 31 August 2016 for the construction of four double storey dwellings.

#### The Site and Surrounds

The subject site is located on the southern side of Barkly Terrace, Mitcham, approximately 100 metres east of the intersection with Mitcham Road. The site is triangular in shape, has a frontage of 100 metres to Barkly Terrace, 99 metres along the southern side boundary and a depth of between 3.4 and 24.7 metres. These dimensions form a total site area of 1,288 square metres. The subject site is not subject to any easement and has no covenants registered on title.

The site is currently vacant and was previously part of the construction workers car park of the Level Crossing Removal Authority when Mitcham Road level crossing was removed. The site is accessed from Barkly Terrace via a concrete crossover in between 14 and 16 Barkly Terrace. There are three canopy trees on site, a *Pinus radiata*, a *Eucalyptus ovata* and a *Prunus domestica*.

The adjoining properties to the east and the north of the subject site are generally residential in nature, while to the west and south is the Mitcham Railway Station commuter car park.

#### Planning Controls

##### State Planning Policy Framework

An objective of Clause 10 (Operation of the State Planning Policy Framework) suggests planning should address social needs by addressing aspects of economic, environmental and social well-being affected by land use and development. Responsible authorities should integrate assessment of policies and issues surrounding conflicting objectives in favour of net community benefit.

Clause 11 (Settlement) aims to ensure that planning facilitates investment in social facilities. This is supported by Clause 11.02-1 (Supply of urban land) that aims to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational and institutional and other community uses and Clause 11.04-4 (Liveable communities and neighbourhoods) that aims to create healthy and active neighbourhoods through planning for future social infrastructure.

Clause 15 (Built Environment and Heritage) states that planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context and should create quality built environments that support the social, cultural, economic and environmental wellbeing of communities, cities and towns.

Clause 19 (Infrastructure) states that planning is to recognise social needs, by enabling appropriate land for a range of accessible community resources such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities. Planning should be guided by social and physical infrastructure, which can be provided in an efficient, equitable, accessible and timely way. Clause 19.02-4 (Distribution of Social and Cultural Infrastructure) supports this objective by requiring fairer distribution of, and access to, social infrastructure.

## 9.1.2

(cont)

### Municipal Strategic Statement

Clause 21.06 (Housing) of the Municipal Strategic Statement considers the compatibility of residential and non-residential uses and aims to ensure buildings for non-residential uses are designed to integrate with and respect the surrounding neighbourhood character and to ensure non-residential uses do not cause detriment to the community or amenity of the surrounding area. It is policy that all non-residential use and development applications comply with Clause 22.05 (Non-Residential Uses in Residential Areas).

Clause 21.08 (Infrastructure) of the Municipal Strategic Statement identifies that non-residential traffic travelling on residential streets should be appropriately minimised and managed to ensure reduction of through traffic.

### Local Policy

Clause 22.02 (Visual amenity and advertising signs) sets out Council's policy to ensure that the scale and nature of signage is appropriate to the role and character of its surrounds. It is policy that in residential areas the quantity of signs is encouraged to be kept to a practical minimum, with a maximum height of 2 metres and area of 2 square metres to minimise visual intrusion into the residential streetscape and reduce detriment to the amenity of abutting residential properties.

Clause 22.03 (Residential Development) applies to all applications for development within the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use and Priority Development Zones. The objectives of this policy include ensuring development contributes to the preferred neighbourhood character and provides adequate gardens and vegetation.

Clause 22.04 (Tree Conservation) considers the importance of tree conservation in the City of Whitehorse and how it represents a significant determinant of neighbourhood character. This policy includes a number of performance standards in relation to tree retention and regeneration. One of the key objectives of the policy is to identify techniques to assist in the successful co-existence of trees and new buildings or works.

Clause 22.05 (Non-Residential Uses in Residential Areas) sets out Council's policy with respect to non-residential uses serving the needs of the local community in residential areas. This policy has the objective to avoid the concentration of non-residential uses where the amenity of the residential area will be detrimentally affected.

It also includes a number of performance standards in relation to location, building design, car parking, landscaping and amenity, which are considered to satisfy the policy objectives, listed above.

### Zone

The site is located within a General Residential Zone. The use of the site for a Child Care Centre is not listed in the Table of Uses. Any use not listed in Sections 1 and 3 of the Table of Uses is assessed as a Section 2 Use and requires a planning permit to operate.

Pursuant to Clause 32.08-7, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-1.

### Car Parking Provisions

Clause 52.06-1 of the Planning Scheme details specific car parking requirements for a new use. Pursuant to Clause 52.06-2, prior to a new use commencing, the number of car parking spaces under Clause 52.06-3 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.

### **9.1.2**

(cont)

Clause 52.06-5 requires 0.22 spaces per child for the use of a child care centre. If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is rounded down to the nearest whole number.

A permit application under this Clause was not required as the applicant has provided 11 car parking spaces, meeting the required 11.88 spaces required under the Scheme.

#### **Advertising Sign Provisions**

In accordance with Clause 32.08-12 of the General Residential Zone the advertising sign requirements are located in Category 3 of Clause 52.05 (Advertising Signs).

In accordance with Clause 52.05-9 (Category 3 – High Amenity Areas) a planning permit is required to display a Business Identification Sign.

### **PROPOSAL**

The application proposes the use and development of the land for a Child Care Centre, and display of a Business Identification Sign. The existing house and outbuildings would be demolished and a purpose built facility constructed. The proposal involves the following:

- Facility to accommodate 54 child care places.
- The new building is single storey with car parking located to the east of the proposed building.
- Provision of eleven car parking spaces to the side of the building including one disabled car parking space.
- The building has a front setback of 3 metres from Barkly Terrace, 18.2 metres from the eastern boundary and a 39.2 metre long wall is to be constructed on the southern boundary abutting the railway station car park.
- Provision of three child care rooms, kitchen, laundry and office, reception area and amenities.
- Operating hours are proposed between 6:30am to 7:00pm Monday to Friday.
- Access via a proposed crossover with a width of 6 metres located towards the northeast corner of the site. The existing crossover is to be reinstated.
- The business identification sign will be mounted on the façade of the building facing the east. The signage will be 4.2m wide and 0.4 metres high and will identify the centre. No illumination is proposed.

### **CONSULTATION**

#### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Barkly Terrace frontage and along the southern side boundary facing the railway station car park. Following the advertising period 14 objections were received.

### **9.1.2**

(cont)

The issues raised are summarised as follows:

#### Traffic and Parking

- Increased traffic congestion/hazards on Barkly Terrace
- Barkly Terrace is a narrow and busy road
- Flow on effects of increased traffic congestion/hazard on Church Street and Mitcham Road
- Site may be accessed via residential end of Barkly Street
- Inadequate on-site parking and turning space
- Lack of drop off and pick up area
- No standing area in front of proposed centre may be used for drop off/pick up
- Parking restrictions will be ignored/unenforced
- Railway car park is full early and cannot be used as overflow parking
- Impossible to substantiate whether parents will use the train
- Pedestrian and child safety issues
- Footpath in front of centre should be widened

#### Residential Amenity

- Commercial use in residential area
- Operating hours excessive, particularly the 6.30am start time
- Noise
- Need an acoustic fence along direct residential boundary

#### Landscaping

- Landscape plan should be provided including new trees
- Pine Tree should be replaced

#### Notification

- Extent of notification should have included Church Street residents given Barkly Terrace is the only access to this street

### **Consultation Forum**

A Consultation Forum was held on 1 February 2017. Five (5) objectors attended the meeting.

In the consultation meeting, the following agreements have been reached between the permit applicant and the objectors:

- Increase the acoustic fence along the eastern boundary from 1.8 to 2 metres in height.
- Removal of the *Pinus radiata* and *Eucalyptus ovata*, as the first one is an environmental weed and the other is leaning and poses a risk to road users and children in the proposed child care centre.

### **Referrals**

#### **External**

#### VicTrack (Recommending Referral Authority)

VicTrack has been notified under Section 52 of the *Planning and Environment Act 1987*, as the subject site directly abuts railway station car park. VicTrack raised no objection to the proposal provided that conditions be included if a permit is issued.

## 9.1.2

(cont)

### Internal

#### Engineering and Environmental Services Department

##### *Transport Engineer*

The application has been reviewed by Council's Transport Engineer who supports the proposal.

##### *Assets Engineer*

The application has been reviewed by Council's Assets Engineer who supports the proposal.

#### Planning Arborist

Council's Planning Arborist has reviewed the proposal and commented that the *Pinus radiata* and *Eucalyptus ovata* trees are suitable to be removed as the *Pinus* is an environmental weed while the *Eucalyptus* is fair in structure.

### DISCUSSION

#### **Consistency with State and Local Planning Policies**

In broad terms, state policy recognises the importance of planning for social and physical infrastructure that enables it to be provided in a way that is efficient, equitable and timely. Policy also provides that planning is to recognise social needs by providing land for a range of accessible community facilities. A purpose of the General Residential Zone also recognises that educational, recreational, religious, community and a limited range of other non-residential uses that serve local community needs are appropriate, provided they occur in appropriate locations.

Facilities like childcare centres are a type of community facility and social infrastructure and it is important that they establish in urban areas in appropriate locations. The subject site is well suited to accommodate the proposed use. It is located within an established urban area, the area of the allotment lends itself to a non-residential use and it has a non-residential interface to the south and west. The site is also located 100 metres from Mitcham Road.

The Municipal Strategic Statement at Clause 21.06 (Housing) requires development to contribute to the preferred neighbourhood character of the precinct. Non-residential uses are to integrate with the built form and character of the surrounding residential environment.

Objective 2 under Clause 22.03-2 states that it is policy to ensure development contributes to the preferred neighbourhood character where specified. The applicable precinct in Clause 22.03 is the Bush Suburban, Precinct 2. The preferred character statement for this precinct is described as follows:

*The area will retain its classic bush suburban characteristics of low scale, pitched-roof dwellings set in spacious garden settings. The defined pattern of regular front setbacks and side setbacks from at least one side boundary will be maintained, allowing sufficient space for planting and growth of new vegetation. New buildings and additions will appear regular from the street and will be set back at upper levels to allow views between dwellings.*

*Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens. The landscape character of the area will be enhanced through the planting and growth of new vegetation, including large shrubs and tall canopy trees.*

*Areas with good access to train stations will accommodate more dwellings with slightly more compact siting than the remaining residential areas, but with space for large trees and gardens.*

### **9.1.2**

(cont)

The proposed building is well setback from boundaries, except the southern side boundary, which abuts the railway station car park. The generous setbacks will cater for future tree planting opportunities, which ensure that the proposal nestles appropriately into the neighbourhood and has regard for the adjoining residential uses to the east and north.

The building is well designed in respect of the residential nature of the area, e.g. pitch roof form, timber features, weatherboard cladding and face brick finishes. These ensure that the visual compatibility of the purpose built facility integrates well with the surrounding properties.

It is also useful to consider the development in terms of Clause 32.08-6 and the specific requirements of the Schedule to the General Residential Zone. Site coverage of the development at 33.9% is significantly less than that allowable for a residential development (50%) and the permeable area at 40.96% is higher than the minimum of 30% required. The only wall proposed to be constructed on the boundary will be on the southern boundary, which is well designed to ensure that it presents as a visually interesting element when viewed from the railway station car park. The wall constructed on the southern boundary will also act as a noise barrier to maximise the internal amenity of the proposed child care centre.

The front fence provided exceeds 1 metre however the proposed 1.8 metre high childproof powder coated flat bar fence is considered appropriate within the surrounding context, as the fence will be highly transparent and there is also evidence of higher front fences along Barkly Terrace towards the intersection with Church Street.

#### **Clause 22.05 (Non-Residential Uses in Residential Areas)**

The provisions of the General Residential Zone provide little specific guidance on how to assess an application for a non-residential use, and as such the policy at Clause 22.05 is an important decision making tool as it outlines the key considerations in an assessment of such a use. An objective of the Non-Residential Uses in Residential Areas Policy is to make provision for services and facilities demanded by local communities in a way that does not detract from the amenity of the area. This purpose built child care centre will provide a new and accessible facility, which will serve the needs of the local community. Permit conditions relating to an improved parking layout, waste containment within the basement, landscaping, construction management and parking management of the site will respond to concerns about unreasonable impacts on the amenity of the surrounding area.

The policy also aims to avoid the concentration of non-residential uses where it would have off-site effects that could be detrimental to residential amenity. This application proposes to use a site which is sufficiently large to provide for a modern purpose built child-care centre which will contain its activities within the site boundaries. Furthermore, the site abuts a non-residential use to the west and south, the Mitcham Railway Station car park, and is located close to the Mitcham Activity Centre and train station. The subject site is located within a unique location and can be seen as the entrance to the residential area.

It is considered that the agglomeration of community facilities support the policy basis of providing net community benefit and are compatible with the role and function of the street and surrounding area.

It should also be noted that it is not uncommon for child care facilities to be located in local residential streets in metropolitan Melbourne within walking distance of the local community. There are also numerous examples of childcare centres being located in close proximity to railway lines and rail stations.

### **9.1.2**

(cont)

The subject site has good locational attributes to accommodate a child care centre, located close to other community uses and social infrastructure. The site is conveniently located 150 metres from the Mitcham Activity Centre. This activity centre is designated as a large neighbourhood centre at the intersection of two main roads, and enjoys convenient access to public transport, including bus and metropolitan train services. It is important to note that it is less common for child care centres to be located within commercial centres due to the floor area required and higher land value or rental cost in a commercial area, therefore residential areas are more suited to a child care centre use. This site offers an advantage in that whilst being within a residential zone, it has direct abuttal to an activity centre.

The policy aims to ensure that the design, scale and appearance of premises used for non-residential uses reflect the residential character of the area and have a minimal visual impact on the streetscape. The proposal complies with this aspect of the proposal as the scale of the proposed building generally reflects existing residential buildings and it is a single storey building to minimise its visual impact on the streetscape. The height, scale and massing of the development is an appropriate design response to the site and its context.

The setback to the proposed building is 3 metres from the street frontage. This setback is in keeping with that approved for the four dwelling development on the subject site and deemed satisfactory as it provides a transitional setback between the railway station car park to the west and the residential dwelling to the east, which is setback approximately 4.5 metres from Barkly Terrace. Further, given the unusual shape of the site, and that it narrows significantly towards the west end, a reduced setback is not unreasonable.

#### **Car Parking and Traffic**

The location of the use is appropriate to the role and function of the road networks and adequate provision is made for onsite staff and visitor car parking. Barkly Terrace has direct arterial road connections to both Mitcham Road and Whitehorse Road (via Lee Parade). Due to the narrower width of Barkly Terrace, the current traffic volumes are considered moderately low for a road located at the edge of the activity centre. Therefore, it is not envisaged that there would be an adverse impact to traffic in the area. This position is supported by Council's Transport Engineers.

The number of car parks provided satisfies Clause 52.06-5 of the planning scheme. An adequate number of staff car parks are provided which will reduce the demand to park on the street. Car spaces for dropping off and collecting children are provided on site. Whilst this parking area is provided, and the objective is met, it will be a condition of this recommendation that a Parking Management Plan be submitted.

The policy requires non-residential uses to be discouraged if they will cause nuisance to nearby residential properties by way of noise, traffic, lighting or loss of security. This is covered in the Amenity section of this report.

The proposed car parking layout is considered satisfactory, with an additional turning space provided within the car park. All car parking spaces comply with the Australian Standard. It will however be a permit condition to require the turning bay to be relocated northwards to car space 8, as this will be a position that vehicles will more likely turn around in if the car park is fully occupied, while the proposed turning bay located towards the southeast corner of the subject site will be converted to a car parking space. As the turning bay does not required to be the full length of a car space, it will also be a permit condition requiring the eastern most 2 metres of this car space to be a garden area. These modifications are considered minor in nature and will not result in a transformation of the application.

### **9.1.2**

(cont)

A major concern of the objectors relates to increases in traffic in Barkly Terrace and the current levels of parking in the area. In accordance with Clause 52.06-9 Council must consider (where relevant) various issues relating to acceptability of the proposal. In relation to the role and function of nearby roads and the ease and safety with which vehicles gain access to the subject site, the proposal provides a double width crossover that allows access and egress to the site. The existing issue of access and egress for private properties in Barkly Terrace cannot be considered in this application. It is acknowledged that during pick up and drop off times for the child care centre, vehicle movements will increase, however it is also accepted that the road network can accommodate this and that traffic will largely utilise Mitcham Road as the primary access point. This will limit the amount of through traffic pushed into the more traditional residential areas to the east.

In order to facilitate security measures outside daylight saving hours, a security light is required to be provided for the car park area. The management of the car park, details of car parking spaces for parents and details of security will be required to be submitted as part of the Parking Management Plan. Furthermore, Council must consider the design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters. It will be a condition of this recommendation that the areas set aside for car parking will be appropriately identified and line marked. Paving and drainage are considerations for engineering and would be included as conditions on any permit granted.

Council must also consider whether the layout of car spaces and accessways are consistent with the relevant Australian Standard for car parking. Council's Transport Engineers have advised that subject to conditions in accordance with the plans submitted for comment, the proposal is compliant with Australian Standards.

#### **Use**

Within the State and Local Planning Policy Framework and within the purpose of the General Residential Zone provisions, there is support for the provision of community facilities which serve the needs of the community. It has also been long established in the numerous decisions of the Victorian Civil and Administrative Tribunal that a child care centre is an appropriate use in a residential area.

Overall it is considered that the subject site is suitable for the proposed use because of its size and location, which has been largely explored and assessed above.

#### **Amenity**

It is recognised that noise may be considered an issue associated with child care centres, and a 54 place centre may cause an increase in noise levels, particularly from the outdoor playground areas. It is worth noting that this area has been designed to be away from its residential interface to the east, therefore the noise impact generated from the use will not be unreasonable. Further, it is noted that the site and surrounding residential properties have an interface with the Belgrave-Lilydale train line, which is likely to create an existing level of background noise to these properties. It is also considered that child care centres are appropriate within residential areas, and therefore the noise generated from such a use is considered reasonable in a residential environment. The Victorian Civil and Administrative Tribunal have consistently considered the sound of children playing within a residential area as an acceptable level of noise.

It is noted that the proposal includes the provision of a 1.8 metre high acoustic fence along the eastern boundary at the residential interfaces of the site. This will generally provide an acoustic buffer to the proposed car park area. As agreed between parties in the Planning Consultation Forum, it will be a permit condition requiring the acoustic fence along the eastern boundary to be increased to 2 metres in height. This measure is considered to appropriately manage any perceived or actual noise emanating from the facility.

### 9.1.2

(cont)

During the construction phase of the development, noise, dust, construction operating hours and management of construction vehicles will need to be managed appropriately. In relation to construction operating hours, there will be an expectation that such hours adhere to EPA regulations. It will be a condition of any approval given that a comprehensive Construction Management Plan be prepared and submitted to Council for endorsement prior to any demolition or construction works commencing.

Limits on business operating hours are proposed under a condition of any approval given. The proposed hours of operation take into account the impacts on amenity of adjoining and nearby landowners and are typical of child care centres. Any future changes to business operating hours will require the further written consent of Council.

#### Landscaping

The proposal includes the retention of two trees on site including a *Pinus radiata* and *Eucalyptus ovata* within the proposed outdoor play area. In the Planning Consultation Forum, residents are of the opinion that both trees should be removed as the *Pinus radiata* is an environmental weed and the majority of the canopy of the *Eucalyptus ovata* is over the footpath and Barkly Terrace which is posing a safety concern. Council's Planning Arborist agrees that the *Eucalyptus ovata* is of fair structure and has no objection to its removal. Therefore, conditions will require these trees to be removed, with appropriate tree species to be planted throughout the site to better suit the use of the site as a child care centre.

#### Advertising Signage

The proposed business identification sign will be displayed on the building's eastern façade, which has an advertising area of 1.68 square metres. This is respectful of the objective under Clause 22.02 (Visual Amenity and Advertising Signs) in terms of its location and advertising area, as the sign will unlikely cause unreasonable amenity impact to the residential uses to the north and east, as the sign will not be illuminated.

#### Other

Non-planning considerations raised by the objectors have included the devaluation of land and economic threat to existing businesses. The Planning Scheme is silent on Council assessing them as a planning concern and does not provide direction on these matters and are therefore not able to be considered as part of this planning assessment. Furthermore, VCAT has consistently determined that devaluation of land is not a matter to be considered. The *Planning and Environment Act 1987* also expressly states that objections which have been made to secure or maintain commercial advantage can be rejected.

The existing traffic accessing the area including The Esplanade is not relevant to the assessment of this application. The traffic impact assessment regarding traffic generation has been reviewed and supported by Council's Transport Engineering Department.

#### CONCLUSION

The application proposes the use and development of land for a child care centre and display of business identification signage.

An assessment of the application against the State Planning Policy Framework and Local Planning Policy Framework, including Council's Non-Residential Uses in Residential Areas policy, concludes that this proposal is compliant with relevant objectives, provisions and criteria. It is also noted that, pursuant to the objectives of the General Residential Zone, the application is a good example of providing, in appropriate locations, non-residential uses to serve local community needs.

### **9.1.2**

(cont)

The application was advertised and 14 objections from 14 objector properties have been received. All issues raised have been considered in this report. Subject to conditions relating to traffic management, modifications to the car parking layout and landscaping, it is considered that the proposal will adequately satisfy the intent of Council's Non-Residential Uses in Residential Areas Policy and the requirements of the Whitehorse Planning Scheme.

It is recommended that the application be approved and a Notice of Decision to Grant a Permit be issued subject to a number of conditions.

### **ATTACHMENT**

- 1 Site and Elevation Plans  

### **9.1.3 1-3 Kinkora Road, Blackburn (Lot 1 LP 97058 and Lot 1 TP 190433) for the construction of four double storey dwellings**

ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 15 objections have been received. The objections raise issues with neighbourhood character, traffic and parking, loss of vegetation, and impacts on amenity. A Consultation Forum was held on 28 September 2016, chaired by Council Officers on behalf of the Ward Councillors during the care taker period, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **RECOMMENDATION**

***That Council:***

- A. Being the Responsible Authority, having caused Application WH/2016/149 for 1 and 3 Kinkora Road, BLACKBURN (Lot 1 LP 97058 and Lot 1 TP 190433) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the development of four double storey dwellings is acceptable and should be supported.***
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 1-3 Kinkora Road, BLACKBURN (Lot 1 LP 97058 and Lot 1 TP 190433P) for the construction of four double storey dwellings, subject to the following conditions:***
  - 1. Before the development starts, or any trees or vegetation are removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the submitted received on 4 July 2016, but modified to show:***
    - a) The locations of Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.***
    - b) Alterations to the Dwellings 3 and 4, and the accessway to enable vehicles to access and egress both car spaces in the garages in a forward facing direction, in accordance with Clause 52.06 of the Whitehorse Planning Scheme, with no reduction of any building setbacks.***
    - c) Declare all hard surface areas in the service yards and review the permeability figures accordingly.***
    - d) Notation on site plans indicating that all obscured glazing be manufactured from obscured glass. Obscure film being applied to clear glazing will not be accepted.***
    - e) A detailed schedule of all external cladding colours, textures, finishes, and materials.***
    - f) A Landscaping Plan in accordance with Condition 3.***

***All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of the permit.***

### **9.1.3**

(cont)

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.**
- 3. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:**
  - a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
  - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.**
  - c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:**
    - i. Providing a complete garden scheme,**
    - ii. Softening the building bulk,**
    - iii. Providing some upper canopy for landscape perspective,**
    - iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.**
  - d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**
  - e) The proposed design features such as paths, paving, lawn and mulch.**
  - f) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

**Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.**

**Once approved these plans become the endorsed plans of this permit.**

- 4. Landscaping in accordance with an approved Landscape Plan must be completed before the development is occupied. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety. 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 7 *Betula pendula* – 2.0 metre radius from the centre of the tree base.**
    - ii. Tree 8 *Camellia Japonica*– 2.0 metre radius from the centre of the tree base.**
    - iii. Tree 11 *Pittosporum tenuifolium* – 2.0 metre radius from the centre of the tree base.**
    - iv. Tree 17 *Fraxinus angustifoila* – 2.5 metre radius from the centre of the tree base.**

**9.1.3**  
(cont)

- 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. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 5. 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) The driveway where within the TPZs of Trees 7 - Betula pendula and 8 - Camellia Japonica must be constructed at the existing soil grade using porous materials that allow water to penetrate through the surface and into the soil profile. No roots are to be cut or damaged during any part of the construction process.*
  - b) 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 within 0.5m of the south boundary fence where within the TPZ of Tree 11 - Pittosporum tenuifolium.*
- 6. The existing street tree must not be removed or damaged unless with the further written consent of the Responsible Authority. Tree protection fencing must be erected prior to any demolition and commencement of any buildings and works.*
- 7. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.*
- 8. The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced and drained. The car park and driveways must be maintained to the satisfaction of the Responsible Authority.*

### **9.1.3**

(cont)

9. *All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.*
10. *Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.*
11. *Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted to and approved by the Responsible Authority prior to the commencement of any works.*
12. *Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.*
13. *Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
14. *The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.*
15. *No street trees are to be damaged or removed unless with the further written consent of the Responsible Authority.*
16. *All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*
17. *The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting shall be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.*
18. *No equipment, services and architectural features other than those shown on the endorsed plan is permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
19. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within two (2) years from the date of issue of this permit;*
  - b) *The development is not completed within four (4) years from the date of this permit.*
20. *The Responsible Authority may extend the periods referred to if a request is made in writing pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.*

### **9.1.3**

(cont)

#### **PERMIT NOTES:**

- 1. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.**
  - 2. The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.**
  - 3. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.**
  - 4. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.**
  - 5. Any proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.**
  - 6. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing/s must be financed by the developer.**
  - 7. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the relevant Authority prior to commencement of works.**
  - 8. No trees are permitted to be planted within the easement on the eastern boundary of the property.**
- C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**
-

### 9.1.3 (cont)

MELWAYS REFERENCE 47 H/J9

Applicant:	West Urban Group
Zoning:	General Residential Zone, Schedule 1 (GRZ1)
Overlays:	No Overlays
Relevant Clauses:	Clause 11 Settlement Clause 12 Environment and Landscape Values Clause 15 Built Environment and Heritage Clause 16 Housing Clause 21.05 Environment Clause 21.06 Housing Clause 22.03 Residential Development Clause 22.04 Tree Conservation Clause 32.08 General Residential Zone, Schedule 1 Clause 52.06 Car Parking Clause 55 Two or More Dwellings on a Lot and Residential Buildings Clause 65 Decision Guidelines
Ward:	Central



	Subject site		15 Objector Properties One outside the map		North
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### 9.1.3

(cont)

## BACKGROUND

### History

There is no record of previous permit applications on these sites.

### The Site and Surrounds

The subject site comprises two lots located on the south-east corner of Stanley Grove and Kinkora Road. The combined lots provide a frontage of 28 metres to Stanley Grove, 33.3 metres to Kinkora Road with a splayed corner of approximately 4.2 metres. The lots provide an overall site area of 1,131.9 square metres.

Each lot currently contains a single storey weatherboard dwelling with associated outbuildings. An arborist report, titled '*Arbor Report Victoria, June 2016*', provides an assessment of 20 trees including 14 trees within the site, three street trees and 3 trees within the adjoining lot to the south. Trees within the site are predominantly mature exotic species.

The site has a cross fall of approximately 2.47 metres from the north-west corner to the south-east. A 2.3 metre wide easement extends across the east boundary to 3 Kinkora Road and terminates in the south-east corner of 1 Kinkora Road.

Both lots are affected by a Restrictive Covenant that states:

*' that no soil sand clay stone or gravel shall be dug or removed or allowed to be dug or removed from the said lot hereby transferred or any portion thereof except in the way of excavating for the foundation of any building or laying out gardens to be occupied therewith and no bricks tiles clay or cement shall be manufactured or burnt or allowed to be manufactured or burnt upon the said lot...*

*... will not use or permit to be used the said lot or any portion thereof for any dangerous noisy or offensive trade – business or occupation in any way which may be or become a damage nuisance grievance or annoyance...'*

The *City of Whitehorse Neighbourhood Character Study, 2014* describes Precinct 13 as containing predominantly post-war to 1960's cream brick dwellings, with a significant number of 1980's to contemporary infill. Within the immediate setting, a single storey brick dwelling, at 16A Stanley Grove, adjoins the site to the east. A dual occupancy development, comprising two single storey brick dwellings, adjoins the site to the south at 5 Kinkora Road. Development within Kinkora Road and Stanley Grove is predominantly single storey set within spacious garden settings comprising exotic vegetation and canopy trees. Older style, single storey units are common within the area.

The site is well serviced by commercial and community facilities including the Blackburn Shopping Centre, 700 metres to the east, Box Hill Hospital 2.9 km to the west, Blackburn Station 1.1 km to the south, Stanley Grove Reserve 65 metres to the east, and Cootamundra Walk park 850 metres to the east.

### Planning Controls

The State Planning Policies at Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 15 (Built Environment and Heritage) and 16 (Housing) aim to encourage consolidation of existing urban areas while respecting neighbourhood character, and facilitate sustainable development that takes full advantage of existing settlement patterns through encouraging higher density development near public transport routes.

### 9.1.3

(cont)

The Local Planning Policies at Clauses 21.06 (Housing) and 22.03 (Residential Development) have identified the subject site as being located in a Natural Change Area. The Natural Change Area is expected to make a modest contribution to increases in housing stock. The Local Planning Policies have also identified the site being located in Garden Suburban Precinct 13.

Clause 22.04 (Tree Conservation) outlines the importance of retaining significant trees within a development where it is practical to do so, the minimum distances between trees and buildings/hard surfaces, and suggested design responses for hard surface areas close to retained trees.

A permit is required under Clause 32.08-4 (General Residential Zone) to construct two or more dwellings on a lot. The relevant purposes of Clause 32.08 includes to *'encourage development that respects the neighbourhood character of the area'* and to provide a *'diversity of housing types and moderate housing growth in locations with good access to services and transport'*. Schedule 1 to the zone varies a number of the standards in Clause 55 (Two or more dwellings on a lot) of the Whitehorse Planning Scheme (ResCode).

Clause 52.06 (Car parking) seeks to ensure the provision of an appropriate number and the efficient use of car parking spaces that are of a high standard, creates a safe environment for users, and enables easy and efficient use without adversely affecting the amenity of the locality.

Clause 55 (ResCode) is the primary assessment tool to ensure that developments of two or more dwellings provide reasonable standards of amenity for existing and new residents.

Clause 65 provides guidelines that must be considered before deciding on an application to ensure the proposal will produce acceptable outcomes. These guidelines include the State and Local Planning Policy Framework, the purpose of the zone, the orderly planning of the area and the effect on the amenity of the area.

### PROPOSAL

The application involves the demolition of the two existing dwellings and the construction of four double storey dwellings, each containing four bedrooms. Dwelling 1 has an upstairs retreat that can potentially be used a fifth bedroom. Dwellings 1 and 3 provide a frontage to Kinkora Road with a setback of 5.4 metres. Dwelling 2 provides a frontage to Stanley Grove with a minimum setback of 3 metres and Dwelling 4 is located to the rear of Dwellings 2 and 3.

Each dwelling proposes individual street access resulting in three single crossovers to the Kinkora Road frontage with a single crossover to the Stanley Grove frontage (utilising the existing crossing). Dwellings 1, 2, and 3 are proposed to be provided with a single garage and tandem vehicle space, and Dwelling 4 is proposed to be provided with a double garage.

External materials comprise face brickwork at ground level with lightweight cladding and render finish at first floor level. All roof forms are hipped with eaves, finished with dark coloured concrete tiles. The maximum overall height is 7.5 metres.

Each dwelling will be provided with secluded private open space varying between 35 and 47.4 square metres with dimensions of 5 metres (or greater). The secluded private open space area to Dwelling 1 requires a 1.8 metre high paling fence along the Stanley Grove frontage (in part). The remaining street frontages do not propose any front fencing.

All trees within the site are to be removed except for tree 17, a *Fraxinus angustifolia* – Narrow Leafed Ash, located in the north west corner of the site.

The proposed site coverage is 46% and the proposed permeable area is 37%.

### **9.1.3**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and the erection of three (3) public notice signs. Following the advertising period there have been 15 objections received from 14 objector properties. The issues raised are summarised as follows:

#### Neighbourhood Character

- The double storey design is inconsistent with the character of the area.
- Sets a precedent for future development.
- Overdevelopment of the land.
- Does not meet the minimum 300 to 320 square lot size requirements.
- Preference for three dwellings.
- Impacts to streetscape as a result of the design.
- Limited tree planting opportunities.

#### Bulk and Massing

- The development results in an overbearing and imposing built form.
- Visual bulk impacts.

#### Traffic Impacts

- Increased reliance on on-street car parking which may cause a traffic hazard.
- Exiting the existing residential houses is already difficult.
- Revision of traffic management is required.
- Additional traffic impacts which present a hazard to children, teenagers and elderly members of the community who walk in the area.
- Limited action taken by Council to enforce parking restrictions within the area.

#### Amenity

- Overlooking
- Overshadowing
- Impacts to views

#### Environmental concerns

- Loss of existing trees and impact to wildlife.

#### Environmentally sustainable design

- Absence of north facing windows and poor protection for the late summer afternoon sun.
- High front fencing will result in internal overshadowing.

#### Waste Management

- Increased car parking numbers will have flow on effects to waste management and waste collection trucks.

#### Infrastructure and utility services

- Inadequate infrastructure to cope with additional dwelling demand.

### **9.1.3**

(cont)

#### Other

- Devaluation of property values
- The advertising board should have specified four (4) bedrooms to each dwelling.

#### **Consultation Forum**

A Consultation Forum, chaired by Council officers, was held on 28 September 2016. A total of 12 registered objectors, the applicant, and officers attended this forum.

The Chair facilitated discussions around the themes raised in objections. The applicant provided a brief overview of some of the key features of the application to participants. All objector issues were reviewed. No consensus was reached.

#### **Referrals**

##### **External**

No external referrals were required.

##### **Internal**

##### Engineering and Environmental Services Department

##### Transport Engineer

The proposal was reviewed by Council's Transport Engineers who advised the following:

- The distance of the crossover from the intersection is satisfactory.
- The three crossovers to Kinkora Road will result in the loss of one on street car space, and whilst not ideal is no different an outcome than would be achieved if the properties had been developed separately. It is preferred for two separate crossovers serving Dwellings 1 and 3 to be one double crossover.
- Turning manoeuvres for Dwelling 4 require alteration to facilitate access and egress in a 'convenient and efficient' manner as encouraged by Clause 52.06.
- Traffic generation is not considered to be an issue as the area can absorb movements from two additional dwellings.
- The fencing for Dwelling 1 along the streetscape is acceptable as the corner of the lot has a splay and visibility will be maintained.

##### Assets Engineer

The proposal was reviewed by Council's Asset Engineers who offered no objection subject to inclusion of standard drainage conditions and notes. No infrastructure capacity issues have been identified.

##### Planning Arborist

The applicant's arborist report was reviewed by Council's Consulting Arborist who offers no objection to the proposal subject to tree protection conditions being implemented to protect trees on adjoining properties.

#### **DISCUSSION**

##### **State and Local Planning Policy**

The proposal is consistent with State and Local Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed medium-density housing that makes better use of existing infrastructure; and that new development respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

### 9.1.3

(cont)

Clause 22.03 (Residential Development) identifies the site as being in a Garden Suburban Area in which natural change is expected to occur. The clause also identifies the site as being in Neighbourhood Character Precinct Garden Suburban 13 in the Whitehorse Neighbourhood Character Study 2014. Within the precinct the preferred character statement for natural change properties anticipates that infill development including multi dwelling developments will be common, with existing pattern of front and side setbacks being maintained, upper levels will be setback, with low/open front fencing.

The site has a number of attributes that make it suitable to absorb increased residential densities. It is a large consolidated corner site location that is generally unencumbered. The development represents an increase of one dwelling per allotment and is reflective of a number of medium density housing developments in the area.

The site is also located in an established area within proximity to a number of commercial and educational facilities and local recreational reserves. In this regard, the development meets the State and Local Planning Policy Framework.

#### **Design and Built Form**

The zone and local planning policy framework provide clear direction that the level of development and degree of change will be 'natural' with a 'modest increase' in housing densities. These policies do not seek to retain an existing character; rather promote new development that is respectful to the preferred character. It is considered that the proposal with an increase in the total overall number of dwellings by two across two lots is a 'modest increase'.

Whilst the established character in the immediate vicinity of the subject site is predominantly single storey, the introduction of four double storey dwellings will not represent an unreasonable response to the area. The preferred character statement envisions a double storey built form provided upper levels are setback to 'minimise the dominance to the streetscape'. The upper levels of the proposal are well recessed from the ground floor footprint below, consistent with the preferred character objectives. Upper level separation is also acceptable allowing the development to nestle into the residential setting without any unreasonable visual impact. The setbacks around the proposed building envelopes, and separation between the first floors of the dwellings will allow for views of the skyline through the site and maintain a rhythm of spacing between built form consistent with the streetscape, and the existing and preferred character, and will not result in excessive building bulk.

The overall height is 7.5 metres with Dwelling 2 and 4 stepped down within the site allowing these building structures to sit lower and providing for a transition with the neighbouring single storey dwellings to the east and south east, following the slope of the land.

Dwellings 1, 2 and 3, as they front each streetscape, are detached and provide setbacks to the front and side boundaries that are consistent with those commonly found within the area. The dwellings fronting Kinkora Road provide a setback that is reflective of the adjoining development to the south and other setbacks evident within the street. Standard B6, as varied by the schedule to the zone requires any new wall on a boundary to be setback at least 12 metres from the front boundary. The garage wall to Dwelling 2 is adjacent to the east boundary, however as Stanley Grove is considered the 'side street', this requirement does not apply. The provision of a minimum of 3 metres, with the built form stepping back to 6.2 metres where adjacent to 16A Stanley Street, meets the ResCode standard and provides for a staggering of the façade that is consistent with the intent of the preferred streetscape presentation.

The design is contemporary, yet reflects the more traditional housing stock within the area through the utilisation of face brickwork, rendered upper levels and tiled hipped roof forms. The development is designed to provide an engaging interface with both streetscapes with front porches and pedestrian access clearly defined. Well-proportioned windows also assist with the articulation and provide a strong level of surveillance across both streetscapes.

### **9.1.3**

(cont)

As encouraged by the preferred character statement, the development will generally achieve a sense of openness along the streetscape through the absence of front fencing. The only fencing proposed is to enclose the area of secluded private open space to Dwelling 1. This will require fencing across the Stanley Grove frontage for a length of 11 metres. This is considered acceptable, is fairly typical for corner allotments, and will not impact on the ability to achieve a predominantly open garden setting.

The preferred character statement provides an emphasis on providing large trees, particularly as a 'backdrop' to dwellings. Whilst most vegetation across the site is proposed to be removed, the development retains Tree 17 within the front setback to Dwelling 1, with areas of secluded private open space which incorporate sufficient area and dimension to allow for the planting of canopy trees which will, in time, contribute to the landscape character. The clustering of open space areas to Dwellings 2 and 4 will enable trees within these areas to visually break up the built form. The location of open space to Dwelling 1 will enable the canopy of any new tree to make a positive contribution to the streetscape setting.

The application proposes a building site coverage of 46%, with a permeability of 37%. Clarification of hard surfacing to service yards can be required by condition of any approval issued, however it is considered that the standard will still be achieved. This meets Standard B8 and B9 as varied by the Schedule to the zone and demonstrates that the proposal has sufficient space to accommodate landscaping with the ability to assist the development to nestle into the garden suburban setting.

#### **Offsite Amenity**

Standard B22 (Overlooking) of Clause 55.04-6 of the Whitehorse Planning Scheme seeks to limit views into existing secluded private open space and habitable room windows within adjoining residential lots. At ground level, the east facing habitable room windows of Dwellings 2 and 4, and the outdoor areas of open space will be adequately screened by the proposed 2 metre high timber paling fence. There are no south facing habitable room windows of Dwelling 4 at ground level. The first floor habitable room windows have been designed to be either highlight windows or contain obscure glazing to 1.7 metres above finished floor level. The development meets the requirements of Standard B22.

Standard B21 (Overshadowing) of Clause 55.04-5 of the Whitehorse Planning Scheme seeks to ensure buildings do not significantly overshadow existing secluded private open space within adjoining residential lots. The application includes shadow diagrams, which demonstrate compliance with Standard B21. The shadow diagrams demonstrate no impact to the secluded private open space areas of the adjoining properties to the south with very little impact at 3pm within the area of secluded private open space of the adjoining lot to the east (at 16A Stanley Grove).

Standard B20 (North Facing Windows) of Clause 55.04-4 of the Whitehorse Planning Scheme applies if there are north facing windows within three (3) metres of a boundary on an abutting lot. Whilst the adjoining dwelling to the south has a number of north facing windows oriented towards the subject site, they are located a minimum approximately 6 metres from the common boundary. This separation ensures these windows will retain adequate northern light.

#### **Onsite Amenity**

Standard B28 (Private Open Space) of Clause 55.05-2 of the Whitehorse Planning Scheme, as varied by the Schedule to the General Residential Zone, requires a dwelling to have private open space consisting of 80 square metres with at least one part consisting of 35 square metres with a minimum dimension of 5 metres. Each dwelling has an area of secluded private open space varying in size between 35 and 47 square metres (with a minimum dimension of 5 metres) with total open space areas varying between 85.6 and 119 square metres demonstrating compliance with the Standard.

### 9.1.3

(cont)

Standard B29 (Solar Access to Open Space) of Clause 55.05-3 of the Whitehorse Planning Scheme encourages areas of private open space to be located on the north side of the dwelling. The area of secluded private open space to Dwellings 1 and 4 are located to the north. The areas of secluded private open space to Dwellings 2 and 3 are affected by buildings to their north; therefore access to northern sunlight is reduced. The setbacks coupled with well-recessed upper levels, ensure that these open space areas achieve compliance with Standard B29 and gain appropriate solar access. It is noted that these dwellings also have alternative areas of open space within their front setback that gain access to northern light.

Each dwelling is designed and sited to have north-facing habitable room windows. Each dwelling has a primary living room with sufficient north facing windows at ground level with each upper level provided with a north-facing bedroom (except for dwelling 3). Dwelling 3 has been designed to locate its windows to the west to ensure it provides an engaging streetscape presence.

#### **Tree Loss and landscaping**

A number of the objections received raised concern with the loss of vegetation across the site, impacting the landscape character and local ecological values. The subject site and surrounding properties are not affected by any tree protection controls. The development proposes to retain Tree 17, a *Fraxinus angustifolia* – Narrow Leafed Ash with all other vegetation to be removed. The arboriculture report identifies most trees across the site as generally having poor structure and low arboricultural value; this has not been challenged by Council's Consulting Arborist.

Whilst in the short term there will be a loss of vegetation, over time new trees and complementary shrubs and groundcovers will see the regeneration of the landscape tree canopy over the site. This will complement the garden character of the area.

#### **Car Parking and Traffic**

Under Clause 52.06, the parking requirement for the proposed development is 8 car spaces. Dwellings 1 to 3 are provided with a single garage and tandem vehicle space with Dwelling 4 provided with a double garage with an overall provision of 8 spaces, meeting Clause 52.06. A visitor space is not required to be provided for four dwellings.

The layout of the development provides for three vehicle crossovers along Kinkora Road and one crossover to Stanley Grove. The Precinct Guidelines encourage the provision of a single crossover per typical street frontage. Whilst this is achieved to Stanley Grove, the number of crossovers proposed to 3 Kinkora Road exceeds this requirement. Although not a preferred outcome, the crossovers will not result in an unreasonable character outcome given the depth of the Kinkora Road frontage at 33 metres with the crossovers well spaced allowing street tree retention. Council's traffic engineer has recommended a double crossover to Dwellings 1 and 3 and whilst this can be achieved by way of conditions it will result in a loss of separation between the dwellings at the ground level and increase the prominence of hard paved surfaces across the street frontage. This is not consistent with the preferred character objectives in terms of rhythm of dwelling spacing and breaking up of driveways with landscaping and therefore has not been recommended as a condition of approval.

Individual access to each dwelling will reduce on site vehicle conflict and manoeuvring between each dwelling. Whilst dwellings 1, 2 and 3 will require reversing onto each street, this is no different from existing vehicles movements and, with the crossovers well removed from the intersection, this is not considered likely to result in unacceptable traffic impacts. Council's Transport Engineers do not have any concerns with the proposal relating to reversing vehicles or additional traffic movements on either Kinkora Road or Stanley Grove.

### 9.1.3

(cont)

The reversing area for Dwelling 4 is at a maximum of 6.24 metres, which will require a corrective vehicle movement to allow the dwelling to exit in a forwards direction. A condition of any approval issued will require the applicant to revisit this matter to the satisfaction of Council's Transport Engineers.

***Issues raised by objectors not previously addressed.***

*Sets a precedence for future development* – The development of two dwellings per lot is not an uncommon occurrence within the area with a number of existing lots developed with multi dwellings. The zoning of the land also supports a modest increase in dwellings, provided it respects the neighbourhood character of the area. This development is not considered to set any unreasonable precedence.

*The development should only be three dwellings* – The site is located in a 'natural change' area, which is reflected in its zoning and the proposal for four dwellings is consistent with both the preferred character of the area as expressed by the zone and local planning policy. The proposal is not considered an overdevelopment and achieves compliance with Clause 55 (ResCode) requirements.

*Does not meet the minimum 300 to 320 square lot size requirements* – The zoning of the land does not set a minimum lot size. The Precinct Guidelines seeks to 'ensure the spacing and density of dwellings is managed to accord with housing objectives' and the Guidelines do not set a preferred 'density'. The report details how the proposal meets Council's housing objectives of modest housing growth that meets a preferred character.

*Increased reliance on on-street car parking which may cause a traffic hazard/Additional traffic impacts which present a hazard to children, teenagers and elderly members of the community who walk in the area.* – Council Transport Engineers have offered no objection based on traffic safety grounds. Appropriate pedestrian sight lines can be achieved to all the driveways. Onsite parking provision satisfies the requirements of Clause 52.06 (Car Parking) of the Whitehorse Planning Scheme.

*Limited action taken by Council to enforce parking restrictions within the area.* – This is not a relevant planning consideration.

*Rubbish collection – the development will not restrict the ability for Council waste collection vehicles to collect bins.* The vehicle crossovers are adequately spaced to allowing for the siting of bins without any restrictions.

*Impact to views* – the development offers appropriate setbacks from front, side and rear boundaries with upper levels sufficiently recessed to ensure viewlines from adjoining lots are not impacted. The adjoining development to the south has its habitable windows well setback from the common boundary with the adjoining dwellings to the east featuring limited habitable windows oriented towards the subject site.

*Devaluation of property values* – this is not a valid planning consideration and cannot be taken into account when making a decision on the planning merits of this application.

*The advertising board should have specified four (4) bedrooms to each dwelling* – There is no requirement under the *Planning and Environment Act 1987* to put the number of bedrooms on the public notice. Notice of the application was given in accordance with the Act.

### **9.1.3**

(cont)

#### **CONCLUSION**

The proposal for the construction of four double storey dwellings is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone, Schedule 1, Clause 22.03 and 22.04 and Clause 55 (ResCode).

A total of 15 objections were received as a result of public notice and the issues raised have been discussed above.

It is considered that the application should be approved.

#### **ATTACHMENT**

- 1      Advertised Plans [⇒](#) 

**9.1.4 28 Thomas Street, MITCHAM (LOT 8 LP 6626)– Demolition of existing dwelling and buildings and works to construct two (2) double storey dwellings**

FILE NUMBER: WH/2015/1019  
ATTACHMENT

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**SUMMARY**

*This application was advertised on two occasions, and a total of 23 objections were received. The objections raised issues with neighbourhood character, heritage and impact on amenity. A Consultation Forum was held on 3 August 2016, chaired by Councillor Stennett at which the issues were explored. Further to the Forum, a Section 57A amendment was lodged which made a number of changes to the proposal, including modifying the ground and first floor layouts, relocating the garages, removal of existing trees and varying the landscape design.*

*This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

**RECOMMENDATION**

***That Council:***

- A. Being the Responsible Authority, having caused Application WH/2015/1019 for 28 Thomas Street, MITCHAM (LOT 8 LP 6626) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the demolition of existing dwelling and buildings and works to construct two (2) double storey dwellings is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 28 Thomas Street, MITCHAM (LOT 8 LP 6626) for the demolition of existing dwelling and buildings and works to construct two (2) double storey dwellings, subject to the following conditions:***
  - 1. Before the development starts, or any trees or vegetation are removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the submitted plans prepared by Matrix Architects Revision P4 received on 28 October 2016, but modified to show:***
    - a) A detailed schedule of all external cladding colours, textures, finishes, and materials including details of the proposed cladding to the gable end of dwelling 1. The development must include elements of contemporary materials in accordance with the recommendations of the Heritage Alliance report received 18 February 2016***
    - b) A Landscaping Plan in accordance with Condition 3 including the following:***
      - i. Two upper canopy trees capable of growing in excess of 12 metres within the front setback of Dwelling 1.***
      - ii. An upper canopy tree capable of growing in excess of 12 metres in the SPOS areas of dwelling 1 and 2. All new trees must be planted at a minimum height of 1.5 metres.***

***All of the above must be to the satisfaction of the Responsible Authority.***

***Once approved these plans become the endorsed plans of the permit.***

#### **9.1.4**

(cont)

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.**
- 3. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:**
  - a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
  - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.**
  - c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:**
    - i. Providing a complete garden scheme,**
    - ii. Softening the building bulk,**
    - iii. Providing some upper canopy for landscape perspective,**
    - iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.**
  - d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**
  - e) To trees to be planted within the easement.**
  - f) The proposed design features such as paths, paving, lawn and mulch.**
  - g) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

**Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.**

**Once approved these plans become the endorsed plans of this permit.**

- 4. Landscaping in accordance with an approved Landscape Plan must be completed before the development is occupied. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.**
- 5. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.**
- 6. The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced and drained. The car park and driveways must be maintained to the satisfaction of the Responsible Authority.**
- 7. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**

#### **9.1.4**

(cont)

- 8. Prior to any works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**
- 9. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to the commencement of works. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.**
- 10. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.**
- 11. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**
- 12. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.**
- 13. No equipment, services and architectural features other than those shown on the endorsed plan is permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.**
- 14. This permit will expire if one of the following circumstances applies:**
  - a) The development is not commenced within two (2) years from the date of issue of this permit;**
  - b) The development is not completed within four (4) years from the date of this permit.**

**The Responsible Authority may extend the periods referred to if a request is made in writing pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.**

#### **PERMIT NOTES:**

- i. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.**
- ii. The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.**
- iii. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.**

### 9.1.4

(cont)

- iv. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.**

**C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**

MELWAYS REFERENCE 47 H/J9

Applicant:	Matrix Architects
Zoning:	Neighbourhood Residential Zone, Schedule 4 (NRZ4)
Overlays:	Heritage overlay, Schedule 179
Relevant Clauses:	<p>Clause 11 Settlement</p> <p>Clause 12 Environment and Landscape Values</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 16 Housing</p> <p>Clause 21.05 Environment</p> <p>Clause 21.06 Housing</p> <p>Clause 22.01 Heritage Buildings and Precincts</p> <p>Clause 22.03 Residential Development</p> <p>Clause 22.04 Tree Conservation</p> <p>Clause 32.09 Neighbourhood Residential Zone, Schedule 4</p> <p>Clause 52.06 Car Parking</p> <p>Clause 55 Two or More Dwellings on a Lot or Residential Buildings</p> <p>Clause 65 Decision Guidelines</p>
Ward:	Springfield



		Subject site		20 Objector Properties	 North
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### 9.1.4

(cont)

## BACKGROUND

### History

There is no record of previous permit applications on this site.

### The Site and Surrounds

The subject site is located on the west side of Thomas Street, approximately 50 metres south of the intersection with Harrison Street. The site is generally rectangular in shape with a frontage of 15.2 metres, a depth of 58 metres with an overall site area of 882 square metres.

The subject site contains a single storey weatherboard dwelling with a concrete tiled roof, constructed circa 1950's. An arboricultural report, prepared by Sherrin Bishop, received 23 November 2016, identifies existing vegetation on site comprising mainly ornamental species, with a 12 metre high Liquidambar tree within the rear yard. The site has a rise of approximately 1.95 metres from the front (east) to rear (west) boundaries. There are no easements on site.

The subject site forms part of the Thomas Street Heritage Precinct (Heritage Overlay, Schedule 179). The Precinct is of aesthetic and historical significance to the City of Whitehorse as a good expression of the major growth of housing in Mitcham during the late Edwardian and particularly the immediate post WW1 era, as demonstrated by single storey detached largely Californian Bungalow style housing.

The adjoining lot to the north contains two single storey brick dwellings, with a recently constructed single storey weatherboard dwelling to the south. The adjoining lot to the west contains a medium density housing development comprising six dwellings.

The site is well serviced by commercial and community facilities located along Whitehorse Road to the south. The subject site forms part of the Mitcham Neighbourhood Activity Centre.

### Planning Controls

The State Planning Policies at Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 15 (Built Environment and Heritage) and 16 (Housing) aim to encourage consolidation of existing urban areas while respecting neighbourhood character and heritage, and facilitate sustainable development that takes full advantage of existing settlement patterns through encouraging higher density development near public transport routes.

The Local Planning Policies at Clauses 21.06 (Housing) and 22.03 (Residential Development) have identified the subject site as being located in a Limited Change Area. The objectives of the Limited Change Area include:

- *Conserve and enhance those elements which contribute to the valued environmental, heritage and neighbourhood character of the place.*
- *Ensure new development protects and reinforces the environmental, heritage values and / or preferred future neighbourhood character of the area.*
- *Ensure new development mainly takes the form of renovations to existing houses, replacement of single dwellings with new dwellings and some limited medium density development.*

Under Clause 22.03 (Residential Development), the site is located in a Bush Suburban Precinct 6, which encourages a preferred character of 'low scale dwellings set within established, largely exotic garden setting'.

#### **9.1.4** (cont)

Clause 22.04 (Tree Conservation) outlines the importance of retaining significant trees within a development where it is practical to do so, the preferred minimum distances between trees and buildings/hard surfaces, replanting, and suggested design response for hard surface areas close to retained trees.

A permit is required under Clause 32.09-5 (Neighbourhood Residential Zone) to construct two dwellings on a lot. Schedule 4 to the zone varies a number of the standards in Clause 55 (Two or more dwellings on a lot) of the Whitehorse Planning Scheme. A permit is also required under Clause 43.01-1 (Heritage Overlay) to demolish or remove a building and construct or carry out works.

Clause 52.06 (Car parking) seeks to ensure the provision of an appropriate number and the efficient use of car parking spaces that are of a high standard, creates a safe environment for users, and enables easy and efficient use without adversely affecting the amenity of the locality.

Clause 55 (ResCode) is the primary assessment tool to ensure that developments of two or more dwellings provide reasonable standards of amenity for existing and new residents.

Clause 65 provides guidelines that must be considered before deciding on an application to ensure the proposal will produce acceptable outcomes. These guidelines include the State and Local Planning Policy Framework, the purpose of the zone, the orderly planning of the area and the effect on the amenity of the area.

#### **PROPOSAL**

The application involves the demolition of the existing dwelling and outbuilding and the construction of two dwellings. Two sets of amended plans have been submitted to Council, one set prior to public notice under Section 50 provisions and a second set under Section 57A provisions in response to issues raised at the Consultation Forum. Dwelling 1 is part single storey and part double storey. Dwelling 2 is double storey with the first floor amended to be in an attic roof form.

The dwellings are detached and arranged down the length of the site (one behind the other), accessed via a single crossover and driveway adjacent to the south boundary. Each dwelling comprises four bedrooms, living areas, amenity rooms and single garage with two car spaces intervening between both building envelopes. External materials comprise weatherboards at both ground and upper level. All roof forms are hipped with eaves, finished with red coloured concrete tiles. A 1 metre high timber fence is proposed across the street frontage.

Dwelling 1 is to be provided with private open space of 96 square metres in the front setback, secluded private open space of 35 square metres adjacent to the family room with a minimum dimension of 5.2 metres, with additional service areas. Dwelling 2 is to be provided with secluded private open space of approximately 60 square metres, including an area of 35 square metres and a minimum dimension of 5.1 metres adjacent to the kitchen/dining area, and additional service areas.

All existing vegetation on site is to be removed. Trees 3 (*Liriodendron tulipifera*) and 6 (*Liquidambar styraciflua*) were originally proposed to be retained, but following assessment by Council's Consulting Arborist and changes to the plans post the Consultation Forum, both trees are now proposed to be removed.

The proposed site coverage is 37.6% and the proposed permeable area is 40.3%.

The plans currently before Council for consideration in determination of the application are Revision P4 prepared by Matrix Architects, dated 20 October 2016, received 28 October 2016.

### **9.1.4**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the Thomas Street frontage. Following the advertising period 18 objections were received from 17 objector properties. Since the completion of the first round of notice additional objections have been received bringing the total number of objections to 23 from 20 objector properties.

The issues raised are summarised as follows:

#### Neighbourhood Character

- Building bulk and massing will be visually overbearing
- Few two storey dwellings in the area
- Loss of view lines

#### Amenity

- Overlooking
- Overshadowing
- Loss of privacy
- Impact to personal amenity

#### Heritage Concerns

- Demolition of existing building and outbuildings
- Development will have a negative impact on character and streetscape of heritage precinct
- Current dwelling appears to be inter-war
- Double storey form
- Erosion of heritage overlay
- Existing house contributes to heritage and neighbourhood character.
- New development not a sympathetic design
- Buildings higher than those adjacent
- Front setback provided
- Proposed windows are out of character

#### Traffic and Car Parking

- Limited turning circles
- No on-street car parking to accommodate more vehicles

#### Other

- Impact from potential construction
- Proposed canopy tree on southern boundary

### **Consultation Forum**

A Consultation Forum, chaired by Ward Councillor Stennett, was held on 3 August 2016. Objectors from 14 registered objector properties, and the applicant, and officers attended this Forum.

The Chair facilitated discussions around the themes raised in objections. All objector issues were reviewed, however no consensus was reached.

After the Forum being held two additional objections were received.

### 9.1.4

(cont)

#### Section 57A amendment

Subsequent to the advertising period and Consultation Forum a Section 57A amendment was lodged on 28 October 2016 to respond to issues raised by referrals and objections. Many changes were made and some of these are listed below:

- First Floor of Dwelling 1 reduced in size.
- First Floor of Dwelling 2 reduced in size and converted to attic.
- Double garages replaced with single garages and tandem spaces between the dwellings.
- Setback of dwelling 2, south boundary increased to 2 metres.

These plans were readvertised and further comments were received from six of the objectors. In addition three new objections were received from two objector properties, these submissions reiterated objections detailed above. This increases the total number of objections to 23 from 20 objector properties.

#### Referrals

##### External

No external referrals were required

##### Internal

##### Heritage

Both set of advertised plans have been reviewed by Council's Heritage Advisor who offers no objection to the demolition of the existing dwelling. Council's Heritage Advisor shares the views of the applicant's heritage consultant that the existing dwelling was constructed post World War 2 in the 1950's.

Council's Heritage Advisor offers no objection to the proposed dwellings and is of the opinion that they will not have an adverse impact on the significance of the Thomas Street Precinct, subject to inclusion of a condition regarding treatment of the gable ends in line with the recommendations of the Applicant's Heritage Consultant. He further advises that *'the scale and form of the new buildings, particularly the front dwelling is appropriate to the character of the precinct and will not dominate nor detract from the perception of the original built form'*.

##### Planning Arborist

The proposal has been reviewed by Council's consulting arborist who offers no objection to the removal of the vegetation on site.

It was identified that the structure of Tree 3 (*Liriodendron tulipifera*) is poor and based on its retention value is medium to low. Due to its structural condition, it may become problematic in the future.

It was also identified that it would be impractical to retain Tree 6 (*Liquidambar styraciflua*). Buildings and works are shown within the structural root zone of Tree 6, however the main problem may come with its root system. Council's arborist stated that the roots of this tree can be invasive and may cause problems with the driveway in the future. In addition, there would be a constant need to manage the tree canopy away from the dwellings. Consequently Council's Consulting Arborist recommended that it would be better that these trees are removed and appropriately replaced.

There are no trees on adjoining residential properties that will be impacted by the proposal; therefore there are no tree protection requirements.

### 9.1.4

(cont)

## DISCUSSION

### Consistency with State and Local Planning Policies

The proposal is consistent with State and Local Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed medium-density housing that makes better use of existing infrastructure; and that new development respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

Under Clause 21.06 (Housing), the site is included within a 'Limited Change Area' and under Clause 22.03 (Residential development), the site is included within a Bush Suburban Precinct 6. These local policies enable specific characteristics of the neighbourhood, environment and landscape to be protected through greater control over new housing development. Moreover, architectural, urban design and landscape outcomes must contribute positively to local urban character whilst minimising impact on neighbouring properties.

Whilst a medium density housing development can be contemplated for the site, consideration must be given to the site's inclusion within the Heritage Overlay and Bush Suburban Precinct 6. The following provides a discussion against the key planning issues and a response to the concerns raised by the objectors to the proposal.

### Heritage

Clause 22.01 (Heritage Buildings and Precincts) is a local policy that applies to all buildings, structures and natural features of heritage significance within the City of Whitehorse.

The subject site is located within the Thomas Street Heritage Precinct. The Statement of Significance for the Precinct notes that it is....'*of aesthetic and historical significance to the City of Whitehorse as a good expression of the major growth in housing in Mitcham during the Edwardian era and particularly the immediate post WW1 era, as expressed by single storey detached largely Californian Bungalow style housing*'.

Thomas Street was created along with Cook Road following the partial subdivision of a former orchard in 1914. Only two houses were built by 1918, however in the post WW1 era, land sales improved significantly, particularly in the 1930's, although on the west side of the street, many of the lots remained unbuilt, with the dwelling on the subject site not constructed until the mid-1950's.

Although the subject site is shown as a contributory building, as previously discussed Council's Heritage Advisor, together with an independent heritage assessment (Heritage Alliance) are both satisfied that the house was constructed in the mid 1950's (neither an interwar nor Edwardian house), therefore it does not fall into the period of significance for the Precinct defined in the Statement of Significance. Accordingly, demolition of the existing structure is acceptable, provided the replacement development is sympathetic to the heritage values of the precinct.

#### 9.1.4

(cont)

Council's Heritage Advisor is satisfied that the proposed development will provide acceptable outcomes as follows:

- *'The location and scale of Dwelling 1 is considered to be an appropriate design response to the precinct. Whilst it has characteristics of the California Bungalow style, the detail and materials will clearly define it as a new building. It is recommended that some further detail of the proposed cladding to the gable be required by condition of the permit.'*
- *The setback of the upper level to Dwelling 1 towards the rear has been designed to emulate a first floor addition to an existing dwelling in respect to its setback from the front of the building, height and form. With an 18.9 metre setback from the front this is not unreasonable. When applying viewlines from the opposite side of the street, the ridge of the rear section will be below the ridgeline of the front roof. Similarly, the upper floor is setback inside the side walls of the front section and therefore complies with the Heritage Overlay Design Guidelines.*
- *The rear dwelling is set back a sufficient distance from the street frontage to have minimal impact from the street. The side setbacks of Dwelling 1 also serve to maintain the prevailing impression of a free-standing dwelling in a garden lot.'*

Since this assessment, the Section 57A amended plans have further reduced the size of the upper level to Dwelling 1. This reduces its potential prominence when viewed from the public realm, as does the modification of Dwelling 2 to an attic-style built form. The amendments to the proposal ensure the proposed built form is more recessive, thus it will have minimal visual intrusion to the streetscape and does not obscure the character of this heritage precinct. The amended plans have been reviewed by Council's Heritage Advisor who advised that the modified design is consistent with their earlier review and maintains no objection to the issuing of an approval on heritage grounds.

#### **Design and Built Form**

Achieving a preferred character is guided by Clause 21.05 (Environment), 22.03 (Residential development) and the design response objectives contained in the *City of Whitehorse, Neighbourhood Character Study 2014* (the Study). Under Clause 22.03, the site is located within Bush Suburban Precinct 6, which includes the following preferred character:

- The mixed, low scale dwelling styles will be set within established, largely exotic garden settings. Generous front, side and rear setbacks will provide space for large trees and shrubs that dominate the streetscape and provide a backdrop to most properties. While occasionally visible from the street, new buildings will sit well below the tree canopy height and will be set back at upper levels. The large street trees will continue to provide an important contribution to the vegetation dominated streetscapes.

The established character of Thomas Street comprises single storey weatherboard dwellings of heritage significance and some post-war 1950s dwellings and some new infill development. A number of properties within the Thomas Street Precinct have been subdivided with new residences at the rear or two new dwellings, and some have first floor additions.

The latest set of amended plans has made modifications to address a number of officer and objector concerns. The changes allow the development to successfully integrate into the established character setting, particularly as setbacks to boundaries have increased and the overall built form of the dwellings has been reduced. The development achieves a 'modest' and 'low scale' form that is achieved by the recession of the upper level to Dwelling 1, the separation between the dwellings and the attic-style built form of Dwelling 2.

#### **9.1.4**

(cont)

The front setback of 9 metres to the front porch of Dwelling 1 reflects the pattern established within the streetscape. The development also offers appropriate side and rear setbacks with the amended plans now relocating the southern wall of Dwelling 2, two metres from the south boundary. With no walls constructed adjacent to any boundary, this ensures the rhythm of detached dwellings and spacing in the streetscape is retained.

The preferred character statement provides an emphasis on providing large trees, particularly as a 'backdrop' to dwellings. Whilst the vegetation across the site is to be removed, there is sufficient space across the site for new tree planting. The ability for the planting of two new trees and complementary landscaping within the front setback area, together with screening offered by the large street tree will ensure the development sits appropriately within the streetscape. Each area of secluded private open space provides opportunity for the planting of a new tree to provide a 'backdrop' to the new dwellings.

The development maintains the existing character of a single vehicle crossover and driveway. Car parking accommodation is obscured from the streetscape with the garages recessed and centrally located within the site. This is consistent with objectives to avoid dominance of car parking in the streetscape and allows the front setback area to be enhanced via a garden setting. The low fence across the site's frontage is of a material appropriate to the development's style and the Heritage Precinct. Its low height maintains views into the front garden setting.

#### **Offsite Amenity**

- Overlooking

Standard B22 (Overlooking) of Clause 55.04-6 seeks to limit views into existing secluded private open space and habitable room windows within adjoining residential lots. At ground level, all habitable room windows and outdoor areas of open space will be adequately screened by the 2 metre high timber paling boundary fence. The first floor habitable room windows have been designed to be either highlight windows or contain obscure glazing to 1.7 metres above finished floor level. The development meets the requirements of Standard B22.

- Overshadowing

Standard B21 (Overshadowing) of Clause 55.04-5 seeks to ensure buildings do not significantly overshadow existing secluded private open space within adjoining residential lots. The application includes shadow diagrams, which demonstrate compliance with Standard B21. The shadow diagrams demonstrate no impact to the adjoining property to the south, with a very marginal increase in the 9am shadow within the area of secluded private open space of the adjoining lot to the west.

- North facing windows

Standard B20 applies if there are north facing windows within three 3 metres of a boundary on an abutting lot. Whilst the adjoining dwelling to the south has a number of north facing windows oriented towards the subject site, they are located approximately 3.2 metres from the common boundary. This separation, together with the setback of a minimum of 4 metres of Dwelling 1 ensures these windows will retain adequate northern light.

#### **Onsite Amenity**

Standard B28 (Private Open Space), as varied by the Schedule to the General Residential Zone, requires a dwelling to have private open space consisting of 80 square metres with at least one part consisting of 35 square metres with a minimum dimension of 5 metres. Each dwelling has an area of north-facing secluded private open space of 35 square metres (with a minimum dimension of 5 metres) with total open space areas varying between 131 square metres (Dwelling 1) and 60 square metres (Dwelling 2), plus service areas, demonstrating compliance with the Standard.

#### **9.1.4**

(cont)

##### **Tree Loss and landscaping**

A number of the objections received raised concern with the loss of vegetation across the site, impacting the landscape character. The subject site and surrounding properties are not affected by any tree protection controls. The amended proposal now removes Trees 3 and 6, which is consistent with advice from Council's consulting arborist.

Whilst in the short term there will be a loss of vegetation, over time new trees, shrubs and groundcovers will see the regeneration of landscaping within the site, including canopy trees.

##### **Car Parking and Traffic**

Under Clause 52.06, the parking requirement for the proposed development is 4 car spaces. Both dwellings are provided with a single garage and tandem vehicle space meeting Clause 52.06.

The layout of the development provides for a single vehicle crossover and a single driveway with car parking now located between the dwellings. The revised layout now ensures each vehicle can reverse and exit the site in a single manoeuvre, meeting Clause 52.06-8 (Design Standards for car parking).

A number of the objections identified concern with the lack of on-site visitor parking. As the development only incorporates two dwellings, there is no statutory requirement to provide any on-site visitor parking. Utilising the existing crossover will ensure on street parking is retained adjacent to the subject site.

##### **Objectors Concerns not Previously Addressed**

The objections received identified issues with the proposed development being inconsistent with neighbourhood character and the Thomas Street Heritage Precinct. As discussed above, the existing dwelling was constructed in the 1950's and does not fall into the period of significance; therefore demolition of the existing structure is acceptable. In regard to the heritage context of the site the applicant has altered the proposed design to address both officer and objector concerns, with the latest set of amended plans further reducing the bulk and visual impact of the development. The development now offers appropriate setbacks from front, side and rear boundaries with upper levels sufficiently recessed to ensure viewlines from adjoining lots are not impacted.

Noise during the construction period is considered reasonable in association with the development of residential land for residential purposes, it will be for a limited time frame, and must comply with relevant EPA regulations.

##### **CONCLUSION**

The proposal for the demolition of the existing dwelling and construction of two dwellings is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Neighbourhood Residential Zone, Schedule 4, Heritage Overlay, Schedule 179, Clauses 22.03 (Residential Development), 22.04 (Tree Conservation), and Clause 55 (ResCode).

A total of 23 objections were received from 20 objector properties as a result of public notice and the issues raised have been discussed above.

It is considered that the application should be approved.

##### **ATTACHMENT**

1     Advertised Plans ➡ 

**9.1.5 4-6 Frankcom Street, BLACKBURN, 48 and 48A Whitehorse Road, BLACKBURN (LOT 1 TP 189904H, LOT 4 LP 7479, LOTS 1 & 2 PS 77140)– Construction of a part two storey part three storey building comprising 20 dwellings**

FILE NUMBER: WH/2016/296  
ATTACHMENT

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**SUMMARY**

*This application was advertised, and a total of 22 objections (from 21 objector properties) were received. The objections raised issues with neighbourhood character, traffic and parking, loss of vegetation, and impacts on amenity. A Consultation Forum was held on Tuesday, 14 February 2017 chaired by Councilor Massoud, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

**RECOMMENDATION**

***That Council:***

- A. *Being the Responsible Authority, having caused Application WH/2016/296 for 4-6 Frankcom Street, BLACKBURN, 48 and 48A Whitehorse Road, BLACKBURN (LOT 1 TP 189904H, LOT 4 LP 7479, LOTS 1 & 2 PS 77140) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction of a part two storey part three storey building comprising 20 dwellings is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 4-6 Frankcom Street, BLACKBURN, 48 and 48A Whitehorse Road, BLACKBURN (LOT 1 TP 189904H, LOT 4 LP 7479, LOTS 1 & 2 PS 77140) for the construction of a part two storey part three storey building comprising 20 dwellings, subject to the following conditions:***
  - 1. *Before the development starts, or any trees or vegetation are removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the submitted, prepared by Taouk Architects, Revision A received on 4 July 2016, but modified to show:***
    - a) *The locations of Tree Protection Zones described in condition 6, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 6 and 7 to be annotated on the development and landscape plans.***
    - b) *Development plans to reflect all sustainability features indicated in the Sustainability Management Statement. Where features cannot be visually shown, include a notes table providing details of the requirements (that is, energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc) and in accordance with the amended Sustainability Management Statement required under Condition 11.***
    - c) *Reconfiguration of two additional dwellings from three or four bedroom to two bedroom dwellings and the basement/garage to facilitate availability of two additional visitor car spaces within the basement/garage.***

**9.1.5**  
(cont)

- d) *The car parking layout amended to include:*
- i. *The available sight distance at access driveways is to be in accordance with Clause 52.06-8 of the Whitehorse Planning Scheme.*
  - ii. *The provision of two additional visitor car spaces within the basement/garage area.*
  - iii. *Visitor spaces to be clearly signed and line marked.*
  - iv. *An access path to be line marked adjacent to the visitor spaces to ensure vehicles don't park too close to the door leading to the storage for Dwellings 9 and 12.*
  - v. *The intercom to be relocated from the wall on the north side of the driveway and placed onto a traffic island in the centre of the driveway. The intercom is to be set back further from the property line to ensure no vehicle overhangs the footpath.*
  - vi. *Signal system to indicate when visitor parking is fully occupied.*
- e) *Alterations to the external treatment of the north and south side elevations of the building generally in accordance with plans received 22 October 2016 Revision B to improve the articulation of the building mass, sense of address to dwelling entries, and include vertical gardens.*
- f) *A Detailed schedule of all external cladding colours, textures, finishes, and materials.*
- g) *Reconfigured entry path and landscaping beds to north and south boundaries generally in accordance with plans received 22 October 2016 Revision B, to provide wider garden beds adjacent to property boundaries.*
- h) *Location of services/roof plant, and details of screening.*
- i) *First floor Bedroom 1 window of dwelling 11 be screened to 1.7 metres above finished floor level to prevent views into common property and rooms of 2/46 Whitehorse Road.*
- j) *An amended Waste Management Plan in accordance with Condition 4.*
- k) *A Parking Management Plan in accordance with Condition 14.*
- l) *A Sustainability Management Plan in accordance with Condition 10.*
- m) *A Landscaping Plan in accordance with Condition 5.*

*All of the above must be to the satisfaction of the Responsible Authority.*

*Once approved these plans become the endorsed plans of the permit.*

2. *The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
3. *Prior to commencement of works the boundaries of 48 and 48A Whitehorse Road, Blackburn are to be realigned and consolidated with the relevant adjoining properties at 4 Frankcom Street and 50 Whitehorse Road, Blackburn.*

### **9.1.5**

(cont)

- 4. Prior to the commencement of development, an amended Waste Management Plan shall be submitted to and approved by the Responsible Authority. The changes must be prepared and submitted to Council for approval. This plan is to be to the satisfaction of the Responsible Authority and must provide for:**

- a) Waste collection to be completed by private waste collection service.**
- b) Waste collection vehicles are to exit the development in a forward direction.**
- c) Swept path diagrams to prove collection vehicle movements entering, leaving and negotiating the development internally.**

**Once submitted and approved the Waste Management Plan will form part of the documents for the planning permit.**

- 5. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:**

- a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
- b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.**
- c) Four advanced feature trees in the front setback, and an advanced feature tree adjacent to the rear (west) boundary.**
- d) Specify screen planting species adjacent to the north and south boundaries.**
- e) Planting within and around the perimeter of the site comprising trees and shrubs capable of:**
  - i. Providing a complete garden scheme,**
  - ii. Softening the building bulk,**
  - iii. Providing some upper canopy for landscape perspective,**
  - iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.**
- f) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**
- g) The proposed design features such as paths, paving, lawn and mulch.**
- h) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

**Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.**

**Once approved these plans become the endorsed plans of this permit.**

### **9.1.5**

(cont)

- 6. Landscaping in accordance with an approved Landscape Plan must be completed before the building is occupied. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.**

**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 8 – Acer Palm- 2.0 metre radius from the centre of the tree base.**
- ii. Tree 9 – Betula alba – 3.6 metre radius from the centre of the tree base.**
- iii. Tree 44 – Sequoia sempervirens– 10.2 metre radius from the centre of the tree base.**
- iv. Tree 45 - Sequoia sempervirens – 7.4 metre radius from the centre of the tree base.**
- v. Tree 46 - Sequoia sempervirens – 9.8 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. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.**
- viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.**

### **9.1.5**

(cont)

7. *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) *For Tree 8 – Acer palm, no roots greater than 25mm in diameter are to be cut or damaged during any part of the construction process.*
  - b) *Buildings and works for the construction of the sleeper retaining wall adjacent to Tree 9 – Betula alba as shown on the endorsed plans must not alter the existing ground level or topography of the land within 2.0m of the north boundary fence where within the TPZ of Tree 9 – Betula alba.*
8. *The existing street tree must not be removed or damaged unless with the further written consent of the Responsible Authority. Tree protection fencing must be erected prior to any demolition and commencement of any buildings and works.*
9. *Prior to the commencement of buildings or works on the land, a Construction Management Plan (CMP), detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by Council.*

*The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans.*

*This plan is to be to the satisfaction of the Responsible Authority and must be prepared in accordance with the City of Whitehorse Construction Management Plan Guidelines.*

*The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, location of site offices, redirection of any above or underground services, and site security lighting.*

*The CMP must include suitable washing facilities are to be provided and utilised on site for the cleaning of all construction vehicles prior to them existing the designated property so as to prevent any grease, oil, mud, clay or other substances to fall or run off a vehicle onto a road, or into any drain under the road.*

*When approved the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority, to the extent that this is in the control of the owner of the land. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the Construction Management Plan.*

10. *Prior to the commencement of use and development, a Sustainability Management Statement must be provided to the satisfaction of and approved by the Responsible Authority. Once approved, the Plan will form part of the endorsed plans and the requirements of the plan must be met.*
11. *All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority, and the approved uses and building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the Sustainability Management Plan may occur without the written consent of the Responsible Authority.*

### **9.1.5**

(cont)

12. *Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.*
13. *All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.*
14. *Prior to the commencement of the development a Parking Management Plan is to be submitted to the satisfaction of the Responsible Authority, and must provide for:*
  - a) *Designate parking spaces to individual dwellings.*
  - b) *Detail the signing and line marking of parking spaces.*
  - c) *Detail any access controls to the parking area.*
  - d) *The visitor spaces to be clearly line marked and signed to clarify access between car spaces to Dwellings 9 to 12.*

*Once submitted and approve the Parking Management Plan will form part of the documents for the planning permit.*

15. *The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced and drained. The car park and driveways must be maintained to the satisfaction of the Responsible Authority.*
16. *All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.*
17. *Detailed civil plans and computations for stormwater on-site detention and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by the Responsible Authority prior the commencement of any works.*
18. *Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.*
19. *Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
20. *The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.*
21. *No equipment, services and architectural features other than those shown on the endorsed plan is permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*

### **9.1.5**

(cont)

22. *Any plant and equipment proposed on the roof of the building must be screened in a manner to compliment the appearance of the building to the satisfaction of the Responsible Authority.*
23. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within two (2) years from the date of issue of this permit;*
  - b) *The development is not completed within four (4) years from the date of this permit.*

*The Responsible Authority may extend the periods referred to if a request is made in writing pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.*

#### **PERMIT NOTES:**

##### ***Building***

- i. *Building approval is required for demolition and re-instatement of the south wall of the existing dwelling on Lot 1, at 48 Whitehorse Road in compliance with fire rating and other BCA requirements to the satisfaction of the relevant Building Surveyor.*

##### ***Assets***


- ii. *Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.*
  - iii. *The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.*
  - iv. *All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.*
  - v. *No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.*
  - vi. *Any proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.*
  - vii. *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.*
  - viii. *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the relevant Responsible Authority.*
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*
-

### 9.1.5 (cont)

#### MELWAYS REFERENCE 47 H/J9

Applicant:	Michael Bramham C/- Taouk Architects
Zoning:	Residential Growth Zone, Schedule 2 (RGZ2)
Overlays:	No Overlays
Relevant Clauses:	<p>Clause 11 Settlement</p> <p>Clause 12 Environment and Landscape Values</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 16 Housing</p> <p>Clause 21.05 Environment</p> <p>Clause 21.06 Housing</p> <p>Clause 22.03 Residential Development</p> <p>Clause 22.04 Tree Conservation</p> <p>Clause 32.07 Residential Growth Zone, Schedule 2</p> <p>Clause 52.06 Car Parking</p> <p>Clause 52.34 Bicycle Facilities</p> <p>Clause 55 Two or More Dwellings on a Lot and Residential Buildings</p> <p>Clause 65 Decision Guidelines</p>
Ward:	Central



		Subject site		21 Objector Properties (1 outside of map)	 North
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### **9.1.5**

(cont)

## **BACKGROUND**

### **History**

There was a previous application (WH/2011/962) on the portion of the site at 48 Whitehorse Road and 4 Frankcom Street, for development of a medical centre, also including land at 50 and 52 Whitehorse Road, Blackburn. This planning application was refused and the decision was not appealed.

### **The Site and Surrounds**

The subject site comprises 4-6 Frankcom Street, 48A Whitehorse Road and the rear section of 48 Whitehorse Road. Combined, the subject site is generally rectangular in shape with a frontage of 33.8 metres to Frankcom Street, a maximum depth of 65 metres and an overall site area of 2,692 square metres. Part of the remaining land on 48 Whitehorse Road will remain vacant and is to be consolidated with 50 Whitehorse Road.

The land is currently used for residential purposes and is occupied by single and double storey dwellings and assorted outbuildings. The dwelling at the front of 48 Whitehorse Road, which straddles the boundary of the site affected by this application, is double storey. A number of trees are present on 4-6 Frankcom Street, and the applicant's Arborist Report advises that this includes a number of weed species and most are in poor condition.

The site has an east to west orientation and slopes from the rear (north-west corner) down towards the Frankcom Street (south-east corner) by approximately 4.1 metres.

Frankcom Street is a dead end road on the south side of Whitehorse Road with no court bowl or T-head. Frankcom Street is approximately 180m in length and terminates at the Lilydale-Belgrave train line to the south. Access to and from Frankcom Street is left in from Whitehorse Road and left out only as Whitehorse Road is divided at this point.

Built form in Frankcom Street consists of a mixture of single and double storey dwellings and multi-dwelling developments. Abutting the site to the north is a single storey brick dwelling with an attached carport. The adjoining property to the south is a development comprising two single storey brick dwellings. To the west is a development comprising two single storey brick dwellings. To the east are two multi-dwelling developments, with three and four dwellings respectively. Abutting the eastern side of 48 Whitehorse Road is a single storey dwelling.

### **Planning Controls**

The State Planning Policies at Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 15 (Built Environment and Heritage) and 16 (Housing) aim to encourage consolidation of existing urban areas while respecting neighbourhood character, and facilitate sustainable development that takes full advantage of existing settlement patterns through encouraging higher density development near public transport routes.

The Local Planning Policies at Clauses 21.06 (Housing) and 22.03 (Residential Development) have identified the subject site as being located in a Substantial Change Area. The Substantial Change Area is expected to make a significant contribution to increases in housing stock. The Local Planning Policies have also identified the site being located in Garden Suburban Precinct 13.

Clause 22.04 (Tree Conservation) outlines the importance of retaining significant trees within a development where it is practical to do so, the minimum distances between trees and buildings/hard surfaces and suggested design responses for hard surface areas close to retained trees.

### **9.1.5**

(cont)

A permit is required under Clause 32.07-4 (Residential Growth Zone) to construct two or more dwellings on a lot. The relevant purposes of Clause 32.07 include to provide housing at increased densities in buildings up to and including four storey buildings, and to encourage a diversity of housing types in locations offering good access to services and transport. Schedule 2 to the zone varies a number of the standards in Clause 55 (Two or more dwellings on a lot) of the Whitehorse Planning Scheme (ResCode).

Clause 52.06 (Car parking) seeks to ensure the provision of an appropriate number and the efficient use of car parking spaces that are of a high standard, creates a safe environment for users, and enables easy and efficient use without adversely affecting the amenity of the locality. A permit is required to reduce the number of car spaces under Clause 52.06-3.

Clause 55 (ResCode) is the primary assessment tool to ensure that developments of two or more dwellings provide reasonable standards of amenity for existing and new residents.

Clause 65 provides guidelines that must be considered before deciding on an application to ensure the proposal will produce acceptable outcomes. These guidelines include the State and Local Planning Policy Framework, the purpose of the zone, the orderly planning of the area and the effect on the amenity of the area.

### **PROPOSAL**

The application involves the demolition of all existing dwellings and the construction of twenty (20) dwellings comprising 18 three-storey dwellings and 2 double-storey dwellings.

The composition of dwellings includes four, two-bedrooms and 16, three or four bedrooms, in three formats. The 16 three storey dwellings with living areas on the first floor, a bedroom and garage on the ground floor, and additional bedrooms on the second floor; 2 double storey with living rooms on the ground floor; and two double storey dwellings starting at the first floor with access from the ground level car park by a staircase only.

Dwellings 1 and 20 provide a frontage to Frankcom Street. The remaining dwellings are accessed via a common pathway along the northern and southern boundaries. The existing vehicle crossovers are to be reinstated and a new double width vehicle crossover and driveway will be located centrally within the site providing access to all car parking spaces.

A total of 38 on-site car parking spaces, including 36 resident and two (2) visitor spaces are provided. This is a shortfall of two visitor spaces; therefore approval is sought for a reduction under Clause 52.06-3.

The architectural style proposed is contemporary with a flat roof form. The variation of materials includes face brickwork, render, aluminium and metal sheet cladding and timber cladding. The maximum building height is 9.8 metres.

A 1.2 metre high rendered brick pier and steel picket fence is proposed along the frontage.

### **CONSULTATION**

#### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Frankcom Street and Whitehorse Road frontages. Following the advertising period there has been 22 objections received from 21 objector properties.

The issues raised are summarised as follows:

#### Neighbourhood Character

- Visual Bulk
- Loss of open areas
- Inadequate setbacks

### **9.1.5**

(cont)

#### Parking

- Insufficient amount
- Consideration should be given to basement to reduce building height

#### Traffic

- Insufficient room for emergency vehicles
- Waste collection

#### Density

- Capacity of the street to absorb a doubling in the number of households from the cumulative effect of all the redevelopment.

#### Loss of vegetation

- Potential impact on birds

#### Amenity

- Overlooking
- Overshadowing
- Potential impact on solar panels
- Noise

#### Other

- Loss of high quality agricultural land
- Precedence

On the 26 October 2016 the applicant submitted revised plans following discussions with Council officers. These plans have not been formally substituted and the advertised plans remain the decision plans for the purposes of determination of this application. The changes which can be included by way of condition of any approval include:

- Relocating the pedestrian path against the building to provide for wider landscaping beds adjacent to the boundary line.
- Design details to improve dwelling entry identification when viewed from east at ground level, and vertical gardens.
- Design detail to first floor of Dwellings 3, 4, 7, 8, 13, 14, 17 and 18 to improve articulation of the north and south elevations, in the form of light weight perforated window frames.

### **Consultation Forum**

A Consultation Forum was held on 14 February 2017, chaired by Councillor Massoud, attended by the applicant, the property owner, the applicant's planning representative, and 12 objectors. One party who has not lodged a written objection was also in attendance.

Five additional objections were tabled at the forum, reiterating the issues listed above (bringing the total number of objections received to 22).

All issues were discussed with no resolution of the issues.

### **Referrals**

#### **Internal**

#### Engineering and Environmental Services Department

- Transport Engineer

### 9.1.5

(cont)

The proposal was referred to Council's Transport Engineers, who do not support the reduction of on-site visitor parking and have recommended to increase the aisle width between the garages from 5.8 to 6.4 metres.

- Waste Engineer

The proposal was referred to Engineering and Environmental Services who require waste management to be managed internally on site by private collection. A revised waste management plan can be required by conditions on any approval issued.

- Assets Engineer

The proposal was reviewed by Council's Asset Engineers who offered no objection subject to the inclusion of standard conditions on any approval issued.

#### Planning Arborist

The proposal was reviewed by Council's Consulting Arborist who offered no objection to the proposal subject to the inclusion of tree protection conditions on any approval issued.

### DISCUSSION

#### **State and Local Planning Policy**

The proposal is consistent with State and Local Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed medium-density housing that makes better use of existing infrastructure; and that new development respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

Clause 21.06 (Housing) includes the site in an area of Substantial Change. Clause 22.03 (Residential Development) identifies the site as being in a Garden Suburban Area in which significant redevelopment is expected to occur. The clause also identifies the site as being in Neighbourhood Character Precinct Garden Suburban 13 in the Whitehorse Neighbourhood Character Study 2014. Within this precinct properties in the substantial change area with good access to train stations at Laburnum and Blackburn will accommodate more dwellings with more compact siting, while retaining space for landscaping, including planting of large trees.

#### **Design and Built Form**

Achieving a preferred character is guided by Clause 21.05 (Environment), 22.03 (Residential development) and the design response objectives contained in the *City of Whitehorse, Neighbourhood Character Study 2014* (the Study) Precinct Guidelines. Under Clause 22.03, the site is located within Precinct 13, which includes the following preferred character:

- *The area will retain its classic garden suburban characteristics of low set, pitched roof dwellings set in spacious garden settings, with a backdrop of large native and exotic trees. The established pattern of regular front and side setbacks from both side boundaries will be maintained, allowing sufficient space for planting and growth of new vegetation.*
- *Infill development including unit developments will be common, however new buildings and additions will be set back at upper levels to minimise dominance in the streetscape. Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens and lawn areas.*
- *Areas within the Blackburn / Megamile West Urban Design Framework and nearby (Substantial Change) will undergo change to accommodate new medium density dwellings with more compact siting, while retaining space for landscaping including trees.*

### 9.1.5

(cont)

The zone and local planning policy framework provide clear direction that the level of development and degree of change will be 'substantial'. These policies do not seek to retain an existing character; rather promote a substantially different character that can support developments up to 14.5 metres in height. Given the current zone and policy position, the development provides an appropriate response, notwithstanding that in the short term the proposed built form may be different to the current built form of the immediate area.

The overall height of the proposed development is 9.8 metres, which is substantially less than the recommended height within the Residential Growth Zone. Upper levels are recessed to reduce their profile to the streetscape. The first floor provides side and rear setbacks of between 2 metres (Dwellings 10 and 11) and 4.5 metres with the upper level (second floor) setback between 4.5 and 6.1 metres. This level of recession provides an appropriate transition in height, mindful of the more traditional scale of development within the immediate context.

The front setback of 6.4 metres does not meet Standard B6 (Street Setback), however is considered reasonable given the site's inclusion within a Substantial Change area where more 'compact siting' is anticipated. There remains sufficient opportunity across the wide street frontage for the planting of new canopy trees to create a new garden setting. The low and open style fencing will also allow for filtered views into the front setback area.

The building's frontage is well designed to create a transition between the public and private space. There are direct pedestrian entrances for Dwellings 1 and 20, with clearly defined pedestrian pathways adjacent to the north and south boundaries for the remaining dwellings. Amendment to the pathway design will assist in expanding side boundary landscape areas.

The design is contemporary, with a flat roof form and application of a variety of materials including face brickwork, concrete render, aluminium cladding and black metal framed windows. The articulation is assisted by modulated forms with staggered setbacks, which provide visual interest and reduces the perception of visual bulk. The architectural treatment of the front façade also reduces the visual profile of the garage entry fronting Frankcom Street through the inclusion of windows and a mix of face brickwork and aluminium cladding. The garages are also designed to incorporate internal upper level balconies to Dwellings 1 and 20.

The application proposes a building site coverage of 69.7%, which does not meet the maximum 60% site coverage required to satisfy Standard B8. Given the site's location in a designated 'substantial change' area which is anticipated to experience a greater level of development, the variation to this Standard is considered acceptable. The development proposes a permeability of 21.56%, which meets the minimum of 20%.

#### **Offsite Amenity**

- Overlooking

The ground level windows are generally screened by existing paling fencing and it is proposed to add a 400mm high trellis over the boundary fencing to prevent views from some of the bedroom windows. Along the north and south elevations, habitable room windows and balconies are setback 4.5 metres or greater. To the west, the first floor habitable windows are setback 2.9 metres. At the Consultation Forum the applicant agreed to screening of the west facing windows by way of condition on any approval issued.

### 9.1.5

(cont)

With regard to the north and south facing boundary interfaces, habitable room windows and balconies at the first floor have been setback a minimum of 4.5 metres from the common boundary, which is consistent with the equitable development principles applied in 'Substantial Change' areas and therefore screening is not required. The second floor is further recessed again. In addition both adjoining properties have driveways abutting the subject land, which results in no overlooking of secluded private open space within 9 metres, complying with Standard B22 of ResCode. The south elevation of Dwelling 11 and the north elevation of Dwelling 10 have no windows at the first floor, and the second floors of these dwellings are very well recessed

- Overshadowing

The application includes shadow diagrams which demonstrate compliance with the overshadowing objective of Clause 55.

#### Onsite Amenity

- Secluded private open space (SPOS).

Dwellings 10 and 11 are provided with ground level areas of secluded private open space totalling 25 square metres. Given these dwellings are small, two bedroom units, this size is acceptable. Dwellings 2 to 8 and 13 to 19 are provided with a first floor balcony (each at 15.73 square metres) located internally (in-between the rows of dwellings), with smaller alternate, north or south facing balconies. Dwellings 1 and 20 have balconies orientated towards the street, with dwellings 9 and 12 facing towards the rear (west). These balconies meet the 8 square metre minimum and achieve a width of at least 1.6 metres.

Whilst the south-facing balconies will be affected by shadows during the day, these dwellings (13 to 19) have the alternate option of the internal facing balconies that comply with Standard B29 of ResCode for south setback of secluded private open space from walls to the north.

- Access to daylight

All habitable rooms have direct access to daylight and ventilation. It is noted that the orientation of the site has resulted in a proportion of the proposed apartments being oriented southwards, where solar access will be reduced, however these apartments have north-facing alternatives via the provision of the internal balcony layout.

#### Car Parking and Traffic

Under Clause 52.06, the parking requirement for the proposed development is 40 car spaces. The proposed provision of 38 spaces results in a statutory shortfall for two (2) visitor spaces.

Whilst the applicant has provided a Traffic Engineering Assessment (*Traffix Group, June 2016*) stating that there is sufficient space on the street to accommodate the short fall of visitor parking, this has not been supported by Council's Transport Engineers. In addition the objectors have concerns regarding the need for one side of the street to be clear of vehicles on garbage collection day, consequently it is considered appropriate to include a condition on any approval issued requiring full provision of on-site visitor parking. This will necessitate reconfiguration of a minimum of two of the dwellings from 3 or 4 bedroom to 2 bedroom to provide the ability for two additional on-site car spaces to be allocated to visitor parking.

### **9.1.5**

(cont)

Currently double garages are provided for Dwellings 1 to 8 and 13 to 20, with single spaces for Dwellings 9, 10, 11 and 12. These are all contained within the building and are accessed by a centralised internal access way. The garages have internal dimensions of 5.5 by 6 metres with an access aisle of 5.8 metres. Whilst Council's Transport Engineers have suggested increasing the aisle width to 6.4 metres the swept path diagrams provided by Traffix Group demonstrate that no more than one corrective manoeuvre is required for entry and exit movements. Such corrective movements are permitted by Australian Standard AS2890.1-2004 for long term (resident) parking. The garage opening width at 5.4 metres (wider than standard) also improves the garage access.

Council's Transport Engineers advised that the level of traffic generated from the development is unlikely to significantly impact the local road network including nearby intersections.

#### **Landscaping**

Although the subject site contains mature vegetation, a large number of these trees are weed species, or in fair to poor health and are not considered worthy of retention. The subject site and immediately surrounding properties are not subject to any tree protection controls.

A condition of the permit will require the submission of a landscape plan which will provide for four new canopy trees within the front setback area, a canopy tree at the western end of the site adjacent to the accessway, and screen planting adjacent to the north and south boundaries.

Whilst in the short term there will be a loss of vegetation, over time new landscaping that forms part of the proposal will see the regeneration of the landscaping, including tree canopy over the site. This will complement the garden character of the area and in time subject to appropriate species selection will offer habitat opportunities for birds and wildlife. This is consistent with preferred neighbourhood character objectives to maintain and enhance garden settings.

#### **Objectors Concerns not Previously Addressed**

*Effect on the character of the area from doubling the number of dwellings in the street* – The site is located in a substantial change area, which is reflected in its zoning and the proposed development is consistent with both the preferred character of the area as expressed by the zone and local planning policy. The entirety of Frankcom Street is located in a Residential Growth Zone and there is an expectation housing densities within the street will change over time.

*Rubbish collection* – Council's Engineering and Environmental Services Engineers do not support waste collection from the street and require the Waste Management Plan to be modified to show on-site collection from within the basement, and the provision of swept path diagrams. Waste collection is to be by private contractor. Conditions to this effect can be placed on any approval issued.

*Increase in noise* - It is anticipated that any noise from the occupants of the dwellings will be typical of residential uses in the area. All proposed noise sources, such as mechanical plant, are away from bedrooms of immediately adjacent existing dwellings and are required to comply with Standard B24 (Noise impacts), and emissions must continue to comply with EPA regulations.

Noise during the construction period is considered reasonable in association with the development of residential land for residential purposes, will be for a limited time frame, and must comply with relevant EPA regulations. A condition requiring the provision of a Construction Management Plan will be included on any approval issued.

### 9.1.5

(cont)

*Impact to solar panels* – The shadow diagrams demonstrate very little impact to adjoining areas of secluded private open space and no impact to the roofs of adjacent dwellings where solar panels are commonly located.

*Consideration should be given to a basement to reduce building height* – Council is obligated to consider to the application that has been put before it. A change of this nature is beyond the scope of what could reasonably be addressed by way of condition and would require a complete re-design. As previously discussed the height is well within the permissible height limits for the zone.

*Insufficient room for emergency vehicles* – The street width adjacent to the subject site is of a standard road width, being 7.5 metre from kerb to kerb. Council's Transport Engineers have not objected to the proposal on this basis.

*Loss of agricultural land* – This area is a designated growth zone, designed to support increased residential densities. Agriculture is not an 'as of right' use in this zone.





### CONCLUSION

The proposal for the construction of a part-two and part-three storey building comprising 20 dwellings is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Residential Growth Zone, Schedule 2 and Clause 55, ResCode.

A total of 22 objections were received as a result of public notice and the issues raised have been discussed as required.

It is considered that the application should be approved.

### ATTACHMENT

- 1     Advertised Plans  
- 2     Post Advertising Discussion Plans  

## Strategic Planning

### 9.1.6 Strategic Planning Update

FILE NUMBER: SF10/90

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#### SUMMARY

*This report outlines progress with key strategic planning projects from September 2016 to date. The report recommends that this update report be acknowledged.*

#### RECOMMENDATION

***That Council acknowledge the report on progress of Strategic Planning projects.***

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#### BACKGROUND

Council's Strategic Planning Unit undertakes a range of projects that respond to the strategic planning needs of Whitehorse, updates the Whitehorse Planning Scheme and manages projects to proactively plan for future improvement, development opportunities and protection of important features and places within the City.

#### DISCUSSION

The following is a summary of the current status of key projects being undertaken through the Strategic Planning Unit. The last update to Council was provided at its meeting on 19 September 2016.

***Key planning scheme amendments and their status include:***

C157 – Whitehorse Heritage Review 2012

The amendment proposed to introduce heritage overlays to places identified in the 2012 Whitehorse Heritage Review. The heritage places consist of 29 individual places and 3 precincts. Following exhibition of the amendment in 2014 and an independent Panel hearing in March 2015, Council considered the Panel report at its meeting on 20 July 2015. Council adopted Part 1 of the amendment comprising 27 places and removed four of the heritage places (including the Burvale Hotel/Motel in Vermont South) from the amendment. Part 1 of the amendment was gazetted on 4 August 2016 with changes including approval of a heritage overlay on the Burvale Hotel/Motel site.

On 23 February 2017, the Minister for Planning gazetted Amendment C212 under section 20(4) of the *Planning and Environment Act 1987* to delete the Heritage Overlay from the Burvale Hotel / Motel site, effectively reversing the Minister's delegated decision made approximately six (6) months earlier.

Part 2 of the amendment comprising the former ATV-0 television studios in Forest Hill was deferred to allow further investigation into the Panel's recommendations for this property, but was subsequently considered by Council at its meeting on 18 July 2016 where the heritage overlay was adopted for the site. The Minister for Planning is yet to make a decision on Part 2 relating to the former ATV-0 television studios.

Amendment C175 – Box Hill Metropolitan Activity Centre Built Form Guidelines

The draft *Box Hill Metropolitan Activity Centre Built Form Guidelines* (the Guidelines) were prepared in response to the identified need to provide guidance on the built form and public realm in key areas of Box Hill. Amendment C175 proposes to implement the findings of the Guidelines by introducing a new Schedule 6 to the Design and Development Overlay and applying it to various precincts within the Activity Centre, rezoning various parcels of land as recommended in the *Box Hill Transit City Activity Centre Structure Plan* adopted in 2007

### 9.1.6

(cont)

(the Structure Plan) and making minor changes to local planning policy to reference the Guidelines.

The draft Guidelines and Amendment C175 were exhibited from Thursday 16 February 2017 until Friday 17 March 2017. Drop-in information sessions were held during the exhibition period on Saturday 25 February in the Box Hill mall and Tuesday 7 March at the Box Hill Town Hall. Officers are reviewing submissions received and will present them to a future Council meeting for consideration.

#### C186 – Rezoning of remaining Commercial 2 Zone properties in Box Hill Metropolitan Activity Centre

At its meeting on 15 February 2016, Council resolved to request an amendment under Section 20(2) of the *Planning and Environment Act 1987* (allowing for exemption from the normal amendment notification) to rezone 10 properties in the Box Hill Structure Plan area that are zoned Commercial 2. The rezoning of these properties to either the Commercial 1 Zone or the Mixed Use Zone rectifies identified inconsistencies between the land uses encouraged by the Structure Plan and the land uses allowed under the Commercial 2 Zone that currently applies to the land parcels. Council adopted the amendment at its meeting on 15 August 2016. The amendment was approved by the Minister for Planning on 6 October 2016 and was gazetted into the Whitehorse Planning Scheme on 20 October 2016.

#### C189 – Corrections Amendment

The Whitehorse Planning Scheme is regularly reviewed and updated. Typically this will occur as part of a formal review of the planning scheme as required under the *Planning and Environment Act 1987* and subsequent to preparation of the Council Plan as required under the *Local Government Act 1989*.

However there are minor errors, updates and anomalies that can be dealt with as required. Amendment C189 proposes 59 corrections which include rezoning land that has been incorrectly zoned, removing the Vegetation Protection Overlay from properties where trees have been removed and minor amendments to maps, ordinance or incorporated documents to correct errors or anomalies. The amendment was exhibited under Section 20(2) of the *Planning and Environment Act 1987* in late 2016. No submissions were received and at the meeting on 30 January 2017 Council resolved to submit the amendment to the Minister for Planning for approval. The amendment was submitted for approval on 6 February 2017.

#### Amendment C191 – Municipal Wide Significant Landscape Overlay

Trees are the most significant determinant of the character of the various areas within the City of Whitehorse, with tree canopy covering a significant proportion of the municipality. Council undertook a municipal-wide tree study, as a key initiative in the 2015/2016 budget. The Study investigated the importance of vegetation, in particular tree cover, to the municipality, examined the existing strategic framework for vegetation controls and scoped options to protect and enhance tree canopy, as development and future growth inevitably occurs over time.

At its meeting of 18 July 2016, Council resolved to adopt the Whitehorse Tree Study Final Options Report and seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement the recommendations from the Tree Study.

Amendment C191 seeks to implement the recommendations by extending the Significant Landscape Overlay to all residential land in the municipality. Officers are currently preparing Amendment C191 and will submit this to the Minister for Planning for authorisation when finalised.

### **9.1.6**

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#### **Amendment C194 – Combined Planning Scheme Amendment and Planning Permit for 517–521 Cambridge Street and 2-8 Oxford Street, Box Hill**

The Amendment is a combined planning permit application and planning scheme amendment under Section 96A of the *Planning and Environment Act 1987*. The amendment proposes to rezone the land at 517 and 519-521 Station Street Box Hill from the Public Use Zone to the Mixed Use Zone and rezone the land at 2-8 Oxford Street Box Hill from the Residential Growth Zone to the Mixed Use Zone. The amendment also proposes to introduce an Incorporated Document for 517 and 519-521 Station Street, Box Hill.

The draft planning permit for the 517 and 519-521 Station Street site is seeking the approval for building and works for the construction of buildings of up to 18 storeys including rooftop plant plus up to 3 levels of basement car parking. The proposal comprises retail premises, office, restricted recreational facility (gymnasium), medical centre, accommodation, serviced apartments, child care facility, a reduction in the standard requirements for car parking facilities and alteration of access to a road in a Road Zone, Category 1.

At the Council meeting on 20 February 2017, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the amendment.

#### ***Activity Centres***

Officers continue to implement actions from adopted structure plans and urban design framework plans for activity centres in the municipality. A monitoring framework for implementation of the plans has also been established and is periodically updated.

#### **Burwood Heights Activity Centre – Former Burwood East Brickworks Site**

The Development Plan Overlay (DPO) that currently applies to the former brickworks site at 78 Middleborough Road, Burwood East requires that a development plan be prepared to Council's satisfaction before planning permits can generally be granted for the development. The development plan is intended to guide future planning permit applications for each stage of this major development and assessment of those applications.

At its meeting on 18 July 2016 and having placed the draft development plan on display as required under the DPO, Council considered community comment and resolved to approve a development plan for the site, subject to a number of conditions. Once these conditions have been satisfactorily addressed by the proponent, Frasers Property Australia, the development plan can be endorsed.

Parallel to this process, several planning permit applications have been lodged with Council for assessment. Applications must be generally in accordance with the approved development plan and are exempt from third party notification.

A substantial amount of work is being undertaken by officers to facilitate the above processes with Frasers Property to ensure that the outcomes will be consistent with Council's objectives and the community's aspirations.

Subject to approval of planning permit applications, Frasers Property anticipates that initial civil works will commence on site in the first half of 2017.

### 9.1.6

(cont)

#### Box Hill Metropolitan Activity Centre (MAC)

Actions relating to the Box Hill MAC are aligned with the Box Hill Structure Plan and other strategic documents and include:

- Urban design, landscape and strategic planning advice on major developments;
- Engagement with relevant departments across the organisation and external stakeholders to progress the Structure Plan;
- Preparation of planning scheme amendments to progressively implement the Structure Plan and other strategies; and
- Undertaking further studies and guidelines to support implementation of the Structure Plan. Currently this includes:
  - Implementation of Guidelines to give clearer direction on built form outcomes envisaged for precincts within the Structure Plan. Amendment C175 (refer above) to implement built form guidelines completed exhibition on Friday 17 March 2017.
  - Preparation of Public Realm Treatment Guidelines for Box Hill to provide a strategic vision for treatment of the public realm in response to new development in areas of the MAC that are experiencing rapid change. The Guidelines will be informed by the Box Hill Urban and Landscape Design Guidelines that were developed in 2010 for the core of Box Hill and are intended to assist in the coordinated delivery of a higher quality public realm and streetscape environment as development progresses.

#### Nunawading Activity Centre

Amendment C155 to rezone the former Daniel Robertson brickworks site at 56 – 74 Station Street, Nunawading from Industrial 1 Zone to Residential Growth Zone and Mixed Use Zone and to introduce an Environmental Audit Overlay and the Development Plan Overlay (DPO) to the site was gazetted on 10 March 2016. As required under the DPO, a development plan has been lodged with Council for consideration. Officers have been progressing discussions with the proponent and the development plan with a view to a future report to Council to seek approval to display the plan for community comment. However, the proponent has lodged an application for review with the Victorian Civil and Administrative Tribunal to determine whether the development plan in its current form is acceptable for display, pursuant to the planning scheme.

#### ***Built Environment Awards Program (BEAP)***

The Built Environment Awards Program advocates for good planning and design outcomes including building, landscape and urban design projects, and recognises the people who contribute towards them. The Program consists of an Awards event and Educational event on alternate years.

The Built Environment Awards will be held at Deakin University on Wednesday 24 May 2017, Deakin University is the event sponsor.

Nominations for the Awards closed on 10 March 2017 and judging of nominations will be held on Wednesday 19 April 2017. The judging panel comprises the Mayor, two Councillors, Council officers and two guest judges.

Award categories represent development activity in Whitehorse and include:

- Single house project – New Dwelling
- Single house project – Renovated Dwelling
- Multi-residential project (unit, townhouse or apartment)
- Commercial or retail project
- Institutional project
- Landscape design project
- Heritage project
- Other awards include the Mayor's Award, People's Choice Award and the newly introduced Sustainability Award.

### **9.1.6**

(cont)

More information can be found at <http://www.whitehorse.vic.gov.au/Built-Environment-Awards.html>

#### ***Heritage***

##### Heritage Assistance Fund:

The Fund provides grants up to \$1,000 to eligible owners and occupiers to assist with the ongoing maintenance of their heritage properties. Applications for the 2016/2017 round of funding closed on 16 September 2016 and were considered by the Heritage Steering Committee on 17 October 2016. Forty-eight (48) applications were received for the 2016/2017 year, of which 22 were successful.

##### Heritage Adviser:

Council's Heritage Advisor continues to provide specialist advice to the Strategic Planning Unit. Responsibilities of the Advisor include responding to planning application referrals from the Statutory Planning Unit, liaising with the community and other departments of Council on heritage matters, undertaking heritage investigations and helping to assess Heritage Assistance Fund applications.

#### ***Other Major Projects***

##### The Neighbourhood Project

The City of Whitehorse was selected as one of three metropolitan Councils as part of the Neighbourhood Project; a pilot project which is a practical program to make community-led placemaking easier for councils and communities. Led by CoDesign Studio with support from the Myer Foundation, it is part of the Resilient Melbourne Strategy and is a 12 month program of mentoring, training and funding to facilitate the delivery of three projects by the community.

Council, community leaders and the wider community collaborated to transform Council land into active spaces over the last two weeks of January with three community-led activations, these being:

- The Art Project – Over 80 community members of diverse backgrounds and ages came together in the Box Hill Mall to contribute to the creation of two SAORI weaving pieces. The varied colours, textures and shapes within the weavings are a visual representation of community coming together to create the pieces.
- Greening the Mall – More than 30 community leaders and volunteers constructed and planted out four wicking beds in the Box Hill Mall with edible plants. The team from Very Edible Gardens and Permablitz supervised the day and engaged the volunteers and many passer-by's with an informative workshop.
- Front Lawn Festival – On the evening of Saturday 21 January, the front lawn of the Box Hill Town Hall was transformed for a night of open-air entertainment. Community members of all ages and backgrounds came together to lounge on beanbags, listen to live music, dine from food trucks and watch a sunset screening of 'Babe'.

The final stage of the project, to 'evaluate and scale' the activations, is underway and involves planning for long term change and looks at how community-led activation of spaces can be refined and replicated beyond the Neighbourhood Project pilot project.

As part of the Project in December 2016, Council hosted a meeting for the Myer Foundation and CoDesign Studio who fund and facilitate the Neighbourhood Project respectively.

## 9.1.6

(cont)

### **State Government Projects**

#### Healesville Freeway Reservation

The current state government gave an election undertaking for the Healesville Freeway corridor in Whitehorse to be open space. Land in the reserve that is currently owned by VicRoads is in the process of being transferred to the Crown and is proposed to be managed by Parks Victoria as open space. As part of this process, the Department of Environment, Land, Water and Planning (DELWP) has prepared a Concept Plan. The Concept Plan provides the strategic justification for the development of community recreation opportunities along the corridor and an off-road shared trail network. There are a number of stakeholders adjoining the reservation that have an interest in particular land parcels for future community and recreation purposes.

Broader community consultation on the project was undertaken during September 2016 by DELWP through CoDesign Studio. Outcomes from the community consultation were reported to DELWP's Stakeholder Reference Group for the project (SRG) at its meeting on 29 November 2016. The subsequent Concept Plan was presented to the SRG on 14 March 2017.

#### Managing Residential Development Advisory Committee

The Minister for Planning appointed the Managing Residential Development Advisory Committee to consider the application of zones that provide for residential development (residential, commercial, mixed use etc). Council officers prepared a submission in March 2016 to the Advisory Committee based on the Committee's Terms of Reference. The Advisory Committee conducted public hearings on 17 days in a 5 week period in April and May 2016, with Council officers presenting a verbal submission on 11 May 2016. A number of resident groups and residents also presented to the Committee. The Advisory Committee's report was released on 11 March 2017 together with further reforms proposed to the residential zones.

#### Environmentally Sustainable Development

The Minister for Planning approved the Environmentally Sustainable Development (ESD) Local Planning Policy for the Whitehorse, Moreland, Port Phillip, Stonnington, Banyule and Yarra Planning Schemes in November 2015. In the Minister's approval letter, it was specified that each council will be required to review the effectiveness of the policy in 12 months and provide a written report to the Department. DELWP has been liaising with the six council's on a framework to monitor and review the policy. Each Council's local ESD policy will expire on 31 December 2017 or earlier if it is superseded by an equivalent provision at State level in the Victoria Planning Provisions.

The six Councils received a commendation for the ESD policy in the category of '*Improving Planning Processes*' at the Planning Institute of Australia Awards last November. This was followed by the six Councils receiving the award for the policy in the Sustainability category at the LGPro Awards for Excellence in February 2017.

#### Bushfire Management Overlay

The current state government is preparing a bushfire mapping and policy update to planning schemes across the State. This project is a key element of the State Government's commitment to implementing the recommendations of the 2009 Victorian Bushfires Royal Commission. In the Victorian planning system, the Bushfire Management Overlay (BMO) maps area of Victoria that are at risk of extreme bushfire. If the State government amendment proceeds, properties in Whitehorse in the vicinity of the Mullum Mullum Creek corridor may have the BMO applied.

### **9.1.6**

(cont)

#### **CONSULTATION**

Community consultation is an integral part of all strategic planning projects. The level and type of consultation will be extensive and varied, depending on the nature and complexity of each project. While community consultation adds to the depth of projects it can also extend their timeframe in some instances.

This update report on strategic planning projects is prepared every six (6) months covering periods ending in March and September. This is followed by a summary in the Whitehorse News on a selection of projects of interest to the community.

#### **FINANCIAL IMPLICATIONS**

All of the projects require resources and funding for tasks including consultation, preparation, exhibition and consideration of amendments, consultant advice and investigations, including government processes eg: panel hearings etc. Adequate funding for the projects has been provided in the recurrent budget.

#### **POLICY IMPLICATIONS**

The undertaking of strategic planning projects is consistent with the *Council Plan 2016 – 2020* in terms of project outcomes and the consultation involved.

#### **CONCLUSION**

The report provides an update on key strategic planning projects. It is recommended that Council acknowledge the report.

## 9.2 INFRASTRUCTURE

### 9.2.1 Contract Extension Receival, Processing & Management of Green & Timber Waste at the Whitehorse Recycling & Waste Centre

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#### SUMMARY

*Council provides a wide range of recycling and waste services to the community at the Whitehorse Recycling and Waste Centre. One of the most popular services is the collection, mulch processing and removal of the green waste from the landfill process. Bark King Group Pty Ltd has been providing an excellent service for the past four years. It is appropriate to consider an extension of Contract for the provision of – Receival, Processing and Management of Green and Timber Waste at the Whitehorse Recycling and Waste Centre currently held by The Johnson Family Trust, trading as Bark King Group Pty Ltd, for a period of 1 year commencing on 27 May 2016 on a schedule of rates basis.*

#### RECOMMENDATION

***That Council extend Contract 12043 for the Receival, Processing and Management of Green and Timber Waste at the Whitehorse Recycling and Waste Centre with Bark King Group Pty Ltd (ABN 49 629 868 816), of 54 Fussell Road Montrose 3765 Victoria, trading as Bark King Group Pty Ltd, for a period of 1 year, commencing on 27 May 2017 on a schedule of rates basis.***

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#### BACKGROUND

This contract is for the receival, mulching and management of all green waste and timber at the Whitehorse Recycling and Waste Centre (Centre). The Centre receives up to 15,000 tonnes of green waste per year, including all green organics such as branches, grass clippings, weeds, vines, and hard and soft timbers.

The contractor is required to supply a full time supervisor 7 days a week on site to check material as it is being brought in to the Centre to ensure that it is contaminant free and manage the unloading area keeping it safe and accessible for customers to unload. This level of supervision must be present during the operating hours of the Centre.

Most importantly the contractor is responsible for providing all plant, labour, materials and equipment required for the proper and safe receival, mulching and management of green waste coming into the Centre and the loading and transportation of the material from the Centre to the contractors processing facility.

On 27 May 2013, Council awarded Contract 12043 for the Receival, Processing and Management of Green and Timber Waste at the Whitehorse Recycling and Waste Centre to The Johnson Family Trust, trading as Bark King Group Pty Ltd following a public tender process. The original 3 year term of the Contract expired on 27 May 2016. The Contract allows for 2 x 1 year extensions at Council's discretion, of which the first 1 year extension is coming to completion.

#### DISCUSSION

Bark King Group Pty Ltd has delivered an excellent standard of services over the initial term and first year extension of the Contract with its performance having been closely monitored and measured through regular communication and meetings. Bark King Group Pty Ltd has successfully managed the increase in tonnages of green organics and timbers and has met all OH&S criteria over the initial term and first year extension of the contract.

### **9.2.1**

(cont)

Bark King Group Pty Ltd has agreed to accept Council's offer to extend the Contract under the current Contract terms and conditions for the second year extension, subject to Council approval. The extension of this Contract will negate the need to conduct a new tender process for these services.

#### **CONSULTATION**

Council's General Manager Infrastructure and relevant Centre staff have been consulted with regards to the extension of this Contract.

#### **FINANCIAL IMPLICATIONS**

The contract for the provision of Contract 12043 for the Receiving, Processing and Management of Green and Timber Waste at the Whitehorse recycling and Waste Centre will be extended for the agreed schedule of rates, for a period of 1 year, with this being the final extension offered under the current contract.

In 2015/16 Financial year the expenditure on this service was \$ 747,348.00 with a surplus of \$1,106,594.00.

Current volumes and expenditure are forecast to provide a similar surplus to Council in the final year extension of the contract

There will be no increase by Bark King to the current schedule of rates.

The costs incurred under this contract will be charged to the relevant recurrent budget.

## **9.2.2 Tender Evaluation Report (Contract 20011) Provision of Consultancy Services: Quantity Surveyor**

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### **SUMMARY**

*Part of Council's building asset management program, from time to time, requires the services of a Quantity Surveyor. It is proposed to appoint a new panel of Quantity Surveyor consultants to provide Council with Quantity Surveying services for a range of planned future building projects.*

*Following the public tender process, a comprehensive evaluation and assessment was undertaken and three Quantity Surveyor consultants are now recommended for appointment to form a preferred supplier panel.*

### **RECOMMENDATION**

***That Council:***

- 1. Accept the tenders and sign the formal contract documents for Contract 20011 for the Provision of Consultancy Services: Quantity Surveyors, received from:***
  - MBMpl Pty Ltd of 323 Princes Highway, Rockdale, NSW, 2216 (ABN: 74 099 962 231).***
  - Muller Australia of Suite 1, 19 Kendrick Street, The Junction, NSW, 2291 (ABN: 33 650 179 041).***
  - Turner & Townsend Pty Ltd of Level 13, 140 Creek Street, Brisbane, QLD, 4000 (ABN: 84 115 688 830).******on a Schedule of Rates basis for a period of 3 years commencing on 3 April 2017.***
- 2. Authorise the Chief Executive Officer to award an extension of this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial 3 year contract term.***

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### **BACKGROUND**

Council owns a large number of buildings and is responsible for maintaining these buildings to ensure the level of service delivered meets community and user expectations. Funding for these capital projects is allocated from the annual Capital Works Program. Most projects require the services of a range of consultants including Quantity Surveyors to deliver the new, upgraded or refurbished facilities.

A panel of Quantity Surveyor consultants was first established in 2012 with an initial three year contract followed by a further two year contract extension. The purpose of this tender is to appoint a new panel of Quantity Surveyor consultants to provide Council with quantity surveying services for a range of planned future building upgrade projects located throughout the municipality.

The establishment of a new panel of Quantity Surveyors will continue to assist with the timely delivery of building capital works projects and will continue to enable Council to comply with the requirements of the State Government's "best value" purchasing legislation and Council's Procurement Policy.

It is planned to let a three year Contract, with the option for a two year extension to be exercised at the Chief Executive Officer's discretion.

### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday 3 December 2016 and closed on Friday 6 January 2017. Seven tenders were received.

## **9.2.2**

(cont)

The tenders were evaluated against the following criteria:

- The Tenderer's experience in the provision of similar services;
- The Tenderer's capacity to provide the Services;
- The Consultant's capacity and experience in providing Value Engineering on projects;
- Financial benefit to Council;
- Occupational Health & Safety and Equal Opportunity (Pass/Fail); and
- Financial viability (Pass/Fail).

The previous contract contained a panel of four Quantity Surveyor consultants. Based on Council Officers use of the previous panel and reviewing the forward Capital Works Program, it has been determined that a panel of three Quantity Surveying consultants is sufficient to adequately service Council needs.

Following a comprehensive evaluation of the tenders, including business viability checks, referee checks and interviews with the selected Quantity Surveyors, the tenders received from the Quantity Surveyors MBMpl Pty Ltd, Muller Australia and Turner & Townsend Pty Ltd are considered to provide the best service and value for money for this Contract:

References for the selected Quantity Surveyors have been checked and confirmed as having the relevant skills and experience required for this contract. The preferred tenderer's business viability has been checked and is considered financially viable.

### **CONSULTATION**

Relevant staff from Building Project Management and Facilities Maintenance has been consulted about the appointment of this panel.

### **FINANCIAL IMPLICATIONS**

The contract for the Provision of Consultancy Services: Quantity Surveyors is based on a Schedule of Rates. The tendered rates will be subject to rise and fall adjustments based on the Melbourne All-groups index numbers at each anniversary date of the Contract.

Quantity Surveyors are generally engaged on a rate per cost plan and the assessment of the financial criteria was based on the average fee for each of the four cost plans for projects with a value between \$300k and \$5m. The total average was then aggregated and a total average fee was applied as the tendered sum.

Based on the Council's forward Capital Works Program, the estimated expenditure under this contract over the initial 3 year contract term is \$120,000 including GST. This expenditure will increase to approximately \$200,000 including GST if the option to extend the contract is exercised for two years.

The costs incurred under this contract will be drawn annually from project budgets approved by Council as part of the annual Capital Works Program. Contract administration and project financial management will be undertaken by the Building Project Management team within the Built Infrastructure Department.

## 9.3 HUMAN SERVICES

### 9.3.1 National Partnership Agreement - Universal Access to Early Childhood Education

FILE NUMBER: SF16/710  
ATTACHMENT

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#### SUMMARY

- *To report to Council on the status of the current National Partnership Agreement – universal Access to Early Childhood Education and to recommend that Council join with the MAV in advocating to the Commonwealth Government in support of a new National Partnership Agreement between both governments.*

#### RECOMMENDATION

##### *That Council:*

1. *Join with the MAV in advocating to the Commonwealth Government on the need for a new National Partnership Agreement - Early Childhood Education & Care Services beyond the expiry of the current agreement on 31 December 2017.*
  2. *Write to all local commonwealth and state members of parliament outlining its position on this matter.*
  3. *Write to the MAV advising them of the above resolutions.*
- 

#### BACKGROUND

In late 2008, the commonwealth, state and territory governments signed a National Partnership Agreement on Early Childhood Education ("Universal Access").

The partnership committed all Australian governments to achieving, by 2013, universal access to early childhood education programs for all children in the year before school, delivered by university qualified early childhood teachers, for 15 hours a week, 40 weeks a year (600 hours per year). The objective of the partnership is based on accepted international research into the long term advantages afforded to children;

*"There is significant benefit for children in attending a quality early childhood education program. Increasing kindergarten hours and access to programs in a range of different early childhood settings further increases that benefit. The Effective Provision of Pre-school Education (EPPE) study in particular demonstrated this.*

*The implementation of universal access to early childhood education in the year before school:*

- Recognises that quality early childhood education programs improve children's learning, health and behaviour with positive impacts extending into adult life.
- Enables children and families to have access to a high quality development program in a range of settings such as public, private and community-based kindergartens and child care services.
- Supports a successful transition to formal schooling.
- Supports planning for integrated service systems."<sup>1</sup>

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<sup>1</sup> DEECD Universal Access to 15 hours of Early Childhood Education, 2009, pg1

### 9.3.1 (cont)

#### Activities supporting the national strategy

Access to preschool program 15 hours p/w 40 weeks p/y	National partnership agreement on the national quality agenda for early childhood education and care				Curriculum frameworks		National standards for out-of-home care	Working with children checks	Aboriginal children and family centres
	National legislative framework	ACECQA	National quality rating	National quality standards	EYLF: Belonging, Being and Becoming	School: My time, Our Place			

For early childhood education services the change typically meant an increase in the provision of education services (delivered by a degree qualified early childhood educator) from 400-480 hours per year to 600 hours per year. For many non-sessional kindergarten services it also meant the employment of at least one degree qualified early childhood educator (Councils WELS centres have engaged fully qualified kindergarten teacher since the early part of the previous decade). These changes also coincided with the introduction of a national quality framework designed to improve and standardise the quality of education and care services delivered by all licensed early childhood education and care services.

In the early part of this decade, these changes required significant adaption in both the physical layout of some facilities and in the structuring of programs provided to children.

The National Partnership included \$955 million in commonwealth funding provided to the states and territories over the five years to 30 June 2013. Part of Victoria's allocation was initially used as grants for modifications to ECEC buildings, the rest for implementation programs (including quality reforms) and then funding the cost of the additional hours. This objective was largely achieved in 2013.

To date, the Commonwealth Government has not committed to funding a new partnership agreement with the states and territories beyond the end of this year (worth about \$450M per year). With the federal budget for 2017/18 approaching this has created concern within the sector that the 2008/09 reforms of the early childhood education and care sector in Australia may not be supported into the future.

Ultimately, a decision to not fund the continuance of the reforms will likely see the rollback of the universal access program and the quality reform agenda. Alternatively, the families of 74,000 Victorian pre-schoolers will face untenable fee increases of up to \$2,000 per year per child to maintain existing service levels.

The MAV is communicating this concern to the commonwealth government to ensure funding is continued:

#### 'Request

- That the Australian Government retains its commitment of minimum \$450m for Universal Access to Early Childhood Education in its 2017/2018 budget;
- That this amount be allocated as recurrent funding - annually indexed and linked to growth to ensure continuity and stability for preschool education for Australian children in the year prior to school entry.<sup>2</sup>

Additional information from the MAV on this matter is included as an attachment.

<sup>2</sup> Extract from the MAV Federal Budget submission 2017 - Budget Proposal: Commitment to extend Australian Government funding for Universal Access to Early Childhood Education.

### **9.3.1**

(cont)

#### **DISCUSSION**

It is recommended that Council provide advocacy support on this matter in what is likely to be a statewide campaign and adopt the recommendations contained in this report.

#### **CONSULTATION**

Consultation in relation to the development of this report was undertaken with officers from the MAV and with officers from Council's Health and Family Services Department.

#### **FINANCIAL IMPLICATIONS**


The cost to Council of the government not funding a continuance of the program would be between \$40,000 to \$60,000 per annum. This funding is Based on a per capita funding formulae for children attending formal kindergarten services at Council's five WELS centres.

#### **POLICY IMPLICATIONS**

The recommendations contained in this report accords with key strategies contained in Council's;

- Municipal Early Years Plan (2014-2018)
- The Whitehorse Community Health & Wellbeing Plan 2017-21

#### **ATTACHMENT**

- 1 National Partnership Agreement - Early Childhood Education & Care 

### 9.3.2 Public Health and Wellbeing Act - Refusal

FILE NUMBER: 16/746

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#### SUMMARY

*To recommend that Council ratify the preliminary decision of Council officer's delegate to refuse registration of a Prescribed Accommodation (Rooming House) under the Public Health and Wellbeing (PHW) Act 2008.*

#### RECOMMENDATION

***That Council ratifies the decision to refuse the renewal of registration under the Public Health and Wellbeing Act 2008 for the Prescribed Accommodation (Rooming House) located at 79 Elgar Road, Burwood.***

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#### BACKGROUND

The proprietor (operator) of a prescribed accommodation under the *PHW Act 2008* is required to register that accommodation with Council. An application for the issue, renewal or transfer of a registration must be made to Council with the relevant fees.

Council may refuse to renew a registration on the grounds that the operator/premises: -

- Does not comply with any requirements of the Act or regulations
- Fails to comply with conditions
- Ceases to operate as a prescribed accommodation
- There is a risk to the health of persons if the registration is renewed

A rooming house located at 79 Elgar Road, Burwood and registered with Council as a prescribed accommodation under the *PHW Act 2008* was issued a Building Order in May 2016 by Council's Planning and Building department. Criminal charges were subsequently brought against the owner for breaches under the *Building Act 1993* and the *Planning and Environment Act 1987*. These criminal charges relate to failing to comply with a Building Order, specifically dealing with fire safety requirements at the premises and failing to comply with the Whitehorse Planning Scheme.

#### DISCUSSION

An application to renew the registration as a prescribed accommodation under the *PHW Act 2008* for this calendar year was received by Council in December 2016.

In light of the non-compliances with the *PHW regulations 2009* and pending charges pursuant to the *Building Act 1993* and the *Planning and Environment Act 1987* a delegated decision was made to refuse the application to renew the registration as a prescribed accommodation for 2017. A notice dated 10 February 2017 was subsequently issued to the proprietor stating Council's intention to refuse the renewal of registration on the grounds of non-compliance with the PHW Regulations and posing a risk to the health of persons if the registration is renewed. A decision to refuse to renew a registration under the *PHW Act 2008* must be ratified by Council under the requirements of the said Act.

Once the decision is ratified by Council the premises will not be registered for prescribed accommodation and will be immediately issued with a Prohibition Notice to prohibit the use of the premises as prescribed accommodation.

Council's Planning and Building Department undertook a successful prosecution against the owner of the property on the 23 February 2017. The owner (accused) entered a plea of guilty which resulted in a fine and conviction. The court issued an Order directing the owner comply with the Building Order which includes reverting the dwelling back to a 1A building and consequently to cease using the dwelling as a rooming house within 30 days.

### **9.3.2**

(cont)

#### **CONSULTATION**

Council's Planning and Building Department were consulted in coordinating enforcement activities and legal advice was sought and provided by Council's solicitor.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

### 9.3.3 Morack Golf Course Strategic Plan

ATTACHMENT

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#### **SUMMARY**

*To consider the implementation of a Strategic Plan for Morack Public Golf Course.*

#### **RECOMMENDATION**

***That Council refer the Morack Public Golf Course Strategic Plan to the 2017/18 budget planning process.***

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#### **BACKGROUND**

Morack Public Golf Course (Morack) is an 18-hole (par 70) golf course situated in Morack Road Vermont South. The facility also features a 17 bay floodlit driving range, two practice putting greens, a sealed and lit car park, public toilets, a pro-shop, clubhouse and outdoor barbeque and seating area.

The water supply for the course is based upon a 50 million litre dam. Water is also pumped from the Dandenong Creek so as to maintain adequate supply from the dam. The dam services an extensive automatic watering system designed to keep the tees, green and fairways as green as possible throughout the summer months. The dam together with the billabong alongside the creek and the water feature beside the 2nd fairway attracts a large number of water birds and are features of the course.

The views of the Dandenong Ranges combined with the undulating layout, natural bush along the Dandenong Creek and "an ongoing" landscaping and tree planting program, ensures the course as one of the most picturesque in the Melbourne Metropolitan area.

The golf course is managed under a third party arrangement with a contractor appointed to operate the pro shop, and collect greens fees and other income under a revenue share arrangement. There is a separate contract for the turf maintenance at the golf course.

A small timber clubhouse facility built in 1970 is situated adjacent to the pro shop which currently accommodates five resident golf clubs with a combined membership of 425 players.

The clubhouse's is not fit for purpose and therefore not suitable for use by external groups and corporate functions.

The pro shop and driving range was constructed in the late 1980's and funded by a previous Golf Course Professional in return for a long term lease.

A Morack Public Golf Course Strategic Plan was developed and adopted by Council in July 2000. In 2002 a Morack Public Golf Course Master Plan was then developed detailing a new course layout to address safety issues and improve playability.

Council has invested \$1.9mil in course improvements since 20012/13 and ongoing works is required to bring the course up to a standard that is comparable to Morack's immediate competitors.

### 9.3.3

(cont)

## DISCUSSION

### *The Game of Golf - Current Status*

There have been significant challenges within the golfing industry over the past 10-15 years with participation rates declining as a result of competition from other leisure activities and the impacts of unpredictable weather patterns due to climate change.

Council's Recreation Strategy Plan (2015-2024) identifies golf as a popular activity within the municipality with 7% of respondents indicating they participate. The catchment area for golf is approximately a 10km radius. According to the Australian Bureau of Statistics (ABS), there are 600,000 residents living within Morack's catchment with an expected increase of 17.9% to 700,000 by 2031. Based on current participation rates, there are 34,000 golfers over the age of 15 within the catchment which provides opportunity to attract new golfers to the course.

The Australian Sports Commission's *Participation in Exercise, Recreation and Sport* annual report indicates that an estimated 1.17 million people or 6.7% of the Australian population aged over 15 play golf with 60% of those public or social golfers. Total golf participation has fallen by 12% since 2002 however participation levels have been relatively stable since 2008.

A number of trends are emerging within the golf industry including:

- Emergence of short game golf formats such as adventure golf.
- Golf formats such as big hole golf and foot golf that compliment other golf activities.
- Driving range activities adding entertainment elements.
- Tuition enhancement through golf academy/ improvement centres.
- Enhanced golf retail and food and beverage offerings.
- On line golf bookings.
- More sophisticated database/ customer relationship management.
- Viewing golf not just as a sporting activity but as an entertainment activity e.g. Big screen TVs and other entertainment elements.

### *Challenges and Issues for Morack*

With key competitors including Ringwood and Dorset Golf Courses (Maroondah City Council) and Glen Waverley Golf Course (City of Monash) having made significant investments in recent years to their respective courses, Morack is under increasing pressure to attract and retain players.

Enhancements to the playability and overall course standard need to be addressed to bring the course up to the level that is comparable to competitor courses. These include:

- Improved drainage to enable year round use.
- Consistent grass coverage with warm season grasses on all fairways.
- Reconstruction of tees and greens.
- Creation all weather access paths to enable cart usage year round.

The Morack facilities that support the course are outmoded with an old timber clubhouse, rudimentary outdoor seating area and limited food and beverage offering. The facility lacks spaces that are inviting for patrons to stay around and socialise after a game of golf or a hit on the range therefore limiting secondary spend.

Surveys conducted of the customer base confirm that the course is attracting predominantly an older market with families and children under represented, which suggests that the product offering lacks appeal to the broader community.

A point of difference Morack has compared to many of its competitors is the undulating and picturesque layout and unique natural bush setting along Dandenong Creek.

### 9.3.3

(cont)

#### ***Appointment of Well Played & Crafter Mogford***

Responding to these challenges, Whitehorse Council engaged consultants - WellPlayed Golf Business Consultancy (Well Played), in conjunction with Crafter + Mogford Golf Strategies to develop a Strategic Plan for Morack to guide its future direction.

The key objectives of the project were:

- To research and identify the changing demographic trends and leisure needs of the Whitehorse community and their impact on the golf course.
- To identify emerging trends within the golfing industry and adapt any such trends to the development of recommendations within the Strategic Plan.
- To review the current condition, capacity, and appropriateness of the existing facility features at Morack Public Golf Course with consideration to the future needs of the community.
- To provide a clear position for an informed decision on the future direction of the Morack Public Golf Course for the City of Whitehorse to ensure long term sustainability.
- To recommend innovative approaches to increasing participation and the return on investment for Council.

Well Played undertook a situational analysis including a review of Council's strategic framework; extensive stakeholder consultation; detailed site assessment; review of local population trends; comparing Morack's performance to similar facilities within Melbourne; obtaining customer and local community insights; together with a review of Morack's current operations.

The consultation undertaken within the community was extensive and included the following activities:

- *A customer and community survey 'Have Your Say' was advertised through the following mediums – at the golf course, Council's customer service centres, on line golf member database, Whitehorse News, and a direct mail out to local residents. The survey yielded a total of 306 responses.*
- *Meetings conducted with representative members of the five resident golf clubs.*
- *One on one interviews held with representatives from the two golf course contractors (Golf Services Management and Australian Golf Course Management).*
- *Meetings with Council officers.*
- *Individual consultations with local secondary schools that are frequent users of the course.*

Attachment 1 contains the Morack Public Golf Course Strategic Plan.

#### ***Findings***

A review of golf course operations and benchmarking established the following:

- The financial return to Council is significant. Since 2002/03, \$15.6 mil in gross income has been earned with a net operating contribution of \$4.2 mil. Capital expenditure over the same period is around \$1.9 mil (representing 45% of Morack's net contribution).
- Morack's total visitation was well above the mean with benchmarked facilities due to the presence of a driving range, however the course attendances are declining.
- Morack's driving range is close to capacity with waiting lists for bays during peak times.
- Whilst the golf retail sales per visitor are high amongst benchmarked facilities, the merchandising and pro shop infrastructure were not best practice due to the layout of the facility and the age of the building.
- Food and beverage sales were poor. The limited offer and lack of indoor/outdoor eating spaces detrimentally impact sales.
- The presence of a strong and loyal club member base.

Attachment 2 provides the detailed benchmarking analysis.

### 9.3.3

(cont)

In terms of the course quality and presentation, 53 issues and opportunities were identified within the Strategic Plan including drainage and impact on playability in winter, turf coverage of fairways, lack of all-weather paths and improvements to tees and greens. While some course improvements recommended have been undertaken over the past 10 to 15 years, further investment by Council is required to bring Morack up to the standard of competitor courses.

The overall findings from the Strategic Plan report support Morack Public Golf Course as an important community facility that provides recreation opportunities for the residents of Whitehorse and for people from across the south eastern region.

To remain viable Morack must broaden its appeal to better attract women, families, diverse groups and younger generations. Council could also consider new business models to ensure greater facility visitation and revenue diversification i.e.: short format and other golf entertainment participation options.

While there are key challenges facing golf in the market place and from local competitors, Morack brings to Council an annual net operating surplus of between \$200,000 to \$300,000 and approximately 100,000 patrons per year.

Some of the trends or opportunities emerging within the golf industry include the resurgence of Adventure (mini) Golf which is highly attractive to families and young children. Driving range developments are being more heavily influenced by technology with a move towards a more interactive and entertainment focussed golfing experience where golf balls are tracked and players record scores with each shot.

Both of these elements offer an opportunity to attract other market segments beyond the traditional golfer and also provide a pathway within golf facilities for beginners and young children to eventually transition to on course golf (9 or 18 holes).

#### **Recommendations**

Based on the issues and opportunities arising from the detailed situational analysis as part of the strategic planning process, and with reference to the key challenges, three strategic directions have been developed.

1. Active Community – maintaining and growing facility visitation and access.
2. Evolving Infrastructure – maintaining and developing relevant facilities in connected and sustainable open space.
3. Healthy Performance – delivering financial sustainability and economic benefit.

Each of the above strategic directions responds to and aligns with Council's Strategic Framework. Improvement and development actions have been identified under each of the strategic directions in the form of an Implementation Plan and are incorporated into a Concept Plan with the following recommendations:

- Improvement works to the golf course involving a rolling program over 9 years.
- Upgrade to the driving range to 25 bays and incorporating a 'premium bay' concept.
- Development of a new golf pavilion incorporating a golf shop, new modern café change facilities and multipurpose space.
- A new feature entry leading to the golf pavilion and golf staging areas (including new golf cart parking areas).
- Development of a new 18-hole premium mini- golf facility.
- Expansion of car parking spaces.
- Replacement of the course maintenance facility.
- New golf cart storage and environmental wash down area.

An estimated total investment of \$7,877,500 (excluding GST) would deliver the above improvements.

### 9.3.3

(cont)

Three options were considered in developing 10 year financial projections for Morack. They were:

1. Do Nothing (No investment in the golf course).
2. Course Improvements Only.
3. Full Implementation of the Concept Plan.

A summary of the three scenarios is as follows:

Visitations 10 Year Projections	Visits - Course	Visits - Range	Visits - Premium Mini-Golf	Visits - Total
Do Nothing	582,984	400,327	0	983,311
Course Improvements	624,626	400,327	0	1,024,953
Full Implementation	624,626	528,289	182,548	1,335,463

Source: WellPlayed analysis, Annual visitation estimate

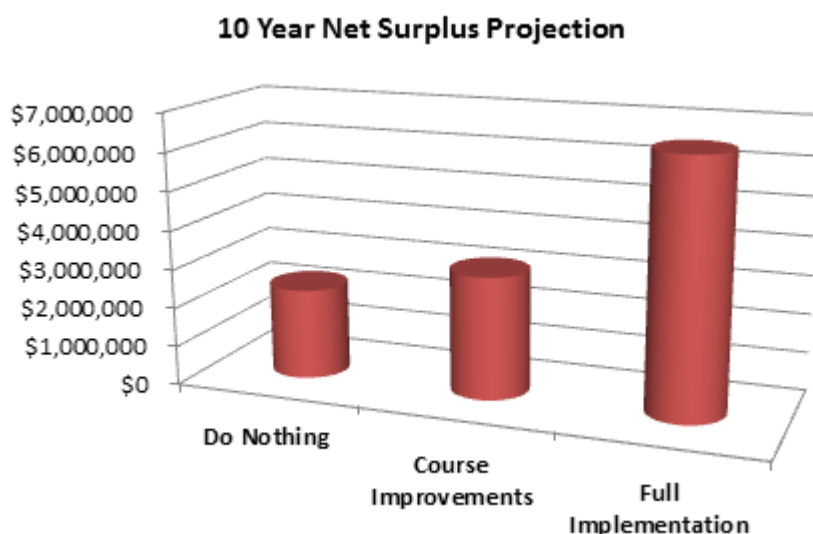
Financials 10 Year Projections	Income	Expenditure	Gross Surplus	Recharges	Net Surplus	Capital Exp.
Do Nothing	\$16,518,798	\$13,016,440	\$3,502,357	\$1,120,338	\$2,382,019	0
Course Improvements	\$17,514,472	\$13,193,940	\$4,320,531	\$1,120,338	\$3,200,193	\$1,496,900
Full Implementation	\$21,734,182	\$14,327,709	\$7,406,473	\$1,120,338	\$6,286,135	\$6,877,500

Source: WellPlayed analysis, 10 Year financial projections

The assumptions for the above financial modelling are based on conservative estimates taking into consideration historical course data, industry trends and the current commercial climate.

In summary, the 'Do Nothing' approach will see course visitation revenue decline by 3% and net surpluses to Council decline by 30% over 10 years. Alternately, a 'Course Improvements Only' approach will result in minor annual growth in course rounds.

It is recommended that Council adopt the Full Implementation option. It will enable Morack to grow visitation by 50% to over 150,000 per annum, and increase and diversify the sources of revenue resulting in significant growth in net surpluses from \$250K to over \$950K per annum ensuring long term sustainability of the service. The impact on operating surpluses for the three scenarios over a 10 year period is shown in the graph below.



### 9.3.3

(cont)

The 'Adventure Golf' and 'Driving Range' components will provide the greatest return on investment for Council. The capital investment for the 18 hole adventure golf component is estimated at \$1.1mil and is expected to generate \$225,000 per annum (Council share) and deliver a payback (based on a conservative case which is more modest than the original WellPlayed projection) of 5 years. The conservative case estimate is more modest than the original WellPlayed projection. The driving range is estimated to cost \$1.215mil and it is expected to generate a 49% growth in visitations and approximately \$200,000 additional revenue per annum.

Importantly, from a social benefit perspective both components would create a service with a much broader community appeal inclusive of families and young children and provide important pathways for golf as a lifelong activity.

#### ***Funding and Timing of Works***

The WellPlayed Strategic Plan identifies as a potential scenario for third party investment to fund the \$5.6mil estimated cost of the new golf pavilion, driving range expansion, new mini golf facility temporary course maintenance staff building and cart storage. From discussions with the current course operator, they were 'lukewarm' in their response regarding possible investment, particularly given the uncertainty of the current environment.

The commitment of such significant funds presents a high level of risk for the operator therefore they would seek a larger proportion of the revenues to achieve a suitable return on investment. This would result in Council forgoing the majority of any future operating surpluses.

The current Long Term Financial Plan suggests that Council has the capacity to fund a project of this scope and magnitude. This would enable Council to continue to receive the annual net operating surpluses generated by the enhanced service.

The funding of the course improvements and maintenance facility components would be unlikely to attract interest from a third party.

With respect to the timing of the works, it is recommended that the redevelopment works including the golf pavilion and precinct, expansion of the driving range, construction of the adventure golf facility and golf cart storage building should be undertaken in the same year as opposed to staging the works over a number of years.

The rationale behind this is as follows:

- There will be significant business disruption when the works are undertaken so are best confined to a single timeframe.
- If works were staged over a number of years the continual disruption would have a greater impact on attendances and business viability.
- The overall project costs to Council would be greater with multiple set up costs and the costs of construction increasing at approximately 3.5 to 4% per annum.

It is proposed that such works be undertaken in 2020/21.

With regards to the course improvements works, these would be undertaken over a 9 year period commencing 2017/18. By staggering the works over this period it will minimise the disruption to the course as golfers will tend to go elsewhere if large components of the course are out of play at any one time. Also, the majority of works particularly involving turf will have to be undertaken over the growing season being the peak summer period.

### 9.3.3

(cont)

#### CONSULTATION

Well Played undertook extensive community consultation which is detailed within the Discussion Section of the report.



#### FINANCIAL IMPLICATIONS

The estimated cost of \$7,877,500 for the implementation of the Concept Plan is detailed in the table below. An overview of such financial implications, estimated costs and timings has been provided earlier in the report.

Component	Sub-Component	(\$)	(\$)	Capital	Operating
Golf Pavilion + Precinct	Demolition + Site Preparation	\$ 231,400			
	Golf Pavilion	\$ 2,113,000			
	Pathways + Signage	\$ 295,700	\$ 2,943,000	\$ 2,943,000	
	Carpark / Driveway + Service Area +	\$ 234,900			
	Landscape	\$ 68,000			
Driving Range	Driving Range	\$ 1,215,000	\$ 1,215,000	\$ 1,215,000	
Premium Mini-golf	Mini-golf facility	\$ 1,100,000	\$ 1,100,000	\$ 1,100,000	
Other	Golf Cart Storage Building	\$ 123,000	\$ 123,000	\$ 123,000	
	Golf Course	\$ 906,500	\$ 2,496,500		\$ 906,500
Golf Course + Maintenance	Course Maintenance Facility (temporary)	\$ 250,000		\$ 250,000	
	Course Maintenance Facility (new)	\$ 1,000,000		\$ 1,000,000	
	Course Irrigation	\$ 340,000			\$ 340,000
			\$ 7,877,500	\$ 6,631,000	\$ 1,246,500

A consultant (DJK Consulting) was engaged to undertake an independent financial analysis of the assumptions and financial projections contained within the Strategic Plan. The consultant expressed the view that *“The Strategic Plan developed by Well Played was an excellent document inclusive of significant levels of evidentiary and supporting information. It’s financial data and modelling is detailed and comprehensive with very transparent and generally objective assumptions”*.

#### ATTACHMENT

- 1 Morack Golf Course Strategic Plan 
- 2 Benchmarking Competitor Analysis 

## **9.4 CORPORATE REPORTS**

### **9.4.1 Tender Evaluation Report (Contract 12/12516) – Recruitment Services**

FILE NUMBER: 12/12516

#### **SUMMARY**

*To recommend the acceptance of an offer received from MAPS Group Limited, trading as Procurement Australia to appoint the below suppliers, as Council's preferred suppliers on a Schedule of Rates basis for a period of 3 years and to consider the estimated expenditure over the life of the contract. The offer is to appoint 38 Agencies (see Appendix A), as Council's preferred supplier of recruitment and associated services.*

#### **RECOMMENDATION**

##### ***That Council***

- 1. Accept the recommendation from MAPS Group Limited (ABN 45 058 335 363), trading as Procurement Australia and appoint the preferred tenderers as Council's preferred suppliers of recruitment and associated services, under Contract 12/12516 on a Schedule of Rates basis for a period of 3 years.***
- 2. Accept the recommendation from MAPS Group Limited (ABN 45 058 335 363), trading as Procurement Australia and appoint 38 Agencies under Contract 12/12516.***
- 3. Authorise the Chief Executive Officer to award an extension of this contract, subject to a review of the performance and Council's business needs, at the conclusion of the initial 3 year contract term.***

#### **BACKGROUND**

Whitehorse City Council along with other Council's appointed Procurement Australia (PA), as its agent to seek public tenders for the supply of Recruitment and Associated Services (1912/0618). This contract can be extended for a further 2 years at Council's discretion.

Maps Group Limited trading as Procurement Australia is a public company, which negotiates and facilitates contracts for common use goods and services on behalf of its members. Procurement Australia offers suppliers targeted access to the Government purchasing sector through its tender process and marketing programs.

Procurement Australia suppliers are authorised contractors who have tendered and been accepted to sell goods/services through the Procurement Australia contracts. They consist of a diverse group covering many market sectors and organisational profiles including many high profile national and multinational brands.

#### **DISCUSSION**

PA advertised tenders in Herald Sun newspaper on Saturday, 13 April 2016. Tenders were closed on Wednesday, 11 May 2016. 91 tenders were received.

The following selection criteria were used to evaluate all the tender submissions:

- Compliance and Specification,
- Customer Focus,
- Contractors Performance,
- Corporate Social Responsibility Profile, and
- Price.

The tenders received from the selected tenderers are considered to provide the best value for money for this Contract. The Contractor may also offer a Member a special or discounted sale if they choose.

### **9.4.1**

(cont)

The benefits for Council using PA are:

- Lower purchase prices resulting from the aggregation of individual councils requirements i.e. substantially enhanced purchasing power;
- The avoidance of our time and our tendering costs;
- The introduction of competitive and value-added outcomes generally unachievable through individual tendering;
- The Agencies are required to provide suitably accurate reporting mechanisms to capture all expenditure.
- The Agencies will have quality systems, which will address issues including; continuous improvement, contract reporting, risk management policies and procedures, OH&S policies and procedures, quality checking and duty of care.

The benefits for Council are:

- Agency staff usage will be with a consistent group of suppliers and Council will be able to accurately capture expenditure for the use of Agency staff.
- Strict adherence with Local Government Act Section 186, probity and due diligence procedures.

Once Council has established their panel of providers and advised these suppliers via PA, we are then obliged to use these suppliers subject to their satisfactory performance. The panel arrangement does not prevent Council seeking alternative or additional suppliers on resources or services outside the scope of the current agreement.

Council will also investigate over the life of this tender future mechanisms to manage and control costs associated with Agency staff including investigation of the agency broker system introduced at the City of Melbourne.

### **CONSULTATION**

Whitehorse City Council was one of 27 municipalities who appointed PA as its Agent to conduct the tendering process.

### **FINANCIAL IMPLICATIONS**

The acceptance of the offer supplied by PA will provide price certainty over the initial three-year term of the contract. However it does not fix the volume of use of any particular provider.

The current budget process allows for a mix of labour solutions to meet Council's operational requirements. This includes a mix of full-time, part-time, casual and temporary staff. The budget process takes into account those Council services that have mandatory requirements for staff ratio numbers to clients, and the contingent nature of some of Council's work, particularly as it relates to Capital Works, by providing budgets for agency staff.

PA charges a commission of 1.5% for purchases made under this contract. The commission is included in the tendered price.

The costs incurred under this contract will be charged to the relevant recurrent budgets.

Council spent approximately \$2.6 million on agency staff last year out of a total "Employee Costs" budget of \$68 million (2015/2016) representing approximately 3.8% of total Employee Costs for the year. This \$2.6 million includes expenditure on the cost of replacement staff in services that have service level agreements or legal obligations (such as child-care). These services have a continuity of service obligation to the community; have strict training and accreditation requirements, and agency staff are therefore used on occasion to meet these contingent needs

## 9.4.1

(cont)

### Appendix A

1	A Plus Labour Solutions Pty Ltd
2	All Best Care Ltd
3	Allstaff Australia Pty Ltd
4	Anzuk Education Services Pty Ltd
5	Astrum Recruitment Pty Ltd
6	Catalyst Consulting and Events Pty Ltd
7	Charterhouse Recruitment Pty Ltd
8	CK Recruitment Pty Ltd
9	Clarius Group Limited
10	Davidson Recruitment Pty Ltd
11	Denovo Consulting Groups Pty Ltd
12	Design and Build Recruitment Trust Pty Ltd
13	Direct Recruitment Pty Ltd
14	Drake Australia
15	Enphatic Support Services Pty Ltd
16	Finite Group APAC Pty Ltd
17	GBS Recruitment Pty Ltd
18	Gforce Corporate and Finance Pty Ltd
19	Hays Specialist Recruitment Pty Ltd
20	Hoban Recruitment Pty Ltd
21	Horner Recruitment
22	Inner Northern Group Training
23	Inspired Management Pty Ltd
24	Mandy Nolton trading as Rec Relief
25	McArthur Pty Ltd
26	Michael Page International Pty Ltd
27	Morgan Consulting Australia Pty Ltd
28	Powerdata Group Consulting Pty Ltd
29	ProQuest Pty Ltd
30	Randstad Pty Ltd
31	Recruitment Solutions Group Pty Ltd
32	RNTT Pty Ltd trading
33	Slade Group
34	Programmed Skilled Workforce Ltd
35	Talent International Holdings Pty Ltd
36	SACS Consulting Pty Ltd
37	Tradewind Australia Pty Ltd
38	Work Solutions (Melb) Pty Ltd

## **9.4.2 Adoption of Instrument of Appointment and Authorisation under the Planning and Environment Act 1987**

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### **SUMMARY**

*The purpose of this report is to recommend approval of an Instrument of Appointment and Authorisation under the Planning and Environment Act 1987, from the Council to a position in the organisation.*

### **RECOMMENDATION**

***That Council approve the proposed appointment of authorised officers pursuant to the Planning and Environment Act 1987 as attached to this report.***

---

### **BACKGROUND**

The proposed Instrument of Appointment and Authorisation (pursuant to the *Planning and Environment Act 1987*) has been prepared following advice received from Council's solicitors Maddocks and is similar to that used by many Victorian municipalities.

The Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to enforcement of the *Planning and Environment Act 1987* and to act and commence proceedings in Council's name.

These appointments must be made by resolution of the Council; section 3(6) of the *Local Government Act 1989* defines 'resolution of the council' as including a power exercised under delegation (ie: by the Chief Executive Officer), however section 188 (2) (c) of the *Planning and Environment Act 1987* prohibits authorisations being made under delegation.

The Instruments of Appointment and Authorisation would come into force once the common seal is affixed to the Instrument.

### **CONSULTATION**

Relevant staff including General Manager City Development and Manager Planning and Building were consulted during the preparation of the proposed Instrument of Appointment and Authorisation.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **POLICY IMPLICATIONS**

There are no policy implications.

## 9.4.2

(cont)

### Whitehorse City Council

#### Instrument of Appointment and Authorisation

under the Planning and Environment Act 1987

STAFF	
Surname	Given name
BROOKER	Shaan
UM	Dezarn

### Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means:

- a) Shaan Brooker
- b) Dezarn Um

#### By this instrument of appointment and authorisation Whitehorse City Council:

- a) Under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer(s) to be an authorised officer(s) for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- b) Under section 232 of the *Local Government Act 1989* authorises the officer(s) generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- a) Comes into force immediately upon its execution; and
- b) Remains in force until varied or revoked.

This instrument is authorised by a resolution of the **Whitehorse City Council** on **20 March 2017**

THE COMMON SEAL OF THE  
WHITEHORSE CITY COUNCIL was hereunto  
affixed this  
20<sup>th</sup> day of March 2017 in the presence of:

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Chief Executive Officer

### 9.4.3 Delegation Decisions January 2017

#### SUMMARY

*The following activity was undertaken by officers under delegated authority during January 2017.*

#### RECOMMENDATION

***That the report of decisions made by officers under Instruments of Delegation for the month of January 2016 be noted.***

DELEGATION	FUNCTION	Number for January 2016	Number for January 2017
Planning and Environment Act 1987	Delegated Decisions	116	107
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		12	13
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	54	53
Liquor Control Reform Act 1998	Objections and Prosecutions	Nil	Nil
Food Act 1984	Food Act Orders	Nil	1
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	Nil	2
Local Government Act 1989	Temporary Road Closures	1	5
Other Delegations	CEO Signed Contracts between \$150,000 - \$500,000	1	2
	Property Sales and Leases	10	12
	Documents to which Council seal affixed	Nil	2
	Vendor Payments	1134	917
	Parking Amendments	2	17
	Parking Infringements written off (not able to be collected)	312	371

## DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS JANUARY 2017

*All decisions are the subject of conditions which may in some circumstances alter the use of development approved, or specific grounds of refusal if an application is not supported.*

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
17	09-02-17	CMP Approved	125-135 Rooks Rd, Nunawading	Springfield	CMP - Use and construction of 31 warehouses, reduction in car parking, and reduction in loading bay requirements	CMP Process
20	30-02-17	CMP Approved	15 Irving Ave, Box Hill	Elgar	Construction Management Plan (Construction of a 9 storey building (plus basement carpark) comprising of multiple dwellings; Reduction in car parking requirements for dwellings)	CMP Process
1	06-02-17	Delegate Approval - S72 Amendment	11 Narallah Grv, Box Hill North	Elgar	Construction of two (2) double storey side by side dwellings	Permit Amendment
58	20-02-17	Delegate Approval - S72 Amendment	53 Florence Rd, Surrey Hills	Riversdale	Amendment to the endorsed plans for the Construction of a single storey dwelling to the rear of the existing dwelling (alterations to decking and garage)	Permit Amendment
90	11-02-17	Delegate Approval - S72 Amendment	586 Whitehorse Rd, Mitcham	Springfield	Buildings and works for alterations and additions to the existing building and alteration of access to a Road Zone, Category 1	Permit Amendment
128	10-02-17	Delegate Approval - S72 Amendment	48-50 South Pde, Blackburn	Central	Construct a double storey dwelling on a lot with a Special Building Overlay	Permit Amendment
242	23-02-17	Delegate Approval - S72 Amendment	18 Grandview Rd, Box Hill South	Riversdale	Amendment to endorsed plans to WH/2014/242 for a redesign of all dwellings	Permit Amendment
378	09-02-17	Delegate Approval - S72 Amendment	31 McCulloch St, Nunawading	Springfield	Construction of four double storey dwellings	Permit Amendment

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
413	23-02-17	Delegate Approval - S72 Amendment	1/10 Middlefield Drv, Blackburn North	Central	Amendment to WH/2015/413/A (issued for the construction of a dwelling extension (second storey) on a lot of less than 300 square metres) comprising alterations to the first floor footprint	Permit Amendment
435	16-02-17	Delegate Approval - S72 Amendment	269 Canterbury Rd, Forest Hill	Springfield	Use and development of land for a child care centre and alteration of access to a road in a Road Zone, Category 1	Permit Amendment
451	16-02-17	Delegate Approval - S72 Amendment	11 Aspinall Rd, Box Hill North	Elgar	Construction of two double storey dwellings	Permit Amendment
517	04-02-17	Delegate Approval - S72 Amendment	290-292 Middleborough Rd, Blackburn South	Central	Use and development of the land as office and reduction in car parking requirements.	Permit Amendment
564	04-02-17	Delegate Approval - S72 Amendment	14 Boyle St, Forest Hill	Springfield	Construction of one (1) double storey dwelling to the rear of the existing dwelling	Permit Amendment
715	09-02-17	Delegate Approval - S72 Amendment	12-14 Nelson Rd, Box Hill	Elgar	Amendment to Planning Permit WH/2015/715 issued for Construction of a Part 19, Part 20 storey building, comprising dwellings, retail space and offices, with basement car park, use of the building for accommodation (dwellings), and reduction of the parking requirements of Clause 52.06 of the Whitehorse Planning Scheme to alter configuration of apartments and parking layout.	Permit Amendment

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
822	17-02-17	Delegate Approval - S72 Amendment	62 Surrey Rd, Blackburn North	Central	Construction of two (2) double storey dwellings and create access to a road in a Road Zone, Category 1	Permit Amendment
926	19-02-17	Delegate Approval - S72 Amendment	20 Varman Crt, Nunawading	Springfield	Buildings and works for the replacement of an existing Concrete Batching Plant and display of associated business identification signage	Permit Amendment
1178	11-02-17	Delegate Approval - S72 Amendment	445 Canterbury Rd, Vermont	Springfield	Construction of two (2) double storey dwellings	Permit Amendment
1271	30-02-17	Delegate Approval - S72 Amendment	13 Harrison St, Mitcham	Springfield	Construction of two double storey dwellings	Permit Amendment
39	30-02-17	Delegate NOD Issued	1/29 Salisbury Ave, Blackburn	Central	Alterations and additions to six (6) existing units	Residential (Other)
42	24-02-17	Delegate NOD Issued	3A Forster St, Mitcham	Springfield	Construction of four double storey dwellings	Multiple Dwellings
46	18-02-17	Delegate NOD Issued	39 Boisdale St, Surrey Hills	Riversdale	Development of two double storey dwellings	Multiple Dwellings
118	09-02-17	Delegate NOD Issued	24 Park Rd, Surrey Hills	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
184	10-02-17	Delegate NOD Issued	13 Highmont Drv, Vermont South	Morack	Construction of a second (double storey) dwelling	Multiple Dwellings
225	09-02-17	Delegate NOD Issued	9 Erasmus St, Surrey Hills	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
234	10-02-17	Delegate NOD Issued	83 Dunlavin Rd, Mitcham	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling.	Multiple Dwellings
256	09-02-17	Delegate NOD Issued	1 Middleborough Rd, Burwood	Riversdale	Construction of 11 dwellings comprising 8 three storey and 3 double storey dwellings with basement, removal of easements, and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
329	09-02-17	Delegate NOD Issued	2 Walsham Rd, Blackburn	Central	Buildings and works to construct a double storey dwelling and removal of vegetation (Tree 7, Silky Oak) on proposed Lot 1	Special Landscape Area
330	09-02-17	Delegate NOD Issued	2 Walsham Rd, Blackburn	Central	Building and works to construct a double storey dwelling on proposed Lot 2	Special Landscape Area
331	09-02-17	Delegate NOD Issued	2 Walsham Rd, Blackburn	Central	Buildings and works to construct a double storey dwelling on proposed Lot 3	Special Landscape Area
511	30-02-17	Delegate NOD Issued	5 Anthony Crt, Burwood East	Morack	Construction of two double storey dwellings	Multiple Dwellings
566	12-02-17	Delegate NOD Issued	21 Churinga Ave, Mitcham	Springfield	Development of two (2) double storey dwellings	Multiple Dwellings
595	10-02-17	Delegate NOD Issued	97 Nelson Rd, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
625	11-02-17	Delegate NOD Issued	657 Whitehorse Rd, Mitcham	Springfield	Construction of two (2) double storey dwellings and creation of access to a road in a Road Zone Category 1	Multiple Dwellings
628	31-02-17	Delegate NOD Issued	293 Elgar Rd, Surrey Hills	Riversdale	Construction of two double storey dwellings and access to a road in a Road Zone Category 1	Multiple Dwellings
651	30-02-17	Delegate NOD Issued	14 Box Ave, Forest Hill	Morack	Construction of three double storey dwellings	Multiple Dwellings
754	10-02-17	Delegate NOD Issued	123 Lake Rd, Blackburn	Springfield	Building an works for construction of carport and verandah and hard surfaces.	Special Landscape Area
806	30-02-17	Delegate NOD Issued	16 Cadorna St, Box Hill South	Riversdale	Construction of two double storey dwellings on a lot	Multiple Dwellings
807	25-02-17	Delegate NOD Issued	41A Foch St, Box Hill South	Riversdale	Construction of a double storey dwelling.	Single Dwelling < 300m2
826	30-02-17	Delegate NOD Issued	390 Mont Albert Rd, Mont Albert	Elgar	Construction of one (1) double storey dwelling to the rear of the existing dwelling	Multiple Dwellings

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
945	04-02-17	Delegate NOD Issued	86-88 Broughton Rd, Surrey Hills	Riversdale	The development of four dwellings in two double storey building. The subdivision of the land into four lots	Permit Amendment
990	30-02-17	Delegate NOD Issued	14 Langford Ave, Mitcham	Springfield	Two unit development	Multiple Dwellings
1036	09-02-17	Delegate NOD Issued	1 Verona St, Vermont South	Morack	2 lot subdivision	Subdivision
5	31-02-17	Delegate Permit Issued	22 Baratta St, Blackburn South	Central	Two (2) lot subdivision	Subdivision
9	31-02-17	Delegate Permit Issued	189 Springfield Rd, Blackburn North	Central	Two (2) lot subdivision	Subdivision
11	20-02-17	Delegate Permit Issued	604 Station St, Box Hill	Elgar	Extension of existing flue at the rear of the site and construction of 2 x 2.1m high solid framed screen wall on the rear northern and southern sides of the allotment	VicSmart – General Application
13	20-02-17	Delegate Permit Issued	56 Gardenia St, Blackburn	Central	Construct fence on front street alignment	VicSmart – General Application
24	31-02-17	Delegate Permit Issued	75 Box Hill Cres, Mont AlbertNorth	Elgar	Two (2) lot subdivision	Subdivision
25	31-02-17	Delegate Permit Issued	15 Naples St, Box Hill South	Riversdale	Two (2) lot subdivision	VicSmart - Subdivision
27	31-02-17	Delegate Permit Issued	11 Narallah Grv, Box Hill North	Elgar	Two (2) lot subdivision	Subdivision
28	25-02-17	Delegate Permit Issued	2/57 Orchard Cres, Mont AlbertNorth	Elgar	Removal of one tree from the courtyard of a single storey dwelling	VicSmart – General Application
29	24-02-17	Delegate Permit Issued	13 Plymouth Crt, Nunawading	Springfield	Two (2) lot subdivision	Subdivision
33	24-02-17	Delegate Permit Issued	30 Melrose St, Mont AlbertNorth	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
34	24-02-17	Delegate Permit Issued	1 Sylvan Crt, Forest Hill	Morack	Two (2) lot subdivision	Subdivision
44	11-02-17	Delegate Permit Issued	78 Brunswick Rd, Mitcham	Springfield	Construction of a double storey dwelling at the rear of the existing dwelling	Multiple Dwellings
64	06-02-17	Delegate Permit Issued	21 Barkly Trc, Mitcham	Springfield	Construction of six (6) double storey dwellings	Multiple Dwellings

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
224	09-02-17	Delegate Permit Issued	660 Whitehorse Rd, Mont Albert	Elgar	Construction of one double storey dwelling and extensions to an existing dwelling	Multiple Dwellings
268	18-02-17	Delegate Permit Issued	76 Mahoneys Rd, Forest Hill	Central	6 lot subdivision	Subdivision
280	23-02-17	Delegate Permit Issued	13 Graham Place Box Hill	Elgar	Removal of a covenant	Subdivision
302	23-02-17	Delegate Permit Issued	83 Percy St, Mitcham	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
306	10-02-17	Delegate Permit Issued	13 Middlefield Drv, Blackburn North	Central	Construction of a second (double storey) dwelling	Multiple Dwellings
307	23-02-17	Delegate Permit Issued	42 Roslyn St, Burwood	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
356	20-02-17	Delegate Permit Issued	56 Hedge End Rd, Nunawading	Springfield	Construction of two double storey dwellings	Multiple Dwellings
362	25-02-17	Delegate Permit Issued	71 Churinga Ave, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
413	03-02-17	Delegate Permit Issued	7 Eckersley Crt, Blackburn South	Central	Buildings and works to construct a double storey dwelling and works within 4 metres of protected trees	Special Landscape Area
416	30-02-17	Delegate Permit Issued	22 Glen Ebor Ave, Blackburn	Central	Buildings and works comprising the construction of one (1) double storey dwelling with basement level and domestic swimming pool	Special Landscape Area
438	23-02-17	Delegate Permit Issued	26 Birdwood St, Box Hill South	Riversdale	Construction of a double storey dwelling at the rear of an existing house	Multiple Dwellings
442	17-02-17	Delegate Permit Issued	34 Melrose St, Mont Albert North	Elgar	Construction of four double storey dwellings	Multiple Dwellings
584	04-02-17	Delegate Permit Issued	48 Springfield Rd, Blackburn	Central	Construction of two dwellings	Multiple Dwellings
597	23-02-17	Delegate Permit Issued	57 Shady Grv, Forest Hill	Springfield	Removal of trees and buildings and works for construction of a new dwelling.	Special Landscape Area
639	20-02-17	Delegate Permit Issued	389 Blackburn Rd, Burwood East	Morack	Construction of one double storey at rear of existing dwelling	Multiple Dwellings
709	30-02-17	Delegate Permit Issued	7 Hotham Crt, Mont Albert	Elgar	Construction of two double storey dwellings	Multiple Dwellings

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
717	23-02-17	Delegate Permit Issued	6 Richardson St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
758	06-02-17	Delegate Permit Issued	6 Kara Wlk, Vermont South	Morack	Construct a second storey addition to an existing dwelling on a lot less than 500m2	Single Dwelling < 300m2
767	23-02-17	Delegate Permit Issued	7 Skene St, Burwood East	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
778	23-02-17	Delegate Permit Issued	7 Savage Crt, Nunawading	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
782	23-02-17	Delegate Permit Issued	21 Grove St, Vermont	Springfield	Removal of fourteen (14) trees	Special Landscape Area
794	23-02-17	Delegate Permit Issued	19 Peter Ave, Blackburn North	Central	Development of an additional double storey dwelling at the rear of the existing dwelling and alterations to the existing dwelling	Multiple Dwellings
802	06-02-17	Delegate Permit Issued	16-28 Nelson Rd, Box Hill	Elgar	lighting for lawn bowls rink	Residential (Other)
810	23-02-17	Delegate Permit Issued	1/5-13 Sinnott St, Burwood	Riversdale	Change of use to a Leisure and Recreation Facility (Martial Arts)	Industrial
923	30-02-17	Delegate Permit Issued	22 Calypso Crt, Forest Hill	Morack	Two (2) lot subdivision	Subdivision
927	23-02-17	Delegate Permit Issued	5/210-214 Springvale Rd, Nunawading	Springfield	Buildings and works associated with an extension of the ground floor of the existing dwelling and construction of a verandah.	Single Dwelling < 300m2
948	04-02-17	Delegate Permit Issued	412 Belmore Rd, Mont Albert North	Elgar	Four (4) lot subdivision	Subdivision
954	06-02-17	Delegate Permit Issued	14 Havelock St, Burwood	Riversdale	Three (3) lot subdivision	Subdivision
977	24-02-17	Delegate Permit Issued	7/170-180 Rooks Rd, Vermont	Springfield	Change of use to Trade Supplies, buildings and works and display of business identification signage	Advertising Sign
1004	31-02-17	Delegate Permit Issued	349 Whitehorse Rd, Nunawading	Springfield	Renovation of existing McDonalds restaurant - rebuild of playland & extension to front for staff training to East side	Business

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
1006	31-02-17	Delegate Permit Issued	349 Whitehorse Rd, Nunawading	Springfield	Display of internally illuminated signage and associated works generally in accordance with the submitted plans	Advertising Sign
1010	24-02-17	Delegate Permit Issued	433 Station St, Box Hill	Elgar	Three (3) lot subdivision	Subdivision
1016	20-02-17	Delegate Permit Issued	45 Candlebark Ln, Nunawading	Springfield	Subdivision and application to remove reserve status from proposed Lot	Subdivision
1068	04-02-17	Delegate Permit Issued	51 Centre Rd, Vermont	Morack	Construction of bus shelter and bin enclosure	Education
1070	24-02-17	Delegate Permit Issued	15 Kinkora Rd, Blackburn	Central	Three (3) lot subdivision	Subdivision
1074	18-02-17	Delegate Permit Issued	238 Burwood Hwy, Burwood	Riversdale	Five (5) lot subdivision	Subdivision
1108	24-02-17	Delegate Permit Issued	181 Springfield Rd, Blackburn North	Central	Two (2) lot subdivision	Subdivision
1116	09-02-17	Delegate Permit Issued	5 Wellington Rd, Box Hill	Elgar	Construction of a six (6) storey building and a part fourteen (14), part sixteen (16) storey building, comprising not more than 177 apartments with basement car park, a food and drink premises, reduction in the standard car parking requirement, waiver of loading and unloading requirement and the removal and variation of easements	Multiple Dwellings
1120	27-02-17	Delegate Permit Issued	1 Hilltop Cres, Burwood East	Riversdale	Eight (8) lot subdivision	Subdivision
1134	24-02-17	Delegate Permit Issued	139 Woodhouse Grv, Box Hill North	Elgar	Two (2) lot subdivision	Subdivision
1135	31-02-17	Delegate Permit Issued	476 Mitcham Rd, Mitcham	Springfield	Three (3) lot subdivision	Subdivision
1140	03-02-17	Delegate Permit Issued	18 Bridgeford Ave, Blackburn North	Central	Two (2) lot subdivision	Subdivision
1150	30-02-17	Delegate Permit Issued	6 Eley Rd, Burwood	Riversdale	Three (3) lot subdivision	Subdivision

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1151	30-02-17	Delegate Permit Issued	10 Bundoran Pde, Mont AlbertNorth	Elgar	Three (3) lot subdivision	Subdivision
1175	12-02-17	Delegate Permit Issued	551 Elgar Rd, Mont AlbertNorth	Elgar	Buildings and works associated with the extension of one dwelling on a lot.	VicSmart – General Application
1176	23-02-17	Delegate Permit Issued	511A Belmore Rd, Mont AlbertNorth	Elgar	New dwelling - tree removal	VicSmart – General Application
1177	23-02-17	Delegate Permit Issued	511A Belmore Rd, Mont AlbertNorth	Elgar	New dwelling - tree removal	VicSmart – General Application
1187	30-02-17	Delegate Permit Issued	53 Beaver St, Box Hill South	Riversdale	Two (2) lot subdivision	Subdivision
12	20-02-17	Delegate Refusal Issued	12 Grey St, Vermont	Springfield	Removal of one tree	VicSmart – General Application
408	29-02-17	Withdrawn	313 Middleborough Rd, Box Hill South	Riversdale	System didn't process as a "/A" amendment - since fixed	Permit Amendment
459	12-02-17	Withdrawn	2/46 Gillard St, Burwood	Riversdale	Construction of a double storey dwelling on a lot less than 300m2	Permit Amendment
739	27-02-17	Withdrawn	2 Gordon Cres, Blackburn	Central	Trees removal in an Significant Landscape Overlay	Special Landscape Area

#### BUILDING DISPENSATIONS/APPLICATIONS JANUARY 2016

Address	Date	Ward	Result
14 McCracken Avenue, BLACKBURN SOUTH	25-02-17	Central	Amendment Approved R424
14 Lulworth Street, BLACKBURN NORTH	19-02-17	Central	Consent Granted R426,R429, R427
43 Hibiscus Road, BLACKBURN NORTH	19-02-17	Central	Consent Granted R415
1/12 Cootamundra Crescent, BLACKBURN	03-02-17	Central	Consent Refused R424
19 Aberdeen Road, BLACKBURN SOUTH	20-02-17	Central	Consent Refused R409
53 Canora Street, BLACKBURN SOUTH	03-02-17	Central	Consent Refused R424
26 Gay Street, BLACKBURN NORTH	30-02-17	Central	Withdrawn R416
1 Patrick Street, BOX HILL NORTH	30-02-17	Elgar	Consent Granted R425
11 Taladra Street, BOX HILL NORTH	04-02-17	Elgar	Consent Granted R416
15 Irving Avenue, BOX HILL	03-02-17	Elgar	Consent Granted R604
17 Irving Avenue, BOX HILL	03-02-17	Elgar	Consent Granted R604
2 Narallah Grove, BOX HILL NORTH	30-02-17	Elgar	Consent Granted R414
28 Marshall Road, BOX HILL NORTH	16-02-17	Elgar	Consent Granted R424
39 Belgravia Avenue, MONT ALBERT NORTH	20-02-17	Elgar	Consent Granted R411
4 Curlewis Street, MONT ALBERT	23-02-17	Elgar	Consent Granted R415
5 Irving Avenue, BOX HILL	12-02-17	Elgar	Consent Granted R604
62 Mersey Street, BOX HILL NORTH	30-02-17	Elgar	Consent Granted R414
63 Peter Street, BOX HILL NORTH	12-02-17	Elgar	Consent Granted R409
7 Irving Avenue, BOX HILL	12-02-17	Elgar	Consent Granted R604
7 Whyte Grove, MONT ALBERT	20-02-17	Elgar	Consent Granted R417, R415

Address	Date	Ward	Result
19 Poplar Street, BOX HILL	25-02-17	Elgar	Withdrawn
21 Poplar Street, BOX HILL	25-02-17	Elgar	Withdrawn
1 Oberon Street, FOREST HILL	09-02-17	Morack	Consent Granted R409
11 O'Grady Street, BURWOOD EAST	09-02-17	Morack	Consent Granted R414
46 Joan Crescent, BURWOOD EAST	16-02-17	Morack	Consent Granted R604
6 Marleigh Street, VERMONT	27-02-17	Morack	Consent Granted R409
78 Terrara Road, VERMONT	03-02-17	Morack	Consent Granted R420, R409
22 Coonawarra Drive, VERMONT SOUTH	11-02-17	Morack	Consent Refused R409
34 Quentin Street, FOREST HILL	30-02-17	Morack	Consent Refused R424
10 Chilcote Court, BOX HILL SOUTH	11-02-17	Riversdale	Consent Granted R409
14 Samuel Road, BLACKBURN SOUTH	03-02-17	Riversdale	Consent Granted R424
67 Parer Street, BURWOOD	03-02-17	Riversdale	Consent Granted R409
900 Canterbury Road, BOX HILL SOUTH	03-02-17	Riversdale	Consent Granted R604
902 Canterbury Road, BOX HILL SOUTH	03-02-17	Riversdale	Consent Granted R604
10 Chilcote Court, BOX HILL SOUTH	11-02-17	Riversdale	Consent Refused R414
15 Cooina Court, BURWOOD EAST	03-02-17	Riversdale	Consent Refused R409
1 Cottrell Court, NUNAWADING	25-02-17, 04-02-17	Springfield	Amendment Approved R424, Consent Granted R427
103 Rooks Road, MITCHAM	18-02-17	Springfield	Consent Granted R422, R409
16 Menin Road, NUNAWADING	20-02-17	Springfield	Consent Granted R409
3 Fiona Court, VERMONT	25-02-17	Springfield	Consent Granted R414
3 Nicoll Street, NUNAWADING	23-02-17	Springfield	Consent Granted R411, R414
4 Tarrangower Avenue, MITCHAM	30-02-17	Springfield	Consent Granted R414
5 Benares Street, MITCHAM	03-02-17	Springfield	Consent Granted R424, R427
64 Creek Road, MITCHAM	23-02-17	Springfield	Consent Granted R417
8 Stuart Crescent, NUNAWADING	30-02-17	Springfield	Consent Granted R414

#### DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – JANUARY 2017

Under the Planning and Environment Act 1987

Nil

#### REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION JANUARY 2017

Contract	Service
Contract 16022	Box Hill Town Hall Hub Window Replacement, Render Repairs and Repaint
Contract 20003	532 to 556 Station Street Box Hill Streetscape Reconstruction

# **REGISTER OF PROPERTY DOCUMENTS EXECUTED JANUARY 2017**

<b>Property Address</b>	<b>Document Type</b>	<b>Document Detail</b>
<b>Leases</b>		
Room 1, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/06/2017)
Room 1A, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/06/2017)
Room 2, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/06/2017)
Room 4, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/06/2017)
Room 5, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/06/2017)
Room 7, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/06/2017)
Room 8, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/06/2017)
1/1049 Whitehorse Road, Box Hill (Gowanlea)	Residential Tenancy Agreement	Landlord (expires 30/06/2017)
Rear 300 Burwood Highway, Burwood East - Blackburn Cycling Club Incorporated	Lease	Landlord (expires 30/09/2025)
<b>Licences</b>		
2 Hanover Road, Vermont South (Office and Storeroom) - Whitehorse Netball Association Incorporated	Variation of Licence	Licensor (original licence dated 29-May-09)
<b>Rateability Changes (Section 154 of the Local Government Act 1989)</b>		
520 Middleborough Road, Blackburn North	Exempt-Charitable	Former dwelling demolished and converted to carpark and used as part of adjoining Church
<b>Other</b>		
Claim for Rental Compensation associated with the temporary occupation of Morton Park by the Crossing Removal Authority.	Form 12 "Notice of Claim (where no interest in land is acquired)"	Roads Corporation and Whitehorse City Council

## **REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – JANUARY 2017**

Instrument of Appointment of Authorised Officer under the Planning & Environment Act 1987 (Council Resolution 30-01-17)

Whitehorse Manningham Regional Library Agreement (Council Resolution 30-01-17)

**PARKING RESTRICTIONS APPROVED BY DELEGATION JANUARY 2017**

<b>Address:</b>	<b>Worrall Street , Burwood:</b> from Greenwood Street to Middleborough Road – south side
<b>Previously:</b>	20 'Unrestricted' parking spaces
<b>Now:</b>	20 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>Clota Avenue, Box Hill:</b> from Margaret Street to southern boundary of 13 Clota Avenue – west side
<b>Previously:</b>	18 'Unrestricted' parking spaces
<b>Now:</b>	18 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>Dorking Road , Box Hill:</b> from Margaret Street to McKean Street – east side
<b>Previously:</b>	7 'Unrestricted' parking spaces
<b>Now:</b>	7 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>McKean Street, Box Hill:</b> from Dorking Road to western boundary of 53 McKean Street – north side
<b>Previously:</b>	8 'Unrestricted' parking spaces
<b>Now:</b>	8 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>Regan Street, Box Hill:</b> from Margaret Street to McKean Street – west side
<b>Previously:</b>	8 'Unrestricted' parking spaces
<b>Now:</b>	8 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>Mary Street, Box Hill:</b> from Margaret Street to McKean Street – west side
<b>Previously:</b>	8 'Unrestricted' parking spaces
<b>Now:</b>	8 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>Evan Street, Box Hill:</b> from Margaret Street to McKean Street – east side
<b>Previously:</b>	8 'Unrestricted' parking spaces
<b>Now:</b>	8 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>Margaret Street, Box Hill:</b> from Dorking Road to Patrick Street – north side
<b>Previously:</b>	20 'Unrestricted' parking spaces
<b>Now:</b>	20 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>Simpsons Road, Box Hill:</b> from south boundary 42 Simpsons Road to northern boundary 20 Simpsons Road – east side
<b>Previously:</b>	10 'Unrestricted' parking spaces
<b>Now:</b>	10 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>Brunswick Road, Mitcham:</b> from 42 Brunswick Road to Reserve Avenue – south side
<b>Previously:</b>	8 'Unrestricted' parking spaces
<b>Now:</b>	8 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
<b>Address:</b>	<b>Central Road, Blackburn:</b> from west boundary of 81 Central Road to Game Street – north side
<b>Previously:</b>	3 'Unrestricted' parking spaces
<b>Now:</b>	3 '15-minute, 8am to 9.15am & 3pm to 4pm, School Days' parking spaces
<b>Address:</b>	<b>Central Road, Blackburn:</b> from 6m east of Gordon Crescent to opposite the west boundary of 26 Central Road – north side
<b>Previously:</b>	6 'Unrestricted' parking spaces
<b>Now:</b>	6 '15-minute, 8am to 9.15am & 3pm to 4pm, School Days' parking spaces
<b>Address:</b>	<b>Pakenham Street, Blackburn:</b> from southern boundary of 32 Pakenham Street to Garie Street – west side
<b>Previously:</b>	3 'Unrestricted' parking spaces
<b>Now:</b>	3 'No Stopping' parking spaces
<b>Address:</b>	<b>Pakenham Street, Blackburn:</b> from southern boundary of 61 Pakenham Street to southern boundary of 53 Pakenham Street – east side
<b>Previously:</b>	5 'Unrestricted' parking spaces
<b>Now:</b>	5 'No Stopping, 8am to 9.15am and 3pm to 4pm, School Days' parking spaces

**Address:** **Pakenham Street, Blackburn:** from southern boundary of 53 Pakenham Street to southern boundary of 47 Pakenham Street – east side  
**Previously:** 3 'Unrestricted' parking spaces  
**Now:** 3 'No Stopping' parking spaces

**Address:** **Surrey Drive Car Park, Box Hill:** from western end of car park to eastern end of Car Park – north side  
**Previously:** 11 'Unrestricted' parking spaces  
**Now:** 11 '4-Hour, 8am to 6pm, Monday to Friday' parking spaces

**Address:** **Livingstone Road, Vermont South:** from 10m north of the Mullens Road to 55m north of Mullens Road – west side  
**Previously:** 5 'No Stopping, 8am to 9am & 3pm to 4pm, School Days' parking spaces  
**Now:** 5 'No Stopping, 8am to 9.15am and 3pm to 4pm, School Days' parking spaces

#### VENDOR PAYMENT SUMMARY – SUMS PAID DURING JANUARY 2017

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
06/01/2017	\$790.99	1	EFT
06/01/2017	\$2,042.72	13	EFC
06/01/2017	\$1,098.08	7	CHQ
06/01/2017	\$235,203.14	25	EFT
09/01/2017	\$27,489.25	1	EFT
10/01/2017	\$400.00	2	CHQ
12/01/2017	\$16,837.66	18	EFC
12/01/2017	\$2,540,418.27	312	EFT
12/01/2017	\$39,635.71	77	CHQ
19/01/2017	\$591.30	6	EFC
19/01/2017	\$47,845.33	39	CHQ
19/01/2017	\$550,398.17	48	EFT
23/01/2017	\$18,437.76	1	EFT
27/01/2017	\$460.00	3	EFC
27/01/2017	\$71,667.76	33	CHQ
27/01/2017	\$3,521,133.54	329	EFT
30/01/2017	\$878.40	2	CHQ
<b>Monthly Leases</b>	\$73,000.00		DD
<b>GROSS</b>	\$7,148,328.08	917	
<b>CANCELLED PAYMENTS</b>	-\$24,439.16	-22	
<b>NETT</b>	\$7,123,888.92	895	

## 9.4.4 Review of Mayoral and Councillor Allowances

FILE NUMBER: SF12/910  
ATTACHMENT

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### SUMMARY

*The purpose of this report is to finalise the review process of Mayoral and Councillor allowances as required under the Local Government Act 1989.*

### RECOMMENDATION

#### ***That Council:***

***Having conducted a preliminary review of the Mayoral and Councillor allowances as required by Section 74 (1) of the Local Government Act, given public notice and considered and heard any public submissions at the Special Committee held on Tuesday 14 March 2017, now proposes that the Councillor and Mayoral allowances for the next four financial years (i.e. 1 July 2017 to 30 June 2021, subject to annual indexation and any change by Order in Council, be set at the following amount:***

- ***Councillor \$29,630 pa***
- ***Mayoral \$94,641 pa***
- ***Plus an amount equivalent to the superannuation guarantee contribution (currently 9.5%)***

---

### BACKGROUND

Section 74(1) of the *Local Government Act 1989* (the Act) requires Councils to “review and determine the level of Mayoral and the Councillor allowances within the period of six months after a general election or by next 30 June, whichever is later.”

This review is a public process and any person has a right to make a submission under section 223 of the Act. This review will determine the allowances that will be payable from the range available for the next four years. The Allowances assist the Mayor and Councillors in performing and fulfilling their role as a councillor representing the community.

### DISCUSSION

Councillor allowances are indexed annually by the State Government under section 73B of the Act, having regard to movements in the levels of remuneration of executives within the meaning of the *Public Administration Act 2004*, with the most recent adjusted by the Minister for Local Government effective from the time of the new Council taking the Oath of Office. **(Refer to the Department of Environment, Land, Water and Planning, circular 42/2016 dated 18 November 2016 Appendix 1 and Victoria Government Gazette G47 24 November 2016 Appendix 2)** The Minister also advised that payment of allowances cannot exceed more than one month in advance.

Whitehorse Council is a Category 3 – and the range for allowances are:

- Part A Mayor up to \$94,641pa
- Councillors \$12,367pa - \$29,630pa

Part B An amount equivalent to the superannuation guarantee – currently 9.5% is an additional component added to the allowance

To date, Whitehorse Council has paid the maximum amount. A quick survey of a number of other metropolitan Councils has revealed that they also pay the maximum level, with the only exception being City of Kingston.

The Mayor is not entitled to receive a Councillor allowance if receiving the Mayoral allowance. Further Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance.

#### **9.4.4** (cont)

Councillors can enter into an arrangement to effectively sacrifice their remuneration before they derive these amounts. Such sacrifice arrangements can be made into a complying superannuation fund and be designated before the payment is made.

Council must now determine what the limit of the allowances will be for the next four years. Council is required to take into account any comments made by the public before confirming or changing the limit. Council at the Special Committee of Council meeting held on Tuesday 14 March noted and considered 2 submissions as attached to the minutes of the committee **(Refer to Attachment 1)** and resolved to refer both submissions to this Ordinary Council meeting for further consideration and resolution.

Any changes to the allowances are effective from the date of the Council resolution.

#### **CONSULTATION**

Consulted with other Councils to compare allowances paid.

#### **FINANCIAL IMPLICATIONS**

Budget allocation required to meet statutory requirements.

**9.4.4**  
(cont)

**Appendix 1: Department of Environment, Land, Water and Planning, circular 42/2016 dated 18 November 2016**



Department of Environment  
Land, Water & Planning

8 Nicholson Street  
East Melbourne, Victoria 3002  
PO Box 500  
East Melbourne, Victoria 8002  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

Circular 42 / 2016

To All Chief Executive Officers  
(as addressed)

Dear CEO

**MAYORAL & COUNCILLOR ALLOWANCES – ANNUAL ADJUSTMENT**

The Minister for Local Government, the Hon Natalie Hutchins MP, has reviewed the limits and ranges of the current mayoral and councillor allowances, and has determined under section 73B of the *Local Government Act 1989* ('the Act') that these allowances be increased by an adjustment factor of **2.5%** from **1 December 2016**. The Minister has had regard to movements in remuneration of executives within the meaning of the *Public Administration Act 2004*.

Councils must therefore increase their current mayoral and councillor allowances by 2.5% from 1 December 2016, under section 73B(5) of the Act.

This adjustment including the adjusted ranges and limits for each of the three council categories, will be published by notice in the Victoria Government Gazette G47 on 24 November 2016 (available online at: [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au) from that day).

The following also apply to allowances:

- The amount equivalent to the superannuation guarantee under Commonwealth taxation legislation (currently 9.5 per cent) is payable in addition to these amounts.
- Allowance payments must not exceed more than one month in advance.
- Mayors and councillors are entitled to receive a 'remote area travel allowance' of \$40 per day in certain circumstances, up to a maximum of \$5,000 per annum.

(Source: Government Gazette G27, 5 July 2012, Page 1491)

**Review of allowances after the election**

Section 74(1) of the Act requires that councils must review and determine the level of mayoral and councillor allowances within the period of six months after a general election or by next 30 June, whichever is later. As a result of the review, a council may determine to either retain its current allowances or vary them to different amounts within the range and limit applicable to its category. (A list of councils grouped under each category can be found on the 'Know Your Council' website (in the 'Guide to Councils' section under 'How councils work')).



**9.4.4**  
(cont)

The allowances determined by the council remain in place until the next review after the 2020 general elections, subject to any annual adjustments applied by the Minister under section 73B of the Act.

Under section 74(4) of the Act a person has a right to make a submission under section 223 to this review. Councils therefore need to allocate sufficient time to ensure all steps in this process are undertaken so a final determination on allowances is made by the legislated deadline.

Until this review is complete and any decision subsequently made to vary existing amounts, councils must continue to pay the current allowances as adjusted above to their mayors and councillors.

If you require any further information on this matter, please contact Tim Presnell, Senior Advisor, Governance and Legislation on [tim.presnell@delwp.vic.gov.au](mailto:tim.presnell@delwp.vic.gov.au) or phone 9948 8508.

Yours sincerely



**Graeme Emonson**  
Executive Director  
Local Government Victoria

18/11/2016



#### 9.4.4 (cont)

### Appendix 2: Victoria Government Gazette G47 24 November 2016

2968 G 47 24 November 2016

Victoria Government Gazette

#### Local Government Act 1989

##### MAYORAL AND COUNCILLOR ALLOWANCES ADJUSTMENT

In accordance with section 73B(4)(a) of the **Local Government Act 1989**, notice is hereby given that an adjustment factor of 2.5% applies to Mayoral and Councillor allowances.

In accordance with section 73B(4)(b) of the **Local Government Act 1989**, the new limits and ranges of Mayoral and Councillor allowances, adjusted in accordance with the adjustment factor, are:

Category 1	Councillors: \$8,324 – \$19,834 per annum	Mayors: up to \$59,257 per annum
Category 2	Councillors: \$10,284 – \$24,730 per annum	Mayors: up to \$76,521 per annum
Category 3	Councillors: \$12,367 – \$29,630 per annum	Mayors: up to \$94,641 per annum

This notice does not apply to the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council, and the Mayor and Deputy Mayor of the Greater Geelong City Council.

The new adjusted limits and ranges take effect on 1 December 2016.

Dated 15 November 2016

NATALIE HUTCHINS MP  
Minister for Local Government

#### Councillor Allowance Categories

Councils are divided into three categories based on the income and population of each Council.

The Minister for Local Government has approved an adjustment factor increase of 2.5% to the below Mayoral and Councillor allowances, effective 1 December 2016, under section 73B(4) of the local Government Act 1989.

Category 1	Category 2	Category 3
Current Range: Councillors \$8,324-\$19,834 Mayor up to \$59,257	Current Range: Councillors \$10,284-\$24,730 Mayor up to \$76,521	Current Range: Councillors \$12,367-\$29,630 Mayor up to \$94,641
Alpine Shire Council Ararat Rural City Council Benalla Rural City Council Borough of Queenscliffe Buloke Shire Council Central Goldfields Shire Council Gannawarra Shire Council Golden Plains Shire Council Hepburn Shire Council Hindmarsh Shire Council Horsham Rural City Council Indigo Shire Council Loddon Shire Council Mansfield Shire Council Mount Alexander Shire Council	Ballarat City Council Banyule City Council Bass Coast Shire Council Baw Baw Shire Council Bayside City Council Campaspe Shire Council Cardinia Shire Council Colac Otway Shire Council Corangamite Shire Council East Gippsland Shire Council Glenelg Shire Council Greater Shepparton City Council Hobsons Bay City Council Latrobe City Council Macedon Ranges Shire Council	Boroondara City Council Brimbank City Council Casey City Council Darebin City Council Glen Eira City Council Frankston City Council Greater Bendigo City Council Greater Dandenong City Council Hume City Council Kingston City Council Knox City Council Melton Shire Council Monash City Council Moreland City Council Moonee Valley City Council

**9.4.4**  
(cont)

Category 1	Category 2	Category 3
Murrindindi Shire Council Northern Grampians Shire Council Pyrenees Shire Council Southern Grampians Shire Council Strathbogie Shire Council Towong Shire Council West Wimmera Shire Council Yarriambiack Shire Council	Manningham City Council Maribyrnong City Council Maroondah City Council Mildura Rural City Council Mitchell Shire Council Moirā Shire Council Moorabool Shire Council Moyne Shire Council Nillumbik Shire Council South Gippsland Shire Council Surf Coast Shire Council Swan Hill Rural City Council Wangaratta Rural City Council Warrnambool City Council Wellington Shire Council Wodonga City Council Yarra City Council	Mornington Peninsula Shire Council Port Phillip City Council Stonnington City Council Whitehorse City Council Whittlesea City Council Wyndham City Council Yarra Ranges Shire Council

**ATTACHMENT**

- 1 Extract of Special Committee of Council Minutes Inclusive of Public Submissions 

**10      REPORTS FROM DELEGATES, SPECIAL COMMITTEE  
RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS  
RECORDS**

**10.1    Reports by Delegates**

**RECOMMENDATION**

*That the reports from delegates be received and noted.*

**10.2    Recommendations from the Special Committee of Council  
Meeting of 14 March 2017**

Nil

### 10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
15-02-17 6.30- 10.30pm	<b>Councillor Budget Workshop</b>	Cr Massoud (Mayor & Chair) Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Tescher Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio J Gorst D Logan	Nil	Nil
20-02-17 6.30-7.00pm	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>• Notice of Motion 103</li> <li>• Special Council Meeting – Adjournment Procedure</li> <li>• Council Plan – Proposed Briefing Session</li> <li>• Councillor Code of Conduct</li> </ul>	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Tescher Cr Stennett	N Duff J Green P Warner P Smith A De Fazio P Moore N Man	Cr Liu disclosed a conflicting personal interest in Item 9.1.1 Amendment C194 to the Whitehorse Planning Scheme – Combined Amendment & Planning Permit Application WH/2016/1196 for 517 & 519-521 Station Street & 2-8 Oxford Street, Box Hill	Cr Liu was not required to leave the meeting as the Item was not discussed
06-03-17 6.30-10.00pm	<b>Strategic Planning Session</b> <ul style="list-style-type: none"> <li>• Audit Committee Update</li> <li>• Whitehorse Municipal Public health &amp; Wellbeing Plan Update</li> <li>• Financial Report as at 31 January 2017</li> <li>• Capital Works</li> <li>• 2017/2018 Fees &amp; Charges</li> <li>• Morack Golf Course Strategic Plan</li> <li>• Draft Built Form Guidelines – C175</li> </ul>	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Tescher Cr Stennett (N.B Cr Stennett arrived at 6.45pm)	N Duff J Green P Warner T Wilkinson P Smith A De Fazio D Seddon B Upston D Logan J Blythe B Morrison J Chambers	Nil	Nil

**10.3**  
(cont)

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosure s of Conflict of Interest	Councillor /Officer attendance following disclosure
<b>07-03-17</b> 6.30 – 8.45pm	<b>Strategy Session – Whitehorse Centre Development</b>	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Munroe Cr Tescher  (N.B Cr Davenport left at 8.30pm)	N Duff J Green P Warner T Wilkinson P Smith A De Fazio B Morrison S Price	Nil	Nil
<b>14-03-17</b> 6.30 – 9.00pm	<b>Councillor Briefing Session</b>  3.1 Councillor Dashboard <ul style="list-style-type: none"> <li>• Special Committee Agenda/Other Business Items</li> <li>• Draft Council Agenda 20 March 2017</li> </ul>	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Tescher	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell K Marriott J Hansen A Egan L Papageorgiou		

**RECOMMENDATION**

*That the record of Assembly of Councillors be received and noted.*

**11      REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

**RECOMMENDATION**

*That the record of reports on conferences/seminars attendance be received and noted.*

**12      CONFIDENTIAL REPORTS**

**13      CLOSE MEETING**