



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

Monday 16 October 2017

at 7.00pm

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

Ms Noelene Duff
Chief Executive Officer

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Meeting opened at 7.00pm

Present: Cr Massoud (Mayor), Cr Barker, Cr Bennett, Cr Carr, Cr Cutts, Cr Davenport,
Cr Ellis, Cr Liu, Cr Munroe, Cr Stennett

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

The Mayor welcomed all

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 18 September 2017 and Confidential Ordinary Council Meeting 18 September 2017

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Bennett

That the minutes of the Ordinary Council Meeting 18 September 2017 and Confidential Ordinary Council Meeting 18 September 2017 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

None Submitted

6 NOTICES OF MOTION

Nil

7 PETITIONS

Nil

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 4 Longbrae Avenue, FOREST HILL (LOT 304 LP 050919)– Construction of two detached double storey dwellings

FILE NUMBER: WH/2016/1022
ATTACHMENT

SUMMARY

This application was advertised, and a total of thirty nine (39) objections were received. The objections raised issues with amenity, neighbourhood character, overshadowing, and overlooking. A Consultation Forum was held on 22 August 2017 chaired by Councillor Bennett, 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.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Carr

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2016/1022 for 4 Longbrae Avenue, FOREST HILL (LOT 304 LP 050919) 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 two detached 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 4 Longbrae Avenue, FOREST HILL (LOT 304 LP 050919) for the Construction of two detached double storey dwellings, subject to the following conditions:*
- 1.** *Before the development starts, or vegetation is removed, amended plans (three full size copies and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with plans DWG04-DWG10, drawn by Positive Footprints Pty Ltd submitted 22 May 2017, but modified to show:*
 - a)** *Notation on the elevation plans that the first floor windows of Dwellings 1 and 2 are to contain obscure glazing, or are to have sill heights of 1700mm above finished floor level, generally in accordance with Standard B22 of ResCode.*
 - b)** *Notation on site plans that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
 - c)** *The deletion of the reference to the timber trellis proposed to be erected on top of the existing northern boundary fence within the secluded private open space of Dwelling 2, and its replacement with screen planting to be shown on the landscape plan required by Condition 3 of this permit.*

9.1.1
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- d) *Notation on the site plan indicating a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of the proposed driveway and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road, in accordance with Standard 1 of Clause 52.06-8 of the Whitehorse Planning Scheme.*
- e) *Landscape Plan in accordance with Condition 3, including the following:*
 - i. *A large canopy tree, and three medium to small canopy trees are to be planted within the front setback of the site.*
 - ii. *A canopy tree capable of growing in excess of 8 metres in the SPOS area of Dwelling 1.*
 - iii. *A canopy tree capable of growing in excess of 8 metres in the SPOS area of Dwelling 2.*
 - iv. *All new trees must be planted at a minimum height of 1.5 metres.*
- f) *The locations of Tree Protection Zones and Structural Root Zone 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.*
- g) *Locations of letter boxes and site services including fire services, substation (if required) and utility meters.*

Once approved these plans and documents 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 building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan for the containerised plantings 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) *Screen planting to be established along the northern boundary within the secluded private open space of Dwelling 2, that is capable of growing to a minimum mature height of 3.0 metres.*
 - e) *Large Canopy trees to be selected from the following species: Eucalyptus polyanthemos Red Box, Eucalyptus melliodora Yellow Box, Cedrus deodara Himalayan Cedar, Quercus palustris Pin Oak, Angophora costata Smooth Barked Apple Myrtle,*

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- f) **Medium Canopy trees to be selected from the following species: Allocasuarina littoralis Black She-Oak, Acacia implexa Lightwood, Waterhousea floribunda Weeping Lilly Pilly, Callistemon saligna Pink Tips, Fraxinus excelsior Golden Ash, Betula pendula Silver Birch, Pyrus calleryana 'Aristocrat', 'Capital', or 'Chanticleer', Corymbia citriodora Lemon Scented Gum, Zelkova serrata Japanese Zelkova, Tilia cordata Small Leaf Lime, Ulmus parvifolia Chinese Elm, Allocasuarina torulosa Forest She-Oak, Eucalyptus leucoxyton 'Euky Dwarf', Tristaniopsis laurina Water Gum, Eucalyptus mannifera Little Spotty.**
- g) **Small Canopy trees to be selected from the following species: Acer buergerianum Trident Maple, Acer palmatum Japanese Maple, Callistemon viminalis Weeping Bottlebrush, Agonis flexuosa 'Burgundy', Cercis canadensis Eastern Redbud, Cercis chinensis 'Avondale' Chinese Redbud, Lagerstroemia indica Crepe Myrtle, or Corymbia ficifolia 'Baby Scarlet' Dwarf Flowering Gum.**
- h) **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.**
- i) **The proposed design features such as paths, paving, lawn and mulch.**
- j) **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 must be completed before the building is occupied.

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

- 4. **The garden areas shown on the endorsed plan must only be used as gardens 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. **Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) 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. **Street trees – 2.0 metre radius from centre base of tree.**
 - ii. **Tree 2 – 2.0 metre radius from centre base of the tree.**
 - iii. **Tree 3 – 2.0 metre radius from centre base of the tree.**
 - iv. **Tree 4 – 2.0 metre radius from centre base of the tree.**
 - v. **Tree 7 – 2.0 metre radius from centre base of the tree.**
 - vi. **Tree 8 – 2.0 metre radius from centre base of the tree.**
 - b) **Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:**
 - i. **Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.**
 - ii. **Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.**

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- iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
 - 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 authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 6. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
- a) 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 1.3m of the south boundary fence where within the 2.0m TPZ of Tree 2.*
 - b) All buildings and works (soft landscaping allowable) including soil level changes, must be setback 1.3m from the south boundary fence where within the 2.0m TPZ of Tree 2.*
 - c) 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 1.5m of the west boundary fence where within the 2.0m TPZ of Tree 4.*
 - d) All buildings and works (soft landscaping allowable) including soil level changes, must be setback 1.5m from the west boundary fence where within the 2.0m TPZ of Tree 4.*

The existing street tree must not be removed or damaged.

- 7. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.**
- 8. 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.**
- 9. 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.**
- 10. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**

9.1.1

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- 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.**

Expiry

- 12. 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 provision of Section 69 of the Planning and Environment Act 1987.

Permit Notes:

- All stormwater drains must be connected to a legal point of discharge in accordance with the requirements of Council's Engineering Department.**
 - In order to ensure that driver sight lines are not obstructed, no gate may be constructed across the vehicle accessway.**
 - The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.**
 - 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.**
 - 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.**
- 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.**

CARRIED UNANIMOUSLY

9.1.1
 (cont)

MELWAYS REFERENCE 62 G3

Applicant:	Positive Footprints
Zoning:	General Residential Zone Schedule 1
Overlays:	N/A
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 or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Morack



9.1.1 (cont)

BACKGROUND

History

There are no previous planning applications for the subject site.

The application was originally lodged on 8 November 2016. Subsequent to Council's letter seeking additional information which was dated 29 November 2016, amended plans were lodged on 22 May 2017 to address issues raised by Council Officers. The amended plans removed one of the two proposed driveways, introduced articulation to the walls of the dwellings, and reinforced the environmental sustainability of the design of the proposed dwellings. It is these plans that form the basis of the report below.

The Site and Surrounds

The subject site is located on the western side of Longbrae Avenue, one house block from the intersection with Vanbrook Street, in Forest Hill. The site is rectangular in shape with a frontage to Longbrae Avenue of 15.24 metres, a depth of 39.93 metres, and a total site area of 607.8sqm.

The site is occupied by a single storey brick veneer dwelling with a tiled hip and gable roof. A separate garage is located on the northern boundary in the rear of the site, and is accessed via a single width crossover and driveway that extends along the northern boundary. The dwelling is surrounded by established gardens consisting largely of open lawn area with evergreen shrubs having a height of between 3 – 5 metres scattered around the perimeter.

In terms of topography, the site is relatively flat, with a fall from the south to the north of approximately 400mm. A 1.83 metre wide drainage and sewerage easement extends along the rear (western) boundary.

The surrounding properties are residential, comprising a mix of single and double storey dwellings generally from the 1960s-1980s set within established exotic gardens. The immediate context comprises:

North:

- The property at 2 Longbrae Avenue contains a single storey brick dwelling with a hip and gable roof including eaves. The existing dwelling has a long straight side wall constructed close to the common boundary (setback approximately 800mm from its southern boundary). This southern wall of the dwelling contains four habitable room windows which have outlook toward the site. The boundary is marked by a 2.0 metre high timber paling fence.

East:

- Immediately to the east is the Longbrae Avenue street frontage, which contains a street tree in front of the property. On the opposite side of the street, blocks are developed with established single storey brick veneer dwellings, which are generally uniformly setback and contain front fencing ranging from 700mm to 1.5m in height. Car parking structures are generally detached and located in the rear, with a driveway located along the northern (side) boundary providing access.

South:

- The property at 6 Longbrae Avenue is a corner allotment, and contains a single storey brick dwelling with a hip and gable roof including eaves. The existing dwelling is setback 1.79 metres from the common boundary to the side wall of the dwelling, and setback 1.3m from the common boundary to the edge of the eave line. The northern wall of the dwelling contains three habitable room windows and a door with adjoining window which have outlook toward the site. A detached single garage is located in the rear of the property, adjacent to the easement, with vehicle access derived from Vanbrook Street. The boundary is marked by a 1.8 metre high timber paling fence.

9.1.1

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West:

- To the west, at 79 Vanbrook Street, the property is developed with a single storey brick veneer dwelling with a hip and gable roof including eaves. The rear of the property adjoins the subject site, and a single detached galvanised iron garage is located on the common boundary with the subject site, accessed via a driveway that extends along the eastern boundary of the land. A timber shed is also located within the secluded private open space to the rear of the dwelling. The boundary is marked by a 1.8 metre high timber paling fence.

Planning Controls

Pursuant to Clause 32.08 (General Residential Zone Schedule 1) of the Whitehorse Planning Scheme, a planning permit is required for the construction of two or more dwellings on a lot.

PROPOSAL

It is proposed to construct two double storey dwellings in a lineal, one behind the other arrangement.

Dwelling 1 will face the street (Longbrae Avenue), while Dwelling 2 will be located in the rear of the site.

A shared vehicle access arrangement will be provided, with the proposed driveway to utilise the existing crossover in Longbrae Avenue and extending down the northern boundary of the site.

Both dwellings include an open plan kitchen/ living area at ground floor level and Dwelling 2 also contains a bedroom and bathroom. The first floors of Dwelling 1 and 2 each contain two bedrooms, shared bathroom, and a lounge area. Secluded private open space is located on the northern side of the dwelling and has good solar access.

A 0.9 metre paling fence is proposed along the Longbrae Avenue frontage.

The materials and colour palette proposes lightweight cladding to the dwelling, with double glazed windows and metal sheet roofing.

The proposed dwellings will have a maximum overall height of 8.0 metres.

The proposed houses will both have a minimum 8 star energy rating. The design includes passive solar design, using windows and glazed doors for heat gain in winter and ventilation in summer, eaves for summer shading, concrete floor for thermal mass and high levels of insulation to the walls and roofing. Rainwater will be harvested and reticulated for toilet flushing, and to supply laundry and garden taps. Solar panels, ceiling fans, water efficient plumbing and appliances and energy efficient appliances will also be included.

The development is consistent with the guidelines for development in the Garden Suburban Precinct 6, as the proposal will not result in the loss of any significant trees or substantial vegetation, provides more than 30% as permeable surface (proposed to be 59%), includes one vehicle crossover per site frontage, includes private open space with a minimum dimension of 5 metres for each dwelling with a northern orientation, has a front setback of 7.0 metres, is setback a minimum of 1.0 metre from the southern (side) boundary, is separated by 6.4 metres between the two proposed dwellings, and includes articulated facades of buildings with the use of recesses, window openings and variation in the materials and colour palette.

9.1.1

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CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice on the front of the site. Following the advertising period, thirty nine (39) objections were received from neighbouring and surrounding properties.

The issues raised are summarised as follows:

Neighbourhood Character

- Building bulk and form
- Overdevelopment of the site
- Two storey development

Amenity Impacts

- Overlooking
- Overshadowing
- Noise during construction

Traffic and Car Parking

- Increased on-street parking
- Traffic safety impacts on the street (noise)

Landscaping

- Tree removal

Non-planning matters

- Concerns regarding asbestos
- Negative impact on surrounding property values
- Set an undesirable precedent

Consultation Forum

A Consultation Forum was held on Tuesday, 22 August 2017. Approximately twenty three (23) objectors attended the meeting together with the applicant, Council Officers and Councillor Bennett.

The Chair facilitated discussions around the themes raised in objections. The applicant provided a brief overview and some of the key features of the application to participants. Although no consensus was reached in terms of the issues raised, the applicant agreed to the following:

- Extent of overshadowing to 6 Longbrae Avenue (adjoining property to the south) to be clarified, through the provision of overshadowing plans at a scale of 1:100 which are to show the shadow cast by the proposed development, in addition to the extent of shadow cast by the existing boundary fence. These were provided on 30th August 2017, and demonstrated compliance with the requirements of ResCode.
- The 300mm trellis to be erected on the northern boundary to screen views from the external deck to Dwelling 2 will be freestanding, and not affixed to the top of the boundary fence.

Referrals

External

The application did not require any external referrals under Section 55 of the Planning and Environment Act, 1987.

9.1.1

(cont)

Internal

Planning Arborist

The plans appear to show no trees being retained on site.

The site, landscape and drainage plans must be amended to show the following:

- Trees 2, 3, 4, 5, 6, and 8 which are located on adjoining properties, together with their respective TPZs and SRZs.
- No TPZ is to be less than 2.0 metres.

A landscape plan is to be prepared to show one large tree and three medium to small sized trees being planted within the front setback. In addition, the plans must show shrubs and grasses planted throughout the site. All species are to be selected from a list provided by Council Officers.

DISCUSSION

Consistency with State and Local Planning Policies

The State Planning Policy Framework aims to increase the supply of housing in existing urban areas, and to encourage well-designed infill housing which respects the identified existing and preferred neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.

The construction of one additional dwelling on this site is consistent with State and Local Planning Policies which encourages higher density housing development within walking distance of shops, recreation facilities and public transport. The proposal accords with State 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) identifies three categories of 'change' in the municipality. The subject site is included within a '*natural change area*', which is expected to '*allow for modest housing growth and a variety of housing types provided they achieve the preferred future neighbourhood character as identified in Clause 22.03 – Residential Development*'.

The objectives for 'natural change areas' include:

- '*Support increased housing choice by allowing for a diversity of dwelling types, sizes and tenures.*
- '*Ensure new development contributes to the preferred neighbourhood character of the precinct.*
- '*Encourage new development applications to include landscape guidelines that show how the retention of existing vegetation where possible will be achieved, at the outset of the design process.*'

Under Clause 22.03 (Residential development), strategies for 'natural change areas' include:

- '*Encourage low and medium density housing in the following forms:*
 - *Detached houses;*
 - *Semi-detached dwellings, townhouses, row or terraces;*
 - *Units or townhouses.*
- '*Support new medium density developments in Natural Change Areas that:*
 - *Contribute to the preferred neighbourhood character for the location;*
 - *Provide a sensitive and appropriate interface with adjoining streetscapes, buildings and residential areas.*
- '*Provide a range of dwelling types, sizes and tenures, including affordable housing, in larger developments.*

9.1.1

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- *Locate medium density housing, in the form of townhouses or units, close to transport, activity centres and community infrastructure.*
- *Ensure that the siting and design of new dwellings is respectful of surrounding development.*
- *Ensure buildings interfacing sensitive areas and uses in natural change areas are of a scale and massing appropriate to the character and scale of their context.*
- *Consider the retention of older dwellings in areas where these buildings dominate.'*

The site is included within the Garden Suburban Precinct 6. The preferred character statement for GS6 is as follows:

“The modest, pitched roof dwelling will sit within well-established garden settings and will not dominate the streetscape due to consistent siting patterns and substantial planting. The rhythm of dwelling separation will appear regular from the street, even with buildings occasionally built to one side boundary. The streets will have spacious and leafy feel, which is complemented by tall trees in the public and private realm, visible from lawn areas due to the frequent lack of or low front fencing and grass nature strips.”

The design response allows for perimeter landscaping to be provided, and the building form is graduated in height so that the upper levels can achieve setbacks and recession of building forms. The setbacks proposed together with the graduation in height provides for a transition of built form to existing abutting residential interfaces.

It is noted that a key issue raised by objectors is the introduction of two storey form. The components of the Whitehorse Planning Scheme that seek to manage appropriate neighbourhood character outcomes do not disregard two storey buildings. Rather, they seek to ensure built form elements provide a response that respects setbacks, landscape and buildings that do not dominate in the street context. The response provided achieves a modest two storey form that responds to these components of the neighbourhood character.

Achieving a site responsive design is further guided by the objectives contained within the *City of Whitehorse Neighbourhood Character Study 2014*, and the policy objectives of Clause 22.04 (Tree Conservation).

Clause 22.04, Tree Conservation, seeks to encourage the retention and regeneration of significant vegetation. The development proposes substantial in-ground landscaping areas made available along the rear and side boundaries, and front setback to enhance the tree coverage and landscape character.

General Residential Zone Schedule 1

The purpose of the zone includes:

“To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to service local community needs in appropriate locations.”

The decision guidelines for Schedule 1 to the GRZ include:

- *“Whether the proposal provides for an appropriate built form transition to residential properties in the Neighbourhood Residential Zone.*
- *Whether the vegetation in the street setback will contribute to the preferred neighbourhood character and the public realm.*
- *Whether there is sufficient permeable space that is not encumbered by an easement to enable the planting of canopy trees.*
- *Development should provide for the retention and/or planting of trees, where these are part of the character of the neighbourhood.”*

9.1.1

(cont)

The design response for the subject site seeks to remove all trees from the subject site, however none of the trees have been assessed as significant, nor do they contribute to the local landscape character.

It is considered that the proposed development makes adequate provision for landscaping both in the front setback to Longbrae Avenue, and in between dwellings, and that adequate areas have been provided on site to plant canopy trees to both soften the presentation of the built form, and contribute to the landscape character of the area.

The proposed dwellings are detached, with good separation at both ground floor and first floor, and leaving sufficient space for a landscape buffer between the dwellings on the same site, as required by the General Residential Zone Schedule 1.

Design and Built Form

The proposed development comprises a contemporary design, however the scale and proportions of the buildings are in keeping with the built form of developments in the area. The design of the new dwellings does not exceed two storeys in height, and the proposed roof forms incorporate eaves which will ensure that this new development provides a positive interface and will not dominate the streetscape. Furthermore, building detailing will reflect (without mimicking) the details of buildings in the area such as the use of recesses, window openings and variations in materials and colours.

The proposed design and siting is consistent, subject to conditions, with the objectives and intent of Council's Residential Development Character Area Garden Suburban Precinct 6. In particular, the proposal retains the generous front setbacks, and proposes to maintain a 1.2 metre setback from the southern boundary to allow views between dwellings. Substantial landscaping opportunities have also been incorporated throughout the site.

The proposed front setback of Dwelling 1 is 7.0 metres from Longbrae Avenue to the front wall of the house. The adjoining property to the south (6 Longbrae Avenue) has a front setback of 9.1 metres, while the adjoining dwelling to the north (2 Longbrae Avenue) has a front setback of approximately 8.2 metres. In accordance with Standard B6 of Clause 55 (ResCode), the front setback should be the average of the adjoining properties, and therefore be 8.6m. However, the decision guidelines of Standard B6 allow the responsible authority to consider if an alternative front setback would be suitable, given the prevailing front setbacks in the surrounding area. Houses located on the eastern side of Longbrae Avenue have setbacks ranging from approximately 6.5 metres to 7.6 metres, so the proposed front setback of 7.0 metres is considered to be appropriate in the neighbourhood context.

The proposed dwellings have sufficient space around them to be meaningfully landscaped, so that they will sit within garden settings and will not dominate the streetscape. Tall trees in the front setback will also assist in providing a visual break to the proposed dwelling.

A 0.9 metre paling fence is proposed along the Longbrae Avenue frontage, which is considered to be appropriate to the dwelling style.

Landscaping

It is proposed to remove all existing vegetation from the subject site. Species of trees on site, as identified in the arborist report prepared by Tag Consulting and dated 10 March 2017, include Bird of Paradise, Chinese Elm, Photinia, Cabbage tree, and Sweet Pittosporum. None of these species or individuals has been assessed as significant, or contributing to local landscape character.

The street tree on Longbrae Avenue, a 4.0 metre high Queensland Brush Box, will be unaffected by the proposed development as the existing crossover will be utilised to service both Dwelling 1 and Dwelling 2.

9.1.1

(cont)

Council's Arboricultural Assessment noted that no trees are proposed to be retained on site. It is noted that the trees on adjoining properties, and their respective TPZs and SRZs be shown on the development plans. Also that any landscape plan proposed should show one large tree and three medium to small sized trees being planted within the front setback, which would soften the appearance of the building form when viewed from the adjoining residential street. In addition, it was requested the landscape plans show shrubs and grasses to be planted throughout the site, with species to be selected from a list supplied by Council.

These landscaping requirements will meet the objectives of the Garden Suburban Precinct 6, as there will be space provided to plant new canopy trees and substantial vegetation, footings are located outside the root zone of established trees on adjoining properties, and site permeability is approximately 70%. Open space areas are oriented to the north for both Dwelling 1 and 2.

Amenity

A number of objectors raised concerns regarding the potential impact from overlooking, overshadowing, noise and pollution. The siting and design of the development is not considered to give rise to any unreasonable off-site amenity impacts as follows:

- The development achieves a ground floor setback of 1.0 metre to Dwelling 1 and 1.6 metres to Dwelling 2, and a first floor setback of 2.1 metres for Dwelling 1 and 2.6 metres to Dwelling 2. These setbacks will ensure well articulated built forms.
- The adjoining dwelling to the south (6 Longbrae Avenue) has north facing windows within 3.0 metres of a boundary, and as such, the provisions at Standard B20 of ResCode (Clause 55.04-4 North facing windows) apply. This provision requires a formulaic setback from the boundary depending upon the height of the dwelling. Dwelling 1, which is proposed to be constructed adjacent to the existing dwelling at 6 Longbrae Avenue has a wall height on its southern boundary of 5.5 metres, requiring a setback from any north facing windows of 1.0 metre increasing to 2.9 metres from the edge of each side of the window. This setback can include land on an adjoining lot.

The ground floor plans have a dimension of 2.8 metres between the north facing wall of 6 Longbrae Avenue, and the southern wall of Dwelling 1. The first floor plans have a dimension of 3.8 metres between the north facing wall of 6 Longbrae Avenue, and the south facing first floor wall of Dwelling 1. The setbacks therefore exceed the requirements.

- The development will not cause overshadowing to its northern side, however it will cause some shadow spill into the adjoining property to the west and to the south. The development must therefore be tested against the measures at Standard B21 of ResCode (Clause 55.04-5 Overshadowing open space).

At 9am on the 22 September (the date on which the ResCode standard is measured), shadows will be cast by the proposed development to the west (79 Vanbrook Street) In the case of the 9am shadow, it will fall over the roof of the existing galvanised iron garage in the rear secluded private open space, and will also fall over the driveway. However, it will be contained within the shadow cast by the existing 1.8m high timber paling boundary fence.

At 12pm, continuing until 3pm, some overshadowing will occur to the adjoining property to the south (6 Longbrae Avenue). The shadow cast will fall generally within that cast by the existing 1.8m high timber paling boundary fence, or will extend over the eaves and roof of the northern side of the dwelling.

9.1.1 (cont)

The property at 6 Longbrae Avenue will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September its private open space.

The extent of shadows cast is therefore considered to be acceptable.

- With regard to overlooking, the elevation plans are not clear on whether or not obscure glazing is proposed to be used for first floor windows, in particular those on the northern and southern elevations. This can be required by a condition on planning permit, to ensure compliance with Standard B22 of ResCode (Clause 55.04-6 Overlooking). The windows on the western elevation appear to have sill heights of 1.7 metres above finished floor levels to ensure there will be no unreasonable overlooking however this can also be clarified through planning permit condition.

In relation to the north facing deck in the secluded private open space of Dwelling 2, some concern was raised in the Consultation Forum with regard to affixing 300mm trellis on top of the existing 2.0 metre high common boundary fence. Given that the existing fence is already high, the addition of trellis will create a large structure. The rear of the dwelling at 2 Longbrae Avenue contains large shrubs/ small trees which would screen views in the short term, but cannot be relied upon in the long term. Therefore, in lieu of the trellis, it is considered appropriate to require screen planting along the northern boundary which will serve the purpose of both softening the presentation of the building, and screening any views from the timber deck into the adjoining secluded private open space. This will be required by planning permit condition.

- Residential noise associated with dwelling is considered to be normal and reasonable within the area, and the proposed setbacks will provide further mitigation of residential noise.
- Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Building and EPA regulations regarding construction practices to ensure these impacts are mitigated, and that pedestrian access is maintained. A Construction Management Plan is not warranted for the proposed development of two detached dwellings associated with the subject proposal.

Clause 55 (ResCode)

The proposed development has been fully assessed against and is considered, subject to conditions, to satisfy the relevant standards and objectives of Clause 55 (ResCode) of the Whitehorse Planning Scheme.

Car Parking

Clause 52.06 (Car Parking) is a relevant consideration of this application and the objectors have also raised concerns regarding potential impacts on the availability of car parking within the area.

The purpose of Clause 52.06 includes:

- *'To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.'*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.'*

Dwelling 1 (two bedrooms) is proposed to be provided with a single garage integrated into the ground floor design. Dwelling 2 (three bedrooms) is proposed to be provided with a covered car parking space adjacent to the northern boundary, and an open at grade car parking space located on the eastern side of the dwelling. This is fully compliant with the requirements.

9.1.1

(cont)

It is proposed to utilise the existing crossover to provide vehicle access for both Dwelling 1 and 2. This will ensure that the loss of front garden space is minimised, that car parking structures do not dominate the street frontage, and that on street parking spaces are retained as the status quo.

Bicycle parking is not required to be provided in association with the proposed dwellings, however any bicycles could be stored within the dwelling, or within the garage to Dwelling 1 or the rear yard of both dwellings.

In order to ensure compliance with Design Standard 1 of Clause 52.06 Car Parking, a condition will be included on any planning permit issued, requiring that a notation on the site plan indicating a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of the proposed driveway and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road.

Objectors Concerns not Previously Addressed

- *Asbestos issues*

Asbestos is not dealt with under the planning provisions.

It is the responsibility of the property owner and/or demolisher to use a licensed asbestos removalist to deal with any asbestos products on the land in a safe manner. There are a number of laws, compliance codes and guidance documents that outline the obligations of a person removing asbestos, including *Occupational Health and Safety Act 2004*, and *Occupational Health and Safety Regulations 2007*. Worksafe also issues Compliance Codes to provide practical guidance to those who have duties or obligations under the OHS Act.

- *Negative impact on surrounding property values*

The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts on property values.

- *Set an undesirable precedent*

Each planning permit application is decided on its own individual merits, and against the relevant planning policies and provisions. It cannot be considered against precedent.

CONCLUSION

The proposal for construction of two detached 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, and Clause 55 (ResCode).

The proposed development form, siting and overall design is considered to be acceptable and will integrate well with the existing built form and character.

The application has been advertised, and the concerns raised by objectors have been suitably addressed in this report.

It is therefore considered that the application should be approved.

ATTACHMENT

- 1 A3 Advertised Plans 

9.1.1
(cont)

2 Shadow Diagrams 

9.1.2 34-36 Prospect Street, BOX HILL (CP 161378A 5)

FILE NUMBER: WH/2016/1156
ATTACHMENT

SUMMARY

This application proposes the use of the land for accommodation (dwellings), buildings and works for the construction of a thirty (30) storey mixed-use building, comprising retail premises, office, and dwellings, with basement car parking, and associated reduction in the provision of car parking spaces, and waiver of loading and unloading of vehicle requirements.

The application was advertised, and a total of four (4) objections were received. The objections raised issues with overlooking, overshadowing, traffic congestion and car parking, residential use of land in a designated office area, overdevelopment of the site, and oversupply of residential units in Box Hill.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. The statutory carparking rate required by the planning scheme is met by the proposal with the exception of the rate for retail premises which is an empirical assessment to the satisfaction of the Responsible Authority. Council officers are satisfied by the number of retail spaces provided. It is recommended that the application be supported, subject to conditions.

MOTION

Moved by Cr Munroe, Seconded by Cr Ellis

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2016/1156 for 34-36 Prospect Street, BOX HILL (CP 161378A 5) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use of the land for accommodation (dwellings), buildings and works for the construction of a thirty (30) storey mixed use building, comprising retail premises, office, and dwellings, with basement car parking, and associated reduction in the provision of car parking spaces, 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 34-36 Prospect Street, BOX HILL (CP 161378A 5) for the Use of the land for accommodation (dwellings), buildings and works for the construction of a thirty (30) storey mixed use building, comprising retail premises, office, and dwellings, with basement car parking, and associated reduction in the provision of car parking spaces, subject to the following conditions:*
- 1.** *Before the use and development starts, amended plans and documents (two full size copies and one A3 size copy) must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale generally in accordance with plans dated 20 December 2016 and 16 March 2017 prepared by Taouk Architects, but modified to show:*
 - a)** *A minimum of seven (7) apartments to be clearly designated as being for social/ affordable housing.*
 - b)** *All doors that open out onto Fairbank Lane over the carriageway easement must open 180 degree flat against the building wall.*
 - c)** *Corridor widths providing access from lift lobby to the main corridor must be a minimum of 1.8 metres in width.*
 - d)** *Provision of publically accessible artwork in the commercial and residential lobbies, in accordance with Condition 22.*

9.1.2

(cont)

- e) All residential balconies must have a minimum area of 8 square metres uninterrupted by any plant or equipment, such as air-conditioner external units.*
- f) Provision of play equipment or playable elements for children, such as sculpture or seating elements in communal areas.*
- g) Notation that no part of the building is to encroach into the road reserve.*
- h) The provision and location of two showers and associated change rooms to be provided for staff of the various uses.*
- i) Provision of a minimum of five (5) dedicated motorcycle parking spaces within the basement.*
- j) Demonstrate that a minimum 4.0 metre height clearance is provided at the entrance to the car park at the street level and the canopy above the entrance.*
- k) The retail premises 1 south facing wall to Prospect Street on the Ground Floor Plan is to be entirely glazed, to avoid the perception of an unsafe space at the entrance to the services area.*
- l) The office space 1 south facing wall to Prospect Street on the Level 1 Floor Plan is to be entirely glazed, to avoid the perception of an unsafe space in the south-western corner.*
- m) The provision and location of a minimum of two car share spaces within the basement to be made available to building residents, staff, and the public.*
- n) Provision of some of the bicycle parking hoops in front of the entrances to the retail areas.*
- o) Alterations to plans to show the requirements of the approved Parking Management Plan and Green Travel plan, where relevant.*
- p) A detailed schedule and samples of all external cladding materials, colours and finishes, including fine grain details of façade treatments such as door and window opening at all levels but particularly at the ground and first floor levels which interface with Prospect Street and Fairbank Lane. Consideration should be given to energy efficiency properties, durability and maintenance requirements of selected materials, colours and finishes.*
- q) Specification of glazing materials to be used on all external walls, including details demonstrating that they will not reflect unreasonable glare when viewed from any nearby road network, to the satisfaction of the Responsible Authority.*
- r) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 19. Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/ cooling systems and plumbing fittings and fixtures, etc).*
- s) The following reports to be amended as required will form part of the endorsed documentation:*
 - i. Landscape Plan in accordance with Condition 9*
 - ii. Landscaping Maintenance Plan in accordance with Condition 10*
 - iii. Amended Sustainability Management Plan in accordance with Condition 19*
 - iv. Art Strategy in accordance with Condition 22*

9.1.2
(cont)

- v. Lighting Strategy in accordance with Condition 23*
- vi. Parking Management Plan in accordance with Condition 27*
- vii. Traffic Impact Assessment in accordance with Condition 29*
- viii. Green Travel Plan in accordance with Condition 30*
- ix. Waste Management Plan in accordance with Condition 32*
- x. Construction Management Plan in accordance with Condition 33*
- xi. Detailed Engineering Design Drawings for treatment of land within Fairbank Lane in accordance with Condition 44*
- xii. Amended Acoustic Report in accordance with Condition 58*

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

- 2. The layout and operation of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and documents, and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. The uses as approved, must not commence until all of the buildings and works and landscaping hereby approved are completed to the satisfaction of the Responsible Authority.*
- 4. Notwithstanding signage that can be displayed as of right or as approved by a planning permit, any transparent glazing at facades of the ground floor, and Level 1 must be retained without visual obstruction, to the satisfaction of the Responsible Authority.*
- 5. The communal areas, including the gardens, swimming pool, and recreational areas must be available for use by all residents and employees of the particular building.*
- 6. This Planning Permit does not and should not be taken as authorizing the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy itself that it holds the permissions or interests necessary to carry out the use and/or development.*

Affordable Housing

- 7. A minimum of seven (7) dwellings within the development are to be donated to a registered housing association / provider for the provision of social or affordable housing in accordance with the requirements of the Housing Act 1983 or other applicable legislation as amended from time to time.*
- 8. Prior to the commencement of buildings and works the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:*
 - a) Upon registration of the plan of subdivision for the development, the title to seven (7) dwellings is to be donated to a registered housing association/ provider to the satisfaction of the Responsible Authority to be used for the purpose of providing affordable housing;*
 - b) The dwellings are to be made available to rent to a tenant who (unless with the further written consent of the Responsible Authority):*
 - i. Would qualify as an eligible tenant under the Victorian Community Housing Federation criteria (or equivalent).*
 - c) The dwelling must be made available to rent at a rate that is at least 25 per cent below the market value rent (as determined by a licensed valuer every three years).*

9.1.2
(cont)

- d) That all dwellings will at all times be managed and tenanted in accordance with the relevant performance standards set pursuant to Section 94 of the Housing Act 1983 (Vic) or other applicable legislation, as amended from time to time.*
- e) The cost of preparing and registering the agreement is to be paid by the permit holder.*

Landscaping

9. No building or works are to be commenced 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 will form part of this permit. This plan shall show:

- a) Details of all street frontage features and footpath areas from the building façade to the kerbs of Prospect Street. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*
- b) Details of all proposed landscaping within the communal area, road reserves, pedestrian link and public open spaces.*
- c) Nomination of all proposed services eg street lights and all existing infrastructure services, street furniture, bins etc.*
- d) Details of all containerized planting infrastructure.*
- e) Play equipment or playable elements such as sculptures for children residing or visiting the building.*
- f) Demonstration that the garden areas are capable of holding the deep root zone of the tree sizes shown, with details for the protection of trees during windy weather conditions.*
- 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.*

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

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

10. Prior to the commencement of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:

- a) Details in relation to the transportation of substrates and proposed species for all proposed garden or landscaping areas.*
- b) Irrigation system for street trees and street level garden beds, including details of frequency and water delivery method.*
- c) Details of the ongoing maintenance procedures to ensure that the garden areas remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:
 - i. Irrigation frequency and delivery method;*
 - ii. Drainage;*
 - iii. Pruning and mulching.**

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

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

9.1.2

(cont)

- 11. The garden and recreation areas shown on the endorsed plan and schedule must only be used as garden and recreational areas and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety. Landscaping in accordance with the approved plan and schedule shall be completed before the building is occupied.**
- 12. Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along the Prospect Street must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.**
- 13. No street tree may be removed without the prior written consent of the Responsible Authority.**

Wind Report

- 14. The recommendations of the Wind Impact Assessment, prepared by Vipac Engineers and Scientists dated 24 January 2017 must be implemented such that:**
 - a) There is no cost to the Responsible Authority.**
 - b) There is no reliance on the provision of street trees for wind mitigation.**
 - c) There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.**
 - d) Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over council owned or managed land, including the road reserve.**

Building Services

- 15. The development must provide the capacity for television signal distribution to each dwelling and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.**
- 16. All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, telecommunication facilities, air-conditions, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.**
- 17. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.**
- 18. Mail boxes are to be accessible for deliveries between the hours of 6am to 6pm Monday to Friday.**

9.1.2
(cont)

Sustainability Management Plan

- 19. Prior to the commencement of any buildings or works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority.**

Once submitted and approved to the satisfaction of the Responsible Authority, the Sustainability Management Plan will form part of the endorsed plans under this permit.

The requirements of the Sustainability Management Plan must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

- 20. Prior to the occupation of the building approved under this permit, a report from the author of the SMP, 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 SMP have been implemented in accordance with the approved plan.**
- 21. All works must be undertaken in accordance with the endorsed SMP 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 SMP may occur without the prior written consent of the Responsible Authority.**

Art Strategy

- 22. Prior to the occupation of all the tenancies and dwellings of this development, an Art Strategy must be prepared to the satisfaction of the Responsible Authority. The Art Strategy must provide details of a process to allow review of the conceptual design of artwork by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:**

- a) To activate the facades of the building and facilitate pedestrian activity at the interfaces;**
- b) To be constructed in a safe and structurally sound manner and of durable and appropriate materials; and**
- c) To display appropriate content.**
- d) To be of high quality and demonstrate artistic excellence.**

The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/ structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer as appropriate.

The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.

9.1.2
(cont)

Lighting Strategy

- 23. Prior to the commencement of the development, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Prospect Street, and Fairbank Lane, and must be prepared in accordance with the Safer Design Guidelines for Victoria, Department of Sustainability and Environment, June 2005, to the satisfaction of the Responsible Authority.**

All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to surrounding road network, adjoining properties or nearby residents.

This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.

Car Parking and Traffic

- 24. The car parking areas and accessways 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) to the satisfaction of the Responsible Authority.**
- 25. The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.**
- 26. The nature strip must be reinstated where any existing vehicle crossover is redundant, to the satisfaction of the Responsible Authority.**
- 27. Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays will be allocated and managed, must be submitted to and approved by Council.**

This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

- a) Provision of a minimum of 184 car parking spaces.**
- b) Allocation of spaces generally in accordance with the Traffic Impact Assessment by Traffix Group dated November 2016.**
- c) Allocation of all parking spaces (except short term, visitor and accessible and car-share spaces) to individual dwellings and tenancies and commercial uses. Each space within any tandem parking bays must be allocated to the same unit/ commercial tenancy.**
- d) Details of car share, accessible (disabled) or motorcycle parking spaces to be nominated within the basement car parking areas.**
- e) Details of the signing and line marking of parking spaces.**
- f) Details of how access to the proposed parking spaces will be secured for residential and visitor use.**
- g) Detail any access controls to the parking area, such as boom gates which shall take into account the required queue length required as per section 3.4 of AS2890.1.**
- h) Allocation of a short term visitor drop off/ pick up/ taxi zone and details as to how this space will be managed to allow access and advise residents and customers as to its location.**
- i) Pedestrian access and movement within the car parking areas, including strategies to minimize the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directional signs and/or physical barriers.**
- j) Allocation of bicycle spaces to tenancies and visitors.**
- k) Provision of some of the bicycle parking hoops in front of the entrances to the retail areas, and gymnasium.**

9.1.2
(cont)

- l) Bicycle parking facilities are to be provided in accordance with the Australian Standard AS2890.3:2015, Bicycle Parking Facilities are required to include a minimum of 20% of ground level (horizontal) Bicycle Parking Devices (BPD) in any bicycle parking facility. This is to provide for those riders unable to lift a bicycle to a hanging BPD and for parking of non-standard bicycles.*
- m) Locations and details of bicycle parking signs in accordance with Clause 52.34-5.*
- n) Line marking of car parking spaces.*
- o) Details of how access to car spaces, accessible (disabled) car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.*
- p) Signage for car and bicycle parking spaces.*
- q) Details of the car share scheme.*
- r) Details of how access to the waste collection area will be achieved by waste collection vehicles (ie an intercom) and how these will be secured.*
- s) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
- t) Details of signage or alternative measures to ensure that waste vehicles exit the site in a forwards direction.*
- u) STOP/ GIVE WAY Controls are to be provided at cross intersections within the car park, particularly at intersections with ramps where there is no control.*
- v) Centre lines to be provided along curved sections of the access ramp to guide motorists and keep vehicles to the left of the ramp.*
- w) Details of the management of the shared office/ visitor spaces and details of the enforcement of car parking allocations.*

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

- 28. The proposed ramp grade from the property line is to be a maximum of 1:10 for the first 5 metres as required by Clause 52.06-8 of the Whitehorse Planning Scheme, and appropriately transition beyond this in accordance with AS2890.1, and/or 2890.2 for commercial vehicles.*
- 29. Prior to the commencement of the development and/or uses a detailed Traffic Impact Assessment must be provided to the satisfaction of the Responsible Authority, assessing the impact of the traffic associated with the development on:*
 - a) Fairbank Lane, Young Street, Prospect Street, Elgar Road, and Whitehorse Road;*
 - b) The intersections of:*
 - i. Young Street and Prospect Street*
 - ii. Prospect Street and Whitehorse Road*
 - iii. Prospect Street and Elgar Road*
 - iv. Whitehorse Road and Nelson Road*
 - c) Investigate in detail potential options to alleviate the traffic impacts of the development to the local road network and to maintain pedestrian and cyclist priority.*

9.1.2 (cont)

Green Travel Plan

- 30. Prior to the commencement of any buildings or works, evidence of what implementation measures are required as contained within the Green Travel Plan, prepared by Frater and dated 26 May 2017, and how they are to be implemented must be provided to the satisfaction of the Responsible Authority. .**

Once submitted to and approved by the Responsible Authority, the Green Travel Plan will form part of the documents endorsed as part of this permit.

The requirements of this plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

Car Share

- 31. A minimum of two car-share spaces must be provided and retained on site unless otherwise agreed in writing by the Responsible Authority. The share cars must be made available to building residents, staff, and the public at all times. The share cars must use fuel efficient technology. Evidence to show that a car share agreement has been entered into must be provided to the satisfaction of the Responsible Authority prior to occupation of the building.**

Waste Management Plan

- 32. Prior to the commencement of buildings and works, the Waste Management Plan prepared by Leigh Design and dated 21 November 2016, must be amended and submitted for approval to the satisfaction of the Responsible Authority. The Waste Management Plan must include:**

- a) The collection vehicle must exit the development onto Fairbank Lane in an easterly direction.**
- b) Allocation of space for:
 - i. Bin lifting equipment.**
 - ii. Show details/ locations to house this equipment.**
 - iii. Bin washing facilities with details/ locations/ area to house this equipment.**
 - iv. Balers for cardboard and soft plastic.**
 - v. Electronic waste disposal.**
 - vi. Details of how these materials will be stored/ removed from the site.**
 - vii. Liquid waste and charitable materials. Reference to how these materials will be handled from within the development.****
- c) The waste configuration of the development amended to implement the above waste components/ facilities to match the scale of the development and the variety of tenancies.**

The requirements and outcomes of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

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

The requirements of the Waste Management Plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

9.1.2
(cont)

Construction Management Plan

- 33. Prior to the commencement of buildings and 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 utilized on site for the cleaning of all construction vehicles prior to them exiting 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.

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.

Alterations/ Reinstatement of Assets

- 34. The developer/ contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary, and will be based on the approved access routes, pending on the approved Traffic Management Plan.**
- 35. If any works are to be undertaken in the road reserve related to the project, the applicant is required to obtain the Consent to Undertake Works in the Road Reserve (Road Opening Permit) for any new, altered or deleted vehicle crossing, water or drain tapping or other opening within a road reserve or laneway. Please note that this is a separate process to the Asset Protection Permit.**
- 36. If an damage to Council trees occurs during the building works, full amenity of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council ParksWide Department prior to the commencement of works.**

9.1.2
(cont)

Drainage and Assets

- 37. Council's existing stormwater pipe and pits within Fairbank Lane must be protected at all times. Any proposal to alter the Council drainage assets in any way must be submitted to Council for approval and if approved by Council be undertaken at the expense of the applicant.**
- 38. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.**
- 39. 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.**
- 40. 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 registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval by the Responsible Authority prior to the commencement of any works. Dual certification by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) for design of the on-site detention must be provided to Council prior to the approval of the civil plan.**
- 41. As constructed civil drawings that are computer drafted are to be provided to Council after the completion of civil works prior to the occupation of the building.**
- 42. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 43. 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 and other Public Authority assets.**
- 44. Prior to the commencement of any works, detailed plans and specifications for the reconstruction of Fairbank Lane shall be submitted to and approved by the Responsible Authority. The plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and street lighting. The reconstruction of Fairbank Lane must begin at Young Street and be constructed for the total length of the subject property's northern boundary.**
- 45. Any obstructions within the right of carriageway and/or laneway must permit vehicles and/or articulated vehicles to travel unimpeded safely through the rear laneway.**

Amenity

- 46. The amenity of the area shall not be detrimentally affected by the uses or development allowed by this Permit 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, or**
 - e) In any other way.****To the satisfaction of the Responsible Authority.****

9.1.2

(cont)

- 47. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**
- 48. The commercial use and development of the site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.**
- 49. All external lights associated with the commercial use and development of the site allow by this Permit must be of a limited intensity to ensure no adjoining or nearby residents and must be provided with appropriate baffles, so that no direct light or glare is emitted outside the site to the satisfaction of the Responsible Authority.**
- 50. The deliveries to the commercial tenancies must occur between the following hours:**
 - a) 7:00am to 10:00pm Monday to Saturday**
 - b) 9:00am to 10:00pm Sundays and Public Holidays****Unless with the further written consent of the Responsible Authority.**

Glazing

- 51. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.**

Mechanical Exhaust Systems

- 52. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.**

Loading/ unloading

- 53. The loading and unloading of goods from vehicles shall only be carried out within the boundaries of the site.**

Signage Strategy

- 54. Prior to the occupation of the development, a Signage Strategy shall be submitted to and approved by the Responsible Authority. The strategy shall include details on signage 'zones' and typology on the building facades including maximum dimensions for future signage planning applications. Details are to include wayfinding and business identification signage.**

Disability Access

- 55. Prior to the commencement of development, excluding demolition, bulk excavation and site preparation works, a detailed report on the compliance with disability access shall be undertaken to the satisfaction of the Responsible Authority.**

Public Realm

- 56. 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.**

9.1.2
(cont)

- 57. Prior to the commencement of any works the owner of the land shall enter into an agreement with the City of Whitehorse which will indemnify Council against any loss or damage it may incur as a result of any proposed buildings and works constructed on or over Council owned land.**

Acoustic Treatment

- 58. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works a report generally in accordance with that prepared by Acoustic Logic must be submitted to and be to the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.**
- 59. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed in accordance with the Acoustic Treatment Plan to ensure that noise measured in the proposed dwellings and existing residential dwellings surrounding the subject site does not exceed the levels set out under the Australian Standard.**

Expiry

- 60. This permit will expire if one of the following circumstances applies:**
- a) The development is not commenced within three (3) years from the date of issue of this permit;**
 - b) The development is not completed within seven (7) years from the date of this permit.**

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

PERMIT NOTES

Affordable Housing

- A. Prior to the certification of the plan of subdivision, the owner of the dwellings that are nominated as affordable or social housing must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:**
- a) The dwellings are to be used for the purpose of providing social or affordable housing;**
 - b) Unless with the further written consent of the Responsible Authority, the dwellings are to be made available to rent to a tenant who:**
 - i. Would qualify as an eligible tenant under the Victorian Community Housing Federation criteria (or equivalent).**
 - c) Will at all times be managed and tenanted in accordance with the relevant performance standards set pursuant to Section 94 of the Housing Act 1983 (Vic) or other applicable legislation, as amended from time to time.**
 - d) The cost of preparing and registering the agreement is to be paid by the permit holder.**

9.1.2
(cont)

Engineering and Assets

- B. 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 minimization 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.***
- C. 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.***
- D. 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.***
- E. 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.***
- F. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall to the satisfaction of the Responsible Authority.***
- G. 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.***
- H. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.***
- I. 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 the endorsement of the plans.***
- J. 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.***

Street Trees

- K. Please contact ParksWide Department on 9262 6289 to ensure all necessary street tree protection measures are undertaken and inspected prior to any works commencing. A security deposit for tree protection may be requested.***

DDA Access

- L. 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 or managed by Whitehorse City Council as may be applicable.***

9.1.2
(cont)

Property

M. This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the adjacent Road Reserve, the owner of the property may be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Young Street and Fairbank Lane.

Residential Parking Permit

N. Residents of this development and their visitors will not be eligible for Residential Parking Permits.

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.

AMENDMENT

Moved by Cr Davenport, Seconded by Cr Barker

That Council adopts 34-36 Prospect Street, BOX HILL (CP 161378A 5), as presented in the agenda, subject to the following amendment:

B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 34-36 Prospect Street, BOX HILL (CP 161378A 5) for the Use of the land for accommodation (dwellings), buildings and works for the construction of a thirty (30) storey mixed use building, comprising retail premises, office, and dwellings, with basement car parking, and associated reduction in the provision of car parking spaces, subject to the following conditions

Affordable Housing

7. Unless the owner of the land has made a contribution in accordance with Condition 9, a minimum of seven (7) dwellings within the development are to be made available in accordance with Condition 8 for the purpose of social or affordable housing to the satisfaction of the Responsible Authority.

8. Unless the owner of the land has made a contribution in accordance with Condition 9, prior to the occupation of the development the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:

- a) The transfer to a registered Housing Association/ Provider of seven (7) dwellings for the provision of social or affordable housing at a discounted rental rate to the market value rent of not less than 25% and in accordance with the requirements of the Housing Act 1983 or other applicable legislation as amended from time to time; or**
- b) Seven (7) dwellings to be made available under an alternate affordable housing model to the satisfaction of the Responsible Authority.**
- c) The cost of preparing and registering the agreement is to be paid by the permit holder.**

9. The owner of the land may elect to make a monetary contribution as an alternative to entering into an agreement pursuant to Condition 8 and in compliance with Condition 7. Such monetary contribution is to be made in accordance with the following:

- a) The payment of an equivalent to the cost of providing seven (7) dwellings to a registered affordable housing provider; and**

9.1.2
(cont)

- b) The contribution to be paid prior to the issue of a Statement of Compliance for the subdivision of the development approved by the permit.*

The monetary contribution is to be made to a stakeholder nominated by the Council to be distributed by that stakeholder in accordance with a written agreement to be entered into between the Council and a housing provider to be selected by the Council and for the provision of affordable or social housing within the City of Whitehorse.

Provided the owner of the land makes an election in writing to the Responsible Authority within 6 months of the date of this permit that it will make the monetary contribution pursuant to this condition, the Council must nominate the stakeholder within 14 days of the Council being asked in writing to issue a statement of compliance under the Subdivision Act 1988 for the subdivision of the approved building, failing which the monetary contribution is to be made to the Council to be used in a manner consistent with this condition.

The Amendment was LOST

AMENDMENT

Moved by Cr Barker, Seconded by Cr Liu

That Council adopts 34-36 Prospect Street, BOX HILL (CP 161378A 5), as presented in the agenda, subject to the following amendment:

- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 34-36 Prospect Street, BOX HILL (CP 161378A 5) for the Use of the land for accommodation (dwellings), buildings and works for the construction of a thirty (30) storey mixed use building, comprising retail premises, office, and dwellings, with basement car parking, and associated reduction in the provision of car parking spaces, subject to the following conditions:*

- 1. Before the use and development starts, amended plans and documents (two full size copies and one A3 size copy) must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale generally in accordance with plans dated 20 December 2016 and 16 March 2017 prepared by Taouk Architects, but modified to show:*
 - a) Incorporation of green/living treatments/plantings into the buildings external design and function (including vertical surfaces). This design treatment is to achieve increased ESD outcomes and improved visual interest, and be designed to articulate an harmonious design outcome that reflects the landscape values of the surrounding areas, (and at maturation be clearly visible to surrounding areas) to the satisfaction of the Responsible Authority. These green living treatment/planting elements are to be designed having regard to the requirements contained in Conditions 9 and 10 as they relate to the provision of a Landscape Plan and Landscape Maintenance Plan.*

9.1.2
(cont)

Landscaping

- 9. For green walls and above ground containerised planting, include:**
- a) Plans and cross-sections of planting containers, and calculated soil volume per container.**
 - b) Structural engineering report and weight loading allowing for mature plant growth and potential flooding of containers.**
 - c) Irrigation frequency and delivery method.**
 - d) Drainage of planting containers.**

 - e) Substrate: suitability for species selection in relation to nutrients and irrigation requirements.**
 - f) Mulch type, depth and weight.**
 - g) Anchoring of all containers and containerised plants above ground level to resist high winds.**
 - h) Microclimate and effect on plant health.**
 - i) Maintenance procedures, including access for staff and equipment, and safety/anchoring measures required to access landscaping above ground level.**

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

- 10. Prior to the commencement of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:**
- a) Details in relation to the transportation of substrates and proposed species for all proposed garden or landscaping areas.**
 - b) Irrigation system for street trees and street level garden beds, including details of frequency and water delivery method.**
 - c) Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method.**
 - d) Details of the ongoing maintenance procedures to ensure that the green walls remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:**
 - i. Irrigation frequency and delivery method.**
 - ii. Drainage.**
 - iii. Maintenance frequency and procedures including how access will be achieved to the green wall, including scaffolding and/or access and parking location of a scissor lift or cherry picker or other access method as required.**
 - e) Details of the ongoing maintenance procedures to ensure that the garden areas remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:**
 - i. Irrigation frequency and delivery method;**
 - ii. Drainage;**
 - iii. Pruning and mulching.**

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

9.1.2

(cont)

Art Strategy

22. Prior to the occupation of all the tenancies and dwellings of this development, an Art Strategy must be prepared to the satisfaction of the Responsible Authority. The Art Strategy must provide details of a process to allow review of the conceptual design of artwork by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:

- a) To activate the facades of the building and facilitate pedestrian activity at the interfaces;**
- b) To be constructed in a safe and structurally sound manner and of durable and appropriate materials; and**
- c) To display appropriate content.**
- d) To be of high quality and demonstrate artistic excellence.**
- e) The art strategy may include the continuation of the green living treatments/plantings design thematic**

The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/ structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer as appropriate.

The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.

The Amendment was CARRIED UNANIMOUSLY

The Amendment moved by Cr Barker, Seconded by Cr Liu became the Substantive Motion

AMENDMENT

Moved by Cr Liu, Seconded by Cr Barker

B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 34-36 Prospect Street, BOX HILL (CP 161378A 5) for the Use of the land for accommodation (dwellings), buildings and works for the construction of a thirty (30) storey mixed use building, comprising retail premises, office, and dwellings, with basement car parking, and associated reduction in the provision of car parking spaces, subject to the following conditions:

- 1. Before the use and development starts, amended plans and documents (two full size copies and one A3 size copy) must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale generally in accordance with plans dated 20 December 2016 and 16 March 2017 prepared by Taouk Architects, but modified to show:**
 - a) Two of the four office tenancies to be denoted as being for office/administrative based functions of community, education and/or health-related service providers.**
 - b) All doors that open out onto Fairbank Lane over the carriageway easement must open 180 degree flat against the building wall.**
 - c) Corridor widths providing access from lift lobby to the main corridor must be a minimum of 1.8 metres in width.**

9.1.2

(cont)

- d) Provision of publically accessible artwork in the commercial and residential lobbies, in accordance with Condition 22.*
- e) All residential balconies must have a minimum area of 8 square metres uninterrupted by any plant or equipment, such as air-conditioner external units.*
- f) Provision of play equipment or playable elements for children, such as sculpture or seating elements in communal areas.*
- g) Notation that no part of the building is to encroach into the road reserve.*
- h) The provision of 9 additional car parking spaces to be denoted as being for retail use.*

The Mayor then indicated that she would put the Amendment to the vote in parts.

The Mayor put item 1a) of the Amendment to the vote which was CARRIED

The Mayor put item 1h) of the Amendment to the vote which was CARRIED

The Amendment moved by Cr Liu, seconded by Cr Barker became the Substantive Motion

The Substantive Motion Moved Cr Munroe, Seconded by Cr Ellis (as amended) was then put to the vote and CARRIED.

A Division was called.

Division

For	Against
Cr Barker	Cr Cutts
Cr Bennett	
Cr Carr	
Cr Davenport	
Cr Ellis	
Cr Liu	
Cr Massoud	
Cr Munroe	
Cr Stennett	

On the results of the Division the motion was declared CARRIED

The full Council Resolution is as follows:

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2016/1156 for 34-36 Prospect Street, BOX HILL (CP 161378A 5) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use of the land for accommodation (dwellings), buildings and works for the construction of a thirty (30) storey mixed use building, comprising retail premises, office, and dwellings, with basement car parking, and associated reduction in the provision of car parking spaces, 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 34-36 Prospect Street, BOX HILL (CP 161378A 5) for the Use of the land for accommodation (dwellings), buildings and works for the construction of a thirty (30) storey mixed use building, comprising retail premises, office, and dwellings, with basement car parking, and associated reduction in the provision of car parking spaces, subject to the following conditions:*

9.1.2

(cont)

1. ***Before the use and development starts, amended plans and documents (two full size copies and one A3 size copy) must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale generally in accordance with plans dated 20 December 2016 and 16 March 2017 prepared by Taouk Architects, but modified to show:***
 - a) ***Two of the four office tenancies to be denoted as being for office/administrative based functions of community, education and/or health-related service providers.***
 - b) ***Incorporation of green/living treatments/plantings into the buildings external design and function (including vertical surfaces). This design treatment is to achieve increased ESD outcomes and improved visual interest, and be designed to articulate an harmonious design outcome that reflects the landscape values of the surrounding areas, (and at maturation be clearly visible to surrounding areas) to the satisfaction of the Responsible Authority. These green living treatment/planting elements are to be designed having regard to the requirements contained in Conditions 9 and 10 as they relate to the provision of a Landscape Plan and Landscape Maintenance Plan.***
 - c) ***All doors that open out onto Fairbank Lane over the carriageway easement must open 180 degree flat against the building wall.***
 - d) ***Corridor widths providing access from lift lobby to the main corridor must be a minimum of 1.8 metres in width.***
 - e) ***Provision of publically accessible artwork in the commercial and residential lobbies, in accordance with Condition 22.***
 - f) ***All residential balconies must have a minimum area of 8 square metres uninterrupted by any plant or equipment, such as air-conditioner external units.***
 - g) ***Provision of play equipment or playable elements for children, such as sculpture or seating elements in communal areas.***
 - h) ***Notation that no part of the building is to encroach into the road reserve.***
 - i) ***The provision of 9 additional car parking spaces to be denoted as being for retail use.***
 - j) ***The provision and location of two showers and associated change rooms to be provided for staff of the various uses.***
 - k) ***Provision of a minimum of five (5) dedicated motorcycle parking spaces within the basement.***
 - l) ***Demonstrate that a minimum 4.0 metre height clearance is provided at the entrance to the car park at the street level and the canopy above the entrance.***
 - m) ***The retail premises 1 south facing wall to Prospect Street on the Ground Floor Plan is to be entirely glazed, to avoid the perception of an unsafe space at the entrance to the services area.***
 - n) ***The office space 1 south facing wall to Prospect Street on the Level 1 Floor Plan is to be entirely glazed, to avoid the perception of an unsafe space in the south-western corner.***
 - o) ***The provision and location of a minimum of two car share spaces within the basement to be made available to building residents, staff, and the public.***
 - p) ***Provision of some of the bicycle parking hoops in front of the entrances***

9.1.2
(cont)

to the retail areas.

- q) Alterations to plans to show the requirements of the approved Parking Management Plan and Green Travel plan, where relevant.*
- r) A detailed schedule and samples of all external cladding materials, colours and finishes, including fine grain details of façade treatments such as door and window opening at all levels but particularly at the ground and first floor levels which interface with Prospect Street and Fairbank Lane. Consideration should be given to energy efficiency properties, durability and maintenance requirements of selected materials, colours and finishes.*
- s) Specification of glazing materials to be used on all external walls, including details demonstrating that they will not reflect unreasonable glare when viewed from any nearby road network, to the satisfaction of the Responsible Authority.*
- t) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 19. Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/ cooling systems and plumbing fittings and fixtures, etc).*
- u) The following reports to be amended as required will form part of the endorsed documentation:
 - i. Landscape Plan in accordance with Condition 9*
 - ii. Landscaping Maintenance Plan in accordance with Condition 10*
 - iii. Amended Sustainability Management Plan in accordance with Condition 19*
 - iv. Art Strategy in accordance with Condition 22*
 - v. Lighting Strategy in accordance with Condition 23*
 - vi. Parking Management Plan in accordance with Condition 27*
 - vii. Traffic Impact Assessment in accordance with Condition 29*
 - viii. Green Travel Plan in accordance with Condition 30*
 - ix. Waste Management Plan in accordance with Condition 32*
 - x. Construction Management Plan in accordance with Condition 33*
 - xi. Detailed Engineering Design Drawings for treatment of land within Fairbank Lane in accordance with Condition 44*
 - xii. Amended Acoustic Report in accordance with Condition 58**

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

- 2. The layout and operation of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and documents, and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. The uses as approved, must not commence until all of the buildings and works and landscaping hereby approved are completed to the satisfaction of the Responsible Authority.*
- 4. Notwithstanding signage that can be displayed as of right or as approved by a planning permit, any transparent glazing at facades of the ground floor, and Level 1 must be retained without visual obstruction, to the satisfaction of the Responsible Authority.*
- 5. The communal areas, including the gardens, swimming pool, and recreational areas must be available for use by all residents and employees*

9.1.2
(cont)

of the particular building.

6. *This Planning Permit does not and should not be taken as authorizing the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy itself that it holds the permissions or interests necessary to carry out the use and/or development.*

Affordable Housing

7. *A minimum of seven (7) dwellings within the development are to be donated to a registered housing association / provider for the provision of social or affordable housing in accordance with the requirements of the Housing Act 1983 or other applicable legislation as amended from time to time.*
8. *Prior to the commencement of buildings and works the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:*
 - a) *Upon registration of the plan of subdivision for the development, the title to seven (7) dwellings is to be donated to a registered housing association/ provider to the satisfaction of the Responsible Authority to be used for the purpose of providing affordable housing;*
 - b) *The dwellings are to be made available to rent to a tenant who (unless with the further written consent of the Responsible Authority):*
 - i. *Would qualify as an eligible tenant under the Victorian Community Housing Federation criteria (or equivalent).*
 - c) *The dwelling must be made available to rent at a rate that is at least 25 per cent below the market value rent (as determined by a licensed valuer every three years).*
 - d) *That all dwellings will at all times be managed and tenanted in accordance with the relevant performance standards set pursuant to Section 94 of the Housing Act 1983 (Vic) or other applicable legislation, as amended from time to time.*
 - e) *The cost of preparing and registering the agreement is to be paid by the permit holder.*

Landscaping

9. *For green walls and above ground containerised planting, include:*
 - a) *Plans and cross-sections of planting containers, and calculated soil volume per container.*
 - b) *Structural engineering report and weight loading allowing for mature plant growth and potential flooding of containers.*
 - c) *Irrigation frequency and delivery method.*
 - d) *Drainage of planting containers.*
 - e) *Substrate: suitability for species selection in relation to nutrients and irrigation requirements.*
 - f) *Mulch type, depth and weight.*
 - g) *Anchoring of all containers and containerised plants above ground level to resist high winds.*
 - h) *Microclimate and effect on plant health.*
 - i) *Maintenance procedures, including access for staff and equipment, and safety/anchoring measures required to access landscaping above ground level.*

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

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

9.1.2
(cont)

10. ***Prior to the commencement of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:***
 - a) ***Details in relation to the transportation of substrates and proposed species for all proposed garden or landscaping areas.***
 - b) ***Irrigation system for street trees and street level garden beds, including details of frequency and water delivery method.***
 - c) ***Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method.***
 - d) ***Details of the ongoing maintenance procedures to ensure that the green walls remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:***
 - i. ***Irrigation frequency and delivery method.***
 - ii. ***Drainage.***
 - iii. ***Maintenance frequency and procedures including how access will be achieved to the green wall, including scaffolding and/or access and parking location of a scissor lift or cherry picker or other access method as required.***
 - e) ***Details of the ongoing maintenance procedures to ensure that the garden areas remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:***
 - i. ***Irrigation frequency and delivery method;***
 - ii. ***Drainage;***
 - iii. ***Pruning and mulching.***

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

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

11. ***The garden and recreation areas shown on the endorsed plan and schedule must only be used as garden and recreational areas and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety. Landscaping in accordance with the approved plan and schedule shall be completed before the building is occupied.***
12. ***Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along the Prospect Street must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.***
13. ***No street tree may be removed without the prior written consent of the Responsible Authority.***

Wind Report

14. ***The recommendations of the Wind Impact Assessment, prepared by Vipac Engineers and Scientists dated 24 January 2017 must be implemented such that:***
 - a) ***There is no cost to the Responsible Authority.***
 - b) ***There is no reliance on the provision of street trees for wind mitigation.***
 - c) ***There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all***

9.1.2
(cont)

relevant authorities and land managers and approval also granted by the Responsible Authority.

- d) Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over council owned or managed land, including the road reserve.*

Building Services

- 15. The development must provide the capacity for television signal distribution to each dwelling and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.*
- 16. All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, telecommunication facilities, air-conditions, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.*
- 17. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.*
- 18. Mail boxes are to be accessible for deliveries between the hours of 6am to 6pm Monday to Friday.*

Sustainability Management Plan

- 19. Prior to the commencement of any buildings or works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority.*

Once submitted and approved to the satisfaction of the Responsible Authority, the Sustainability Management Plan will form part of the endorsed plans under this permit.

The requirements of the Sustainability Management Plan must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

- 20. Prior to the occupation of the building approved under this permit, a report from the author of the SMP, 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 SMP have been implemented in accordance with the approved plan.*
- 21. All works must be undertaken in accordance with the endorsed SMP 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 SMP may occur without the prior written consent of the Responsible Authority.*

9.1.2
(cont)

Art Strategy

22. Prior to the occupation of all the tenancies and dwellings of this development, an Art Strategy must be prepared to the satisfaction of the Responsible Authority. The Art Strategy must provide details of a process to allow review of the conceptual design of artwork by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:

- a) To activate the facades of the building and facilitate pedestrian activity at the interfaces;**
- b) To be constructed in a safe and structurally sound manner and of durable and appropriate materials; and**
- c) To display appropriate content.**
- d) To be of high quality and demonstrate artistic excellence.**
- e) The art strategy may include the continuation of the green living treatments/plantings design thematic**

The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/ structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer as appropriate.

The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.

Lighting Strategy

23. Prior to the commencement of the development, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Prospect Street, and Fairbank Lane, and must be prepared in accordance with the Safer Design Guidelines for Victoria, Department of Sustainability and Environment, June 2005, to the satisfaction of the Responsible Authority.

All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to surrounding road network, adjoining properties or nearby residents.

This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.

Car Parking and Traffic

24. The car parking areas and accessways 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) to the satisfaction of the Responsible Authority.

25. The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.

26. The nature strip must be reinstated where any existing vehicle crossover is redundant, to the satisfaction of the Responsible Authority.

27. Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays will be allocated and managed, must be submitted to and

9.1.2
(cont)

approved by Council.

This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

- a) Provision of a minimum of 184 car parking spaces.*
- b) Allocation of spaces generally in accordance with the Traffic Impact Assessment by Traffix Group dated November 2016.*
- c) Allocation of all parking spaces (except short term, visitor and accessible and car-share spaces) to individual dwellings and tenancies and commercial uses. Each space within any tandem parking bays must be allocated to the same unit/ commercial tenancy.*
- d) Details of car share, accessible (disabled) or motorcycle parking spaces to be nominated within the basement car parking areas.*
- e) Details of the signing and line marking of parking spaces.*
- f) Details of how access to the proposed parking spaces will be secured for residential and visitor use.*
- g) Detail any access controls to the parking area, such as boom gates which shall take into account the required queue length required as per section 3.4 of AS2890.1.*
- h) Allocation of a short term visitor drop off/ pick up/ taxi zone and details as to how this space will be managed to allow access and advise residents and customers as to its location.*
- i) Pedestrian access and movement within the car parking areas, including strategies to minimize the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directional signs and/or physical barriers.*
- j) Allocation of bicycle spaces to tenancies and visitors.*
- k) Provision of some of the bicycle parking hoops in front of the entrances to the retail areas, and gymnasium.*
- l) Bicycle parking facilities are to be provided in accordance with the Australian Standard AS2890.3:2015, Bicycle Parking Facilities are required to include a minimum of 20% of ground level (horizontal) Bicycle Parking Devices (BPD) in any bicycle parking facility. This is to provide for those riders unable to lift a bicycle to a hanging BPD and for parking of non-standard bicycles.*
- m) Locations and details of bicycle parking signs in accordance with Clause 52.34-5.*
- n) Line marking of car parking spaces.*
- o) Details of how access to car spaces, accessible (disabled) car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.*
- p) Signage for car and bicycle parking spaces.*
- q) Details of the car share scheme.*
- r) Details of how access to the waste collection area will be achieved by waste collection vehicles (ie an intercom) and how these will be secured.*
- s) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
- t) Details of signage or alternative measures to ensure that waste vehicles exit the site in a forwards direction.*
- u) STOP/ GIVE WAY Controls are to be provided at cross intersections within the car park, particularly at intersections with ramps where there is no control.*
- v) Centre lines to be provided along curved sections of the access ramp to*

9.1.2
(cont)

guide motorists and keep vehicles to the left of the ramp.

- w) *Details of the management of the shared office/ visitor spaces and details of the enforcement of car parking allocations.*

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

28. *The proposed ramp grade from the property line is to be a maximum of 1:10 for the first 5 metres as required by Clause 52.06-8 of the Whitehorse Planning Scheme, and appropriately transition beyond this in accordance with AS2890.1, and/or 2890.2 for commercial vehicles.*
29. *Prior to the commencement of the development and/or uses a detailed Traffic Impact Assessment must be provided to the satisfaction of the Responsible Authority, assessing the impact of the traffic associated with the development on:*
- a) *Fairbank Lane, Young Street, Prospect Street, Elgar Road, and Whitehorse Road;*
- b) *The intersections of:*
- i. *Young Street and Prospect Street*
- ii. *Prospect Street and Whitehorse Road*
- iii. *Prospect Street and Elgar Road*
- iv. *Whitehorse Road and Nelson Road*
- c) *Investigate in detail potential options to alleviate the traffic impacts of the development to the local road network and to maintain pedestrian and cyclist priority.*

Green Travel Plan

30. *Prior to the commencement of any buildings or works, evidence of what implementation measures are required as contained within the Green Travel Plan, prepared by Frater and dated 26 May 2017, and how they are to be implemented must be provided to the satisfaction of the Responsible Authority. .*

Once submitted to and approved by the Responsible Authority, the Green Travel Plan will form part of the documents endorsed as part of this permit.

The requirements of this plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

Car Share

31. *A minimum of two car-share spaces must be provided and retained on site unless otherwise agreed in writing by the Responsible Authority. The share cars must be made available to building residents, staff, and the public at all times. The share cars must use fuel efficient technology. Evidence to show that a car share agreement has been entered into must be provided to the satisfaction of the Responsible Authority prior to occupation of the building.*

Waste Management Plan

32. *Prior to the commencement of buildings and works, the Waste Management Plan prepared by Leigh Design and dated 21 November 2016, must be amended and submitted for approval to the satisfaction of the Responsible Authority. The Waste Management Plan must include:*
- a) *The collection vehicle must exit the development onto Fairbank Lane in an easterly direction.*
- b) *Allocation of space for:*

9.1.2
(cont)

- i. Bin lifting equipment.*
 - ii. Show details/ locations to house this equipment.*
 - iii. Bin washing facilities with details/ locations/ area to house this equipment.*
 - iv. Balers for cardboard and soft plastic.*
 - v. Electronic waste disposal.*
 - vi. Details of how these materials will be stored/ removed from the site.*
 - vii. Liquid waste and charitable materials. Reference to how these materials will be handled from within the development.*
- c) The waste configuration of the development amended to implement the above waste components/ facilities to match the scale of the development and the variety of tenancies.*

The requirements and outcomes of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

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

The requirements of the Waste Management Plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

Construction Management Plan

- 33. Prior to the commencement of buildings and 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 utilized on site for the cleaning of all construction vehicles prior to them exiting 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.

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

9.1.2
(cont)

Construction Management Plan.

Alterations/ Reinstatement of Assets

- 34. The developer/ contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary, and will be based on the approved access routes, pending on the approved Traffic Management Plan.***
- 35. If any works are to be undertaken in the road reserve related to the project, the applicant is required to obtain the Consent to Undertake Works in the Road Reserve (Road Opening Permit) for any new, altered or deleted vehicle crossing, water or drain tapping or other opening within a road reserve or laneway. Please note that this is a separate process to the Asset Protection Permit.***
- 36. If an damage to Council trees occurs during the building works, full amenity of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council ParksWide Department prior to the commencement of works.***

Drainage and Assets

- 37. Council's existing stormwater pipe and pits within Fairbank Lane must be protected at all times. Any proposal to alter the Council drainage assets in any way must be submitted to Council for approval and if approved by Council be undertaken at the expense of the applicant.***
- 38. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.***
- 39. 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.***
- 40. 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 registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval by the Responsible Authority prior to the commencement of any works. Dual certification by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) for design of the on-site detention must be provided to Council prior to the approval of the civil plan.***
- 41. As constructed civil drawings that are computer drafted are to be provided to Council after the completion of civil works prior to the occupation of the building.***
- 42. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
- 43. 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 and other Public Authority assets.***

9.1.2

(cont)

- 44. Prior to the commencement of any works, detailed plans and specifications for the reconstruction of Fairbank Lane shall be submitted to and approved by the Responsible Authority. The plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and street lighting. The reconstruction of Fairbank Lane must begin at Young Street and be constructed for the total length of the subject property's northern boundary.**
- 45. Any obstructions within the right of carriageway and/or laneway must permit vehicles and/or articulated vehicles to travel unimpeded safely through the rear laneway.**

Amenity

- 46. The amenity of the area shall not be detrimentally affected by the uses or development allowed by this Permit 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, or**
 - e) In any other way.**To the satisfaction of the Responsible Authority.**
- 47. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**
- 48. The commercial use and development of the site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.**
- 49. All external lights associated with the commercial use and development of the site allow by this Permit must be of a limited intensity to ensure no adjoining or nearby residents and must be provided with appropriate baffles, so that no direct light or glare is emitted outside the site to the satisfaction of the Responsible Authority.**
- 50. The deliveries to the commercial tenancies must occur between the following hours:
 - a) 7:00am to 10:00pm Monday to Saturday**
 - b) 9:00am to 10:00pm Sundays and Public Holidays**Unless with the further written consent of the Responsible Authority.**

Glazing

- 51. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.**

Mechanical Exhaust Systems

- 52. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.**

Loading/unloading

- 53. The loading and unloading of goods from vehicles shall only be carried out within the boundaries of the site.**

9.1.2 (cont)

Signage Strategy

- 54. Prior to the occupation of the development, a Signage Strategy shall be submitted to and approved by the Responsible Authority. The strategy shall include details on signage 'zones' and typology on the building facades including maximum dimensions for future signage planning applications. Details are to include wayfinding and business identification signage.**

Disability Access

- 55. Prior to the commencement of development, excluding demolition, bulk excavation and site preparation works, a detailed report on the compliance with disability access shall be undertaken to the satisfaction of the Responsible Authority.**

Public Realm

- 56. 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.**
- 57. Prior to the commencement of any works the owner of the land shall enter into an agreement with the City of Whitehorse which will indemnify Council against any loss or damage it may incur as a result of any proposed buildings and works constructed on or over Council owned land.**

Acoustic Treatment

- 58. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works a report generally in accordance with that prepared by Acoustic Logic must be submitted to and be to the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.**
- 59. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed in accordance with the Acoustic Treatment Plan to ensure that noise measured in the proposed dwellings and existing residential dwellings surrounding the subject site does not exceed the levels set out under the Australian Standard.**

Expiry

- 60. This permit will expire if one of the following circumstances applies:**
- a) The development is not commenced within three (3) years from the date of issue of this permit;**
 - b) The development is not completed within seven (7) years from the date of this permit.**

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

9.1.2
(cont)

PERMIT NOTES

Affordable Housing

- A. Prior to the certification of the plan of subdivision, the owner of the dwellings that are nominated as affordable or social housing must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:**
- a) The dwellings are to be used for the purpose of providing social or affordable housing;**
 - b) Unless with the further written consent of the Responsible Authority, the dwellings are to be made available to rent to a tenant who:**
 - i. Would qualify as an eligible tenant under the Victorian Community Housing Federation criteria (or equivalent).**
 - c) Will at all times be managed and tenanted in accordance with the relevant performance standards set pursuant to Section 94 of the Housing Act 1983 (Vic) or other applicable legislation, as amended from time to time.**
 - d) The cost of preparing and registering the agreement is to be paid by the permit holder.**

Engineering and Assets

- B. 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 minimization 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.**
- C. 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.**
- D. 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.**
- E. 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.**
- F. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall to the satisfaction of the Responsible Authority.**
- G. 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.**
- H. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.**
- I. 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 the endorsement of the plans.**

9.1.2

(cont)

- J. 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.**

Street Trees

- K. Please contact ParksWide Department on 9262 6289 to ensure all necessary street tree protection measures are undertaken and inspected prior to any works commencing. A security deposit for tree protection may be requested.**

DDA Access

- L. 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 or managed by Whitehorse City Council as may be applicable.**

Property

- M. This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the adjacent Road Reserve, the owner of the property may be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Young Street and Fairbank Lane.**

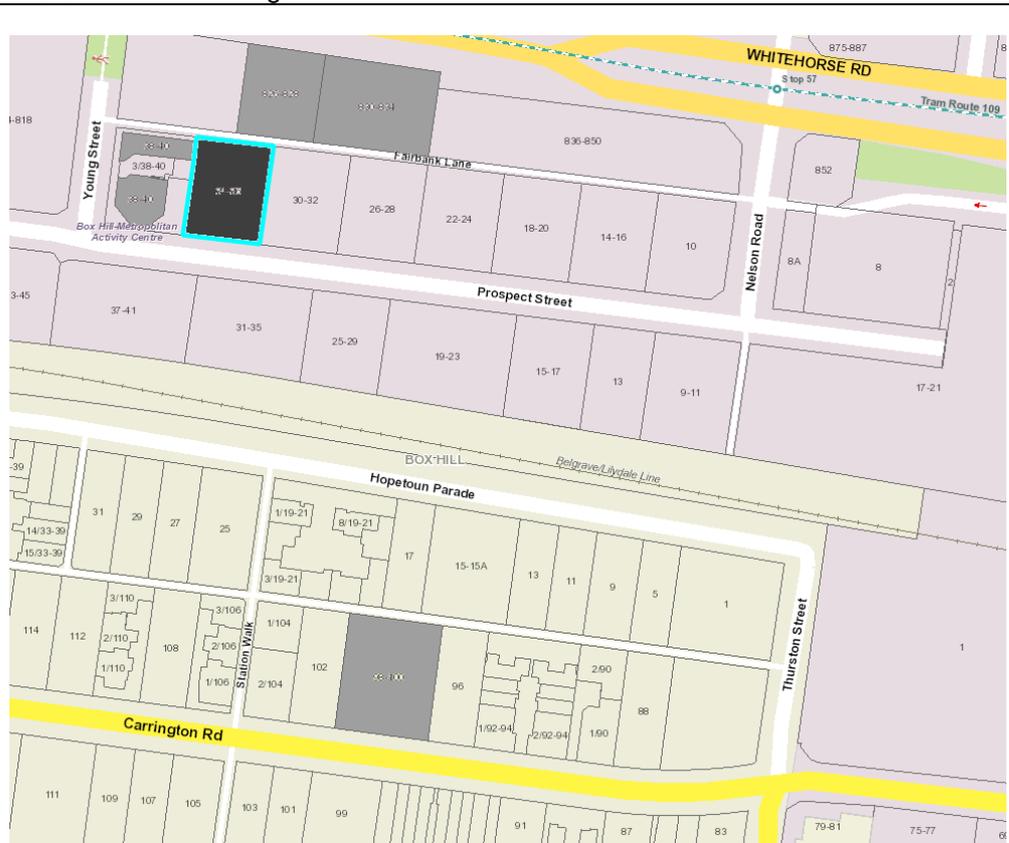
Residential Parking Permit

- N. Residents of this development and their visitors will not be eligible for Residential Parking Permits.**
- 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.**
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9.1.2
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MELWAYS REFERENCE 75 A C3

Applicant:	ZI Prospect Pty Ltd
Zoning:	Clause 34.01 Commercial 1 Zone
Overlays:	Clause 45.09 Parking Overlay
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 17	Economic Development
Clause 18	Transport
Clause 19	Infrastructure
Clause 21.05	Environment
Clause 21.06	Housing
Clause 21.07	Economic Development
Clause 22.06	Activity Centres
Clause 22.07	Box Hill Central Activities Area
Clause 34.01	Commercial 1 Zone
Clause 52.06	Car Parking
Clause 52.34	Bicycle Facilities
Clause 52.35	Urban Context Report and Design Response for Residential Development of Four or More Storeys
Clause 52.36	Integrated Public Transport Planning
Clause 65	Decision Guidelines
Ward:	Elgar



	Subject site		4 Objector Properties (0 outside of map)	 North
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9.1.2

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BACKGROUND

The Site and Surrounds

The subject site is located mid-block on the northern side of Prospect Street, Box Hill. It also has frontage to Fairbank Lane to the rear (north). The site is generally rectangular in shape, with a frontage to Prospect Street (south) of 30.48 metres, a depth of 39.62 metres, and an overall area of 1,207 square metres.

A 1.5 metre wide carriageway easement extends along the rear (northern) boundary. The site has a fall of approximately 4.0 metres from the south-eastern corner down to the north-western corner.

The site is currently occupied by a two level commercial building which is serviced by an undercroft car park, accessible via a crossover to Fairbank Lane. The building is constructed to the edge of the southern (front) and western (side) boundaries. It is setback more than 4.0 metres from its eastern (side) boundary.

In terms of the immediate interfaces:

- A 3.56m wide laneway (Fairbank Lane) extends along the northern boundary. On the opposite side of the laneway to the north-west, at 820-824 Whitehorse Road, Planning Permit WH/2016/68 was issued on 12 December 2016 to use the land for accommodation, buildings and works for the construction of a 29 storey building comprising up to 280 dwellings, with basement car parking and a reduction in car parking requirements. This Permit was subsequently amended by VCAT Order P273/2017, dated 7 July 2017, following an appeal against conditions. Hoarding has been erected around the development site in preparation for construction. On the opposite side of the laneway to the north-east, at 826-828 Whitehorse Road, are elevated double storey office buildings. This land is the subject of a current planning application WH/2016/1149 for Buildings and works associated with the construction of a thirty (30) storey mixed use building, use of the land for the purpose of accommodation where the ground floor frontage exceeds 2 metres, and reduction in the provision of car parking.
- To the east is 30-32 Prospect Street, which is occupied by a three storey commercial office building. This building has been constructed to the edge of the shared boundary with the subject site, and comprises windows at each of the three levels along this boundary.
- To the south, the site abuts Prospect Street, which is a two-way street with on-street parallel parking located on the northern side of the road. An established tree canopy is planted to either side of Prospect Street. On the opposite side of the road, at 37-41 Prospect Street, is a four storey commercial office building. The Belgrave/ Lilydale railway line extends across the rear of these commercial properties.
- To the west is 38-40 Prospect Street, which is occupied by a double storey office building. This building is constructed to the edge of the shared boundary with the subject site and has windows for its offices in the western wall to this abutment.

The site is a commercially zoned area located within the Major Development Precinct designated by the Box Hill Activity Centre Transit City Structure Plan 2007. The Box Hill Metropolitan Activity Centre (Box Hill MAC) provides retail, education, office, civic, medical, community facilities, entertainment, dining and recreational opportunities for the regional population, as well as a hub for local community activities. It is strategically located along the Melbourne to Lilydale and Belgrave rail line, Whitehorse Road and the 109 tram route, which jointly form the spine of an area of intensive economic activity that extends through Melbourne's eastern suburbs. The Box Hill Train Station and Bus Interchange (servicing 17 bus routes) are located approximately 400 metres by pedestrian routes to the south-east of the subject site.

9.1.2

(cont)

Box Hill Gardens is located approximately 400 metres to the north-east of the subject site, and Kingsley Gardens is located approximately 300 metres to the north-west. Surrey Park, located approximately 500 metres to the south of the site, includes both formal and informal recreation activities.

The Box Hill MAC is experiencing significant redevelopment, with the following sites in the vicinity of the subject land either approved, under construction, or completed:

- 820-824 Whitehorse Road – mixed use development comprising one 29 storey tower
- 836-850 Whitehorse Road (Whitehorse Towers – “The Chen”) – mixed use development comprising two towers of 36 storeys (114 metres) and 26 storeys (83 metres)
- 845-851 Whitehorse Road (former Spotlight) – mixed use development comprising three towers of 17 storeys (57 metres), 30 storeys (94 metres), and 37 storeys (117 metres)
- 913 Whitehorse Road (Australian Taxation Office) – office development of 20 storeys (81 metres)
- 545 Station Street (“Sky One”) – mixed use development of 36 storeys (123 metres)
- 12-14 Nelson Road – mixed use development of part 19 and 20 storeys (61 metres)
- 826 – 828 Whitehorse Road – 31 storey tower currently under consideration

Planning Controls

Clause 34.01 (Commercial 1 Zone)

The site is within the Commercial 1 Zone. The purpose of the zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses, and to provide for residential uses at densities complementary to the role and scale of the commercial centre. Permits are required as follows:

- To use land for the purposes of accommodation (dwellings) as the residential component has more than 2 metres of frontage at ground level; and
- To construct a building or construct or carry out works.

It is noted that the use of the land for the purposes of retail, and office, do not require a permit as they are ‘as of right’ in the Commercial 1 Zone.

Clause 45.09 (Parking Overlay) and Clause 52.06 (Car Parking)

The site is within the Parking Overlay. The purpose of the overlay is to facilitate an appropriate provision of car parking spaces in an area, and to identify areas and uses where local car parking rates apply.

The proposal generates a statutory requirement under the Parking Overlay of 181 car parking spaces, comprising 23 spaces for the office, and 138 resident spaces and 20 visitor spaces (noting that the use of ‘retail premises’ is not listed under the Parking Overlay, and reference must be given to Clause 52.06 Car Parking in the Whitehorse Planning Scheme, which has a statutory requirement of 9 car parking spaces).

It is proposed to provide a total of 184 car parking spaces, comprising 2 retail spaces, 23 office spaces, 138 resident spaces and 20 visitor spaces which satisfies the statutory requirement for office spaces, resident spaces, and visitor parking spaces, but dispensation is sought from the provision of 7 car parking spaces for the retail premises.

This will be discussed in greater detail later in this report.

Clause 52.07 Loading and Unloading Facilities

Clause 52.07 (Loading and Unloading of Vehicles) requires that no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for the loading and unloading of vehicles.

9.1.2

(cont)

A permit may be granted to reduce or waive the loading and unloading requirements.

Clause 55 (ResCode) of the Whitehorse Planning Scheme does not apply to a development of five or more storeys.

Clause 58 (Apartment Developments) of the Whitehorse Planning Scheme does not apply to an application for a planning permit lodged before the approval date of Amendment VC136 (13 April 2017).

PROPOSAL

It is proposed to construct a mixed-use development comprising 187 apartments, commercial uses (retail and office) within a 30 storey tower above five basement levels of car parking. The proposed tower incorporates a podium of between approximately 19-21 metres (4 storeys). The tower form exclusively contains residential uses.

The key features of the proposal includes:

- Two retail premises tenancies at ground floor level. The tenancies have a combined total leasable area of 244sqm, and direct access to the Prospect Street frontage.
- Four office tenancies, spread over Level 1 and 2 and located on either side of a central lift core, with a total net floor area of 1,152sqm. A small mid-block light court of 9m length by 2.6m width and balcony zone provide daylight to the central area. Shared amenities including disabled facilities are provided at each level.
- The total commercial floor area comprises 1,396 square metres.
- A gymnasium, swimming pool, theatre room, communal room, communal outdoor terrace area, and change rooms are located at the southern end of Level 3. The northern end (accessed via a swipe access security door) contains four residential apartments each with generously scaled courtyards.
- Levels 5 to 24 adopt a common footprint. A perforated metal screen wraps around the proposed building at its outermost edge to the south eastern corner and returns back along the eastern frontage, resulting in a setback to the enclosed building envelope ranging between 1.2m and 2.8m to the Prospect Street frontage. At each level there is the provision of six two-bedroom apartments and two one-bedroom apartments.
- An additional outdoor communal open space terrace area is located at Level 25. At this level, four two-bedroom apartments are proposed.
- The apartments proposed within the development include a mix of 46 one bedroom, 138 two bedroom, and 3 three bedroom apartments, and will be located between levels 3 to 29.
- A lobby, stairwell and two lifts provide access to all levels of the building.
- Storage cages are provided across the basement levels, level 1 and 2.
- Each apartment has access to a balcony, ranging in size from 8.29sqm to 68sqm.
- The five basement car park levels contain a total of 184 car parking spaces, with 44 spaces contained within a mechanical parking system at ground floor level which rises the equivalent of three commercial stories (extending into Levels 1 and 2). Twenty (20) visitor spaces are located in basement level 1. An accessible car space is provided at ground level.
- The basement will be accessed from Fairbank Lane, via two vehicle entry/ exit points. One will provide access to the basement, and the other will provide access to the ground floor car parking.
- Waste management is proposed at ground floor level for both commercial and residential areas using the same aisle for access. The application was accompanied by a Waste Management Plan, prepared by Leigh Design and dated November 2016, which stated that the plans indicate sufficient space for on-site bin storage, and will comprise 12 x 1,100 litre capacity bins for residential use (including garbage and recycling), 2 x 1,100 litre capacity bins for commercial uses, to be collected three times per week by a private waste contractor.

9.1.2

(cont)

- No loading areas are proposed.
- A total of 64 bicycle parking spaces are provided, with eight (8) spaces provided for the retail/ office use at ground level, and 44 spaces provided in basement level 1. The remaining 12 spaces are located along the footpath, and will be provided as six (6) double sided rails.
- The design of the building incorporates a tower form, with four storey podium at the base. The materials and colour palette includes a landscaped vertical garden, extensive glazed elements, and feature cladding. The south elevation and east elevations are predominantly gold coloured perforated metal screen wraps around approximately 33% of the south elevation, returning to clad more than 70% of the eastern elevation. The south elevation is a mixture of dark tinted glazing and, in a stepped pattern arrangement, inclusion of what appears to be fixed perforated screens at intervals along the façade. At podium level, a fixed perforated screen in black metallic finish with a laser cut arrangement indicating a landscape theme is proposed. This sits above a relatively conventional commercial ground and first floor of concrete in situ, described as panels. The western elevation intermixes small elements of the perforated panels with larger expanses of a golden glass (not nominated on the materials and finishes schedule). This lighter coloured form is framed to each end by black composite cladding in combination with dark tinted glass.
- The maximum overall height is approximately 94.6 metres to Fairbank Lane.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting one large notice facing Prospect Street frontage. Following the advertising period three (3) objections were received.

The issues raised in the objections are summarised as follows:

- Overlooking
- Overshadowing
- Overdevelopment of the site
- Increase in local traffic congestion and pressure on existing on street car parking spaces
- Building to be used for the purposes of residential will undermine the precinct which is earmarked for commercial/ office use
- Oversupply of residential units in Box Hill

Referrals

External

VicRoads

The application was referred to Vic Roads (under S55 of the *Planning and Environment Act 1987*) who advise that they do not object to the proposal and do not require the inclusion of conditions.

Public Transport Victoria

The application was referred to the Director of Public Transport under S55 of the *Planning and Environment Act 1987* who advise that they do not object to the proposal and do not require the inclusion of conditions.

9.1.2

(cont)

Internal

Engineering and Environmental Services Department

- Transport Engineer

The proposal was referred to Council's Transport Engineers who do not object subject to the inclusion of conditions on any approval issued.

- Waste Engineer

The proposal was referred to Council's Waste Services Engineers who do not object subject to the inclusion of conditions any approval.

- Assets Engineer

The proposal was referred to Council's Asset Engineers who do not object subject to the inclusion of the conditions on any approval.

- Design and Construction Engineer

The proposal was referred to Council's Design and Construction Team who do not object subject to the inclusion of conditions on any approval issued.

ESD Advisor

The proposal was referred to Council's ESD Advisor who does not object subject to the inclusion of conditions on any approval issued.

Box Hill Activity Centre Manager

The proposal was referred to the Box Hill Activity Centre Manager. All issues raised including interface at street level, provision of employment to the precinct, podium height along Fairbank Lane and building entrances have been addressed by amended plans.

Urban Design Advisor

The proposal was reviewed on a number of occasions by MGS Architects on behalf of Council with feedback provided to both Council Officers and the Applicant's design team. Issues raised include setbacks of the apartment building levels 4 to 24 needing to be increased from the north and south, inclusion of affordable and diverse housing in the tower levels or alternatively the removal of Levels 25-29, exterior treatments, pedestrian links at ground level, and increased diversity in the tenure of residents within the development.

The requirement to provide a minimum of seven (7) apartments for affordable housing will be required by way of planning permit condition. In addition, Levels 25-29 will be retained. The maximum overall height of the proposed building is approximately 94.6 metres to Fairbank Lane. By way of comparison, the approved maximum overall height of Tower 1 of the approved development at 845-851 Whitehorse Road is 117.1 metres, while the maximum height of the development at 850 Whitehorse Road is 116.75 metres to the lift over run.

Building Levels 4 to 24 are proposed to be setback 4.5 metres from both the east and west boundaries. Setbacks to the front (south) boundary ranges between 1.2m to 2.8 metres to Prospect Street, increasing to 6.6m for Levels 26 to 29. Rear setbacks are more modest, with a proposed setback to Fairbank Lane of 3.1m for its entire height, save for the indented Level 25. The dimension of 3.1m is from the site boundary rather than from the edge of the carriageway easement which is a further 1.5m in width. Therefore, the proposed development will only have a 1.6m setback from the podium level.

9.1.2

(cont)

By way of comparison, Planning Permit WH/2016/68 for 820-824 Whitehorse Road Box Hill which approved a thirty storey mixed use building, is located directly opposite the site. This building has a similar podium and tower form to that proposed on the subject site. The podium will be four levels in height and will extend to the site boundaries. The tower (commencing at Level 7) has setbacks of 5.0 metres from Whitehorse Road, 8.5m from the eastern (side) boundary (except for one apartment adopting a zero setback in the south-east corner at Level 7), and setback 4.5 metres to the south (taken from the centre point of Fairbank Lane), which equates to approximately 3.0 metres from the site boundary.

Property and Rates

The proposal was referred to Council's Property and Rates Department who do not object, and have not sought any conditions or notes on any approval granted.

DISCUSSION

Consistency with State and Local Planning Policies

Plan Melbourne – The Metropolitan Planning Strategy identifies Box Hill as a major regional centre and amongst Melbourne's largest centres of activity. It has a wide variety of uses and functions including commercial, retail, housing, highly specialised medical and personal services, education, government and tourism. State policies encourage the intensification of Box Hill as a commercial and employment hub, supported by one of Melbourne's biggest transport interchanges.

Clause 16 (Housing) of the State planning policy framework also strongly advocates the need to provide substantial new housing (in a diversity of housing types) ensuring developments are integrated with infrastructure and services. Higher density housing is to be located in or close to activity centres, employment corridors and public transport. Such new development is to match changing demand by widening housing choice, and improving affordability.

Clause 17 (Economic development) further encourages development which meets community needs for office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities within existing or planned activity centres.

Clause 18 (Transport) has objectives to encourage higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges and tramways. Clause 18.02-1 promotes the use of sustainable personal transport, including walking and cycling whilst Clause 18.02-5 requires that an adequate supply of car parking is provided, that is appropriately designed and located to protect amenity of residential precincts.

Clause 19.01 (Renewable energy) promotes renewable energy use in development and Clause 19-03-05 seeks to minimise waste and encourage recycling within new development.

In terms of State planning policy, the subject site represents a significant strategic redevelopment opportunity to deliver higher density residential uses and complementary commercial activity given its location within the Box Hill Metropolitan Activity Centre. Its frontages to Prospect Street and Fairbank Lane, and its proximity to a broad range of urban infrastructure including public transport services, employment opportunities and commercial facilities, further reinforce the strategic advantages of the subject site.

9.1.2

(cont)

Local Planning Policy Framework

Clause 21.06 (Housing), notes that the City of Whitehorse is under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities. The Box Hill Metropolitan Activity Centre is identified to accommodate increased housing growth while providing high levels of amenity for residents. In this regard the proposal meets the policy objectives and will contribute to the overall diversity of housing in the area, including a mix of one, two and three bedroom tenures and short-term hotel accommodation. The applicant has also agreed to include a component of 'affordable housing' which will comprise seven dwellings within the residential component of the building. This will also achieve the objective of Clause 16.01-5 (Housing affordability), which seeks to, '*deliver more affordable housing closer to jobs, transport and services*'.

Council's *Housing Strategy 2014* identifies areas of substantial, natural and limited growth. The subject site is included within a Substantial Change area which will provide for housing growth with increased densities, in accordance with the Box Hill Transit City Activity Centre Structure Plan 2007 (Box Hill Structure Plan).

Clause 21.07 (Economic Development), identifies Box Hill as a Central Activities Area (CAA), which provides significant opportunities for investment in terms of retail, public transport, entertainment and higher density residential development. Although the overall use of the site is largely residential, it does introduce an office component of 1,152 square metres, in addition to retail premises at 244 square metres at ground floor level.

Clause 22.06 (Activity Centres Policy) includes objectives to ensure that new development maintains and enhances the role of the activity centre as a community focus and to improve the appearance and amenity of the activity centre.

Clause 22.07 (Box Hill Central Activities Area Policy), expands upon Clause 22.06 in providing policy direction relating to open spaces, pedestrian mobility and bicycle spaces, road traffic management, car parking, land use mix and built form. The policy further seeks to implement the Box Hill Structure Plan. The vision for the Centre is that '*Box Hill will be sustainable, safe and accessible to all. It will be a distinctive, vibrant, diverse, inclusive, participatory, caring and healthy community where you live, work and enjoy – day and night*'.

The structure plan establishes precinct areas that seek to more specifically identify areas for different forms of use and development. The subject site is located within Activity Precinct B (Prospect Street Precinct) and Built Form Precinct F (Major Development Precinct).

Precinct B (Prospect Street Precinct) is identified for:

- *Consolidation as the primary office precinct in the activity centre*

Precinct F (Major Development Precinct) seeks to achieve the following:

- *Major Development Precinct: Taller buildings permitted, enabling increased density. Heights must not cause overshadowing of Key Open Spaces, Residential Precincts A or B or residential areas beyond the study area. Transitional heights to be provided at edges of the precinct to respect the scale of neighbouring precincts.*

9.1.2

(cont)

Other Considerations

Planning Scheme Amendment C175/ Draft Box Hill Metropolitan Activity Centre Built Form Guidelines

Amendment C175 proposes to implement the *Box Hill Metropolitan Activity Centre Built Form Guidelines* ('the Guidelines') into the Planning Scheme by introducing a new schedule 6 to the Design and Development Overlay and applying it to land identified within the Box Hill Structure Plan area. The Amendment also proposes rezoning various sites identified within the Structure Plan and making changes to planning policy to include the Guidelines as a reference document to the Planning Scheme

The Amendment was publically exhibited from 16 February 2017 to 17 March 2017. A total of 206 submissions and pro-forma responses were received. At its meeting on 15 May 2017 Council considered the submissions received and resolved to request the Minister for Planning to appoint an Independent Panel to consider the Amendment and submissions. An independent Planning Panel was appointed by the Minister for Planning. The Panel Hearing was heard in July 2017, and the Panel Report has recently been made publicly available.

The report by the Panel highlights a number of matters for consideration by Council, and until such time as Council has had the opportunity to thoroughly review the recommendations made and identify its next steps, the Guidelines will continue to give weight to the strategic guidance for built form outcomes within the Box Hill MAC. The Amendment is considered to be a seriously entertained planning proposal and must be given weight by decision makers until such time as Council determines its position.

The subject site and its immediate environs are earmarked for major development with taller buildings and increased densities. Precinct F is the only precinct within the structure plan where no specific preferred or maximum height limit applies.

The *Box Hill MAC Built Form Guidelines* for sites within 'Precinct F4 – Whitehorse Road and Prospect Street' can be summarised as:

- 5 storey podium
- Preferred maximum building height 20 storeys
- 5m setback to all sides above podium
- 1.5m setback from laneway for vehicular access as required
- Progressive building separation:
 - Up to 5 storeys – 0m
 - 6 to 20 storeys – 5m
 - 20 to 30 storeys – 8 metres

In terms of compliance with current Planning Scheme Policy, the proposed development is considered to be, in principle, appropriate for the location. The subject site and its immediate environs are earmarked for major development with taller buildings and increased densities. Precinct F is the only precinct within the Box Hill MAC where no specific preferred or maximum height limit applies. This area therefore represents a significant opportunity to deliver the proposed mixed-use development without impacting on the amenity of any residential neighbourhood or identified key public open space. The intensification of the core of the Activity Centre with uses that support its strategic status and role is supported in principle, and the proposed uses are an appropriate fit.

9.1.2 (cont)

Design and Built Form

The applicant's Urban Context Report, identifies how the site acts as a '*gateway into central Box Hill from the west*' and is sufficiently large enough to accommodate a mix of commercial floor space and a new residential tower. The design sufficiently addresses each street frontage with activation including commercial tenancies fronting Prospect Street. The height and scale of the proposal is comparable with the recently approved development located on the opposite side of Fairbank Lane at 820-824 Whitehorse Road with the construction of a 30 storey mixed use building, and 826-828 Whitehorse Road where a current planning application is contemplating a 30 storey mixed use building on the site. These significant developments enhance the pronounced 'gateway' effect into the Box Hill Activity Centre.

The building form will include a podium that extends along the Prospect Street frontage for four storeys (varying the height between 19 and 21 metres), generally adopting a zero setback to the streets as encouraged by the Precinct Guidelines. The ground floor of the podium provides for commercial activities to activate the Prospect Street frontage, with extensive use of glazed elements at the ground and first floor level to provide for pedestrian surveillance.

The podium also has a distinctly different architectural treatment to the tower, which serves to break up the building bulk, provides for finer grade detailing of the streetscape, and provides for a clear sense of address.

In terms of scale, the proposal is considered to be consistent with the recently approved development at 820 Whitehorse Road which consists of a 30 storey tower, and the development further east at 850 Whitehorse Road, which consists of tower of up to 36 storeys.

A 22 storey tower is found above Level 6, with a setback of 3.0 metres from Fairbank Lane, 4.5 metres from both the eastern and western side boundary, and 1.2 metres increasing to 2.8 metres to the Prospect Street frontage (south). The modest setbacks to the laneway to the north are generally not supported by Council's Urban Design Advisor, who views them as doing little to improve connectivity and urban quality. That said, the proposed building has setbacks comparable to those adopted by the adjacent development at 820-824 Whitehorse Road.

The internal amenity to be provided to future residents is considered to be high, with the internal layout of apartments considered to provide good daylight access. The proposal also provides good levels of resident amenity, with facilities on Levels 3 and 25 including a theatre, family room, gym, swimming pool, outdoor landscaping area and barbeque facilities.

The proposed development is not considered to have any unacceptable adverse impact on any existing significant landmarks, views or vistas, and is therefore considered to achieve the expectations set out in the Box Hill Structure Plan.

Services required by the proposal are generally contained within the rear section of the podium levels within the building and concealed from view.

The proposed plans show a variety of construction and cladding materials. The use of composite aluminium cladding is currently the subject of a state government taskforce due to potential high fire risk. The use of appropriately fire rated materials will be assessed by the Responsible Building Surveyor, it would be inappropriate for this to be conditioned via any planning permission.

9.1.2

(cont)

Amenity

Overlooking and access to Light

The subject site is adjoined on its eastern and western side by an office building, and an at grade open car park is located to the south of the site, on the opposite side of Prospect Street. To the north-west, and located on the opposite side of Fairbank Lane, a 30 storey mixed use residential tower has been approved at 820-824 Whitehorse Road.

In terms of equitable development, the proposed setbacks to the tower from side and rear boundaries provide minimum distances of 9m between the boundaries of the adjacent sites and the edge of the balconies. This distance is acceptable and will allow for the equitable development of this site. This will in turn avoids the need for overlooking screening devices.

Overshadowing

The proposed building will cast shadows across other commercial frontages. The shadow diagrams (9am to 3pm on September 22nd) demonstrate that the shadow implications are acceptable, having regard to the preferred built form character and streetscape vision for the site and the surrounding area. The proposed development does not result in any shadow being cast onto any key public open space or other spaces identified in the Structure Plan.

The equinox shadows have a minor impact to the established residential areas to the south, fronting Hopetoun Parade, however this is not considered to result in any unreasonable detrimental impact.

Wind Impact

Vipac Engineers and Scientists Ltd have prepared a statement of wind effects for the ground level, adjacent areas, and outdoor amenity areas of the proposed development to determine wind conditions around the site. The results were outlined in a report dated January 2017.

Prevailing winds are noted as being predominantly from the north, and south-west. The report finds that on the Prospect Street frontage, the close proximity of the surrounding buildings (currently measured as being approximately 10-20 metres in height) will shield the proposed development from the prevailing north and south-western winds. The setback nature of the proposed tower from the podium below also helps reduce ground level winds, and wind conditions at footpath level will be within walking criterion.

At Level 3, which features a Lower Common Terrace area as well as swimming pool, is well shielded from prevailing south-westerly winds by the location of the proposed gymnasium and the incorporation of landscaping along the perimeter. Additionally, the featured seating and BBQ areas are well setback from the tower above. Wind conditions are expected to be within criterion for sitting comfort (using threshold values for the worst annual 3-second gust velocity expected at that location in Melbourne).

Similarly, the Common Terrace at Level 25 is expected to be within criterion for sitting comfort due to the shielding provided by the large canopy above, as well as landscaping along the perimeter.

The report recommends educating occupants about wind conditions at open terrace/balcony areas during high-wind events and fixing loose, lightweight furniture on the terrace.

9.1.2

(cont)

Energy Efficiency

The orientation of the building on the lot has maximised available solar access. The use of shared roofs, floors and walls also promotes energy and resource efficiency.

A Sustainability Management Plan was submitted with the application, and Council's ESD Officer has reviewed this. The development has been assessed as being able to achieve an acceptable level of energy efficiency, subject to amendments to this plan which include the provision of a Stormwater Treatment Objective Relative Measure (STORM) Rating Report, and Built Environment Sustainability Scorecard (BESS) report.

Internal Amenity

The development will deliver a good level of internal amenity to future occupants of the residential apartments. At ground floor level, separate entry to the residential building, and separate entry to the retail and office areas are provided.

The separation achieved between the tower and the south boundaries will provide the apartments with a satisfactory outlook. The separation will ensure for appropriate levels of daylight and sunlight into the apartments.

The internal layout of floors are designed to respond to the features of the site, including the interface with Prospect Street, and the opportunity for a northern outlook. Wherever possible, apartments are sited with a northern, eastern or western aspect with a solely southerly orientation limited to a small number of apartments.

Privacy between apartments, in particular balcony locations and separation have been addressed through the adoption of setbacks from boundaries which obviate the need to apply heavy screening devices.

Alternate lift and stair access linking all floor levels including the car parking is provided.

Each apartment is afforded with generous storage areas within the secured car parking areas in the form of cages of 6 cubic metres.

All habitable rooms have direct access to daylight and ventilation. No habitable rooms rely on borrowed light.

The dwellings include a mix of one, two and three bedroom dwellings. The indicative furniture layouts demonstrate that there are a range of layout options possible for the rooms.

Each apartment is afforded an area of private open space in the form of a balcony or terrace that all achieve an area greater than 8 square metres in size. The areas of private open space are further supplemented by the communal open space at Level 3, and 25. The Level 3 space contains a swimming pool and gymnasium, while Level 25 space comprises a number of landscaped areas including seats alongside raised planter boxes and other communal furniture.

Landscaping and Urban Art

The application includes a landscape concept plan which shows landscaping in the form of garden areas and within the rooftop terrace/communal open space at Level 3. It is considered that the Level 3 podium open space requires additional infrastructure to cater for a range of recreational purposes. The proposed development does not include recreation space for children, and it is therefore recommended that play equipment or playable elements such as sculpture or seating elements are included within this open space, as listed in conditions for any approval.

9.1.2

(cont)

is considered that in order to be consistent with other approvals of the scale in this locality in terms of activation of the streetscape, community benefit, and high quality built finish outcomes, that the proposal should include an element of integrated urban art to the ground level. As such, it is recommended that Council impose an Integrated Art Plan by way of condition.

Uses

It is noted that the use of the land for retail and office within the Commercial 1 Zone are as-of-right, and no limitation is required on operating hours, although a general amenity condition will be included on any permit issued.

Planning approval is required for the residential uses. The provision of ground level lobby areas is acceptable, as these provide for a sense of address and street presentation to the residential uses.

Consistent with other recent approvals, a condition of the permit will require the provision of seven (7) residential apartments to be designated as 'affordable housing units'. This will be determined through discussions, and detailed within conditions of any planning permit issued.

Car Parking

The site is located within the Box Hill Central Activities Area and is therefore subject to the Box Hill Activity Centre Parking Overlay, Clause 45.09 of the Whitehorse Planning Scheme. Accordingly, the proposal requires the following parking provision for the proposed development:

Land Use	Number/ Area	Statutory Parking Rate	Car Spaces Required
Dwellings:			
• 1 bedroom	46	0.5 spaces per dwelling	23
• 2 bedroom	138	0.75 spaces per dwelling	103
• 3 bedroom	12	1 space per dwelling	12
• Visitor parking	196	0.2 spaces for the first 5 dwellings plus 0.1 spaces to each subsequent dwelling	20
Office	1,152sqm	2 spaces per 100sqm of net floor area	23
Retail*	244	No statutory parking rate provided	N/A
		Total Parking Requirement	181

*It is noted that the proposal includes retail floor space, for which there is no statutory rate applicable under the planning scheme. The number of car parking spaces applied to a retail use is to the satisfaction of the Responsible Authority.

9.1.2

(cont)

The application proposes to include 184 parking spaces and the allocation of the parking spaces is as follows:

Land Use	Planning Scheme Required Car Spaces	Car Spaces Proposed
Dwellings:		
• 1 bedroom	23	23
• 2 bedroom	103	103
• 3 bedroom	12	12
• Visitor parking	20	20
Office	23	23
Retail/other	No statutory rate applicable	2 (retail) + 1 (other)
Total	181	184

As indicated above, the planning scheme does not specify a parking rate for a retail use. An empirical rate has therefore been applied to assist in the assessment of the number of car parking spaces that may be applied as a suitable parking rate. Councils Transport Engineers have indicated that for 244sqm of floor area, it is reasonable to require 9 parking spaces.

That said, Council's Traffic Engineers have no objection to the proposed development. They note that the proposed retail area of 244sqm is relatively small, and that the provision of two (2) on-site staff parking spaces only is considered reasonable providing that there is adequate parking availability in the area either on-street or within private car parks for their customers.

The shortfall in retail customer parking (7 car parking spaces) can be found in nearby private and public car parking areas. The proposal also provides 1 additional space for allocation to either residential or staff use, further reducing the parking shortfall to 6 spaces, based on the application of an empirical parking rate.

In terms of traffic generation, it has been pointed out that a number of recent developments have either a planning permit that involves access onto Fairbank Lane or have a planning permit application proposing access onto Fairbank Lane. As such, a detailed traffic impact assessment of the proposed development needs to be undertaken which shall take into account approved developments or current development applications that involve access onto Fairbank Lane. The report must also detail any proposed mitigating works in the area. This will be required as a condition on any planning permission granted.

Council's Traffic Engineers have recommended that, in terms of conditions to be applied to the planning permit, similar conditions to those applied to the mixed use development at 820-824 Whitehorse Road that relate to traffic impact be placed upon this development. These have been included in the proposed conditions on this proposal.

Bicycle Facilities

In accordance with Clause 52.34 of the Whitehorse Planning Scheme, the number of bicycle parking spaces required is:

Usage	Number/ Area	Employee Rate	Visitor Rate	Required Spaces
Dwellings (4 or more storeys)	196 dwellings	1 space per 5 dwellings	1 space per 10 dwellings	58
Office >1000sqm	1,152sqm	1 space per 300sqm NFL	1 space per 1000sqm NFL	4
			Total spaces	62

9.1.2

(cont)

The proposal involves the provision of 64 bicycle parking spaces which is considered satisfactory. The provision of 44 staff/ resident and 20 spaces for accessible visitor parking spaces is considered satisfactory to meet Planning Scheme requirements.

End of trip facilities will be provided, with a shower provided in the disabled toilet facilities on both Level 1 and Level 2, and separate showers provided in the male and female Level 3 amenities areas. A row of lockers will be provided on Level 3, adjacent to the amenities area.

Objectors Concerns Not Previously Addressed

- *Overdevelopment of the site*

The subject site is located within the Box Hill Major Activity Centre, and is in a Major Development Precinct designated by the Box Hill Activity Centre Transit City Structure Plan 2007. The property is located close to Box Hill train station, the 109 tram route, and Box Hill Bus Interchange (servicing 17 bus routes). In terms of planning policy the subject site has a high degree of strategic support for an intensive, high density development, providing retail, commercial, and residential uses.

- *Increase in local traffic congestion and pressure on existing on street car parking spaces*

The proposed development is likely to result in an increase in local traffic. The proposal incorporates 184 car parking spaces which will be distributed between the residential apartments, office tenancies, and retail tenancies.

Council's Traffic Engineers have no objection to the proposed development.

A condition on any planning permission issued will require a detailed traffic impact assessment of the proposed development to be undertaken, which has regard for approved developments or current development applications. This report is expected to detail any proposed mitigating works in the area.

- *Building to be used for the purposes of residential will undermine the precinct which is earmarked for commercial/ office use*

The proposed development will be a mixed use building, incorporating retail premises at ground floor, office tenancies, and residential dwellings. It is not considered that this mixture of uses will undermine the precinct.

The existing office building on site provides a total area of approximately 1,200sqm of office space. The proposal seeks to include 1,396sqm of total commercial floor area, comprising 1,152sqm of office tenancy, and 244sqm of retail tenancy.

- *Oversupply of residential units in Box Hill*

The proposed development will be a contribution to meeting Whitehorse's future housing needs. There is strong strategic policy support for high density housing within the Box Hill Major Activity Centre, and the proposal is considered to be consistent with the objectives relating to urban consolidation in the Whitehorse Planning Scheme.

CONCLUSION

The proposal for Use of the land for accommodation (dwellings), buildings and works for the construction of a thirty (30) storey mixed use building, comprising retail premises, office, and dwellings, with basement car parking, and associated reduction in the provision of car parking spaces, and waiver of loading and unloading of vehicle requirements is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Commercial 1 Zone, and the Parking Overlay.

9.1.2

(cont)

In addition to making a contribution to meeting Whitehorse's future housing needs, the proposal provides for a mixture of uses consistent with the sites commercial zoning and local policies applicable for the Box Hill MAC. The building has been designed to respond to the site's varying interfaces, to provide a high level of amenity for future residents and to activate the street frontages. The design of the building has been assessed by Council's Urban Design Consultant, and provides an appropriate built form outcome. The proposal provides community benefits in the form of the provision of seven (7) affordable dwellings to be given to a registered housing provider.

A total of four (4) objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved.

ATTACHMENT

1 Advertised Plans [⇨](#) 

Strategic Planning

9.1.3 Fast Track Government Land Service - Council submission to public hearing on Box Hill Institute sites

ATTACHMENT

SUMMARY

The Fast Track Government Land Service is a process driven by the State Government that aims to facilitate changes to the planning provisions for government owned sites that have been identified as surplus to needs. This process includes public consultation and a public hearing conducted by the Government Land Standing Advisory Committee.

The Box Hill Institute has determined that two sites within the Box Hill campus (eastern part of 1000 Whitehorse Road and 16-18 Spring Street (and air rights in the adjoining Nelson Road campus) are surplus to requirements and is using the Fast Track process to consider amending the zoning and planning controls applying to the sites to facilitate their disposal.

This report outlines the Fast Track process and provides an analysis of the strategic planning implications of rezoning the two sites. This report will form the basis of Council's submission to the Government Land Standing Advisory Committee.

RECOMMENDATION

That Council endorse a submission to the Fast Track Government Land Service process, including the Government Land Standing Advisory Committee, for sites at 1000 Whitehorse Road and 16-18 Spring Street, Box Hill that is formed on the basis of the officer assessment contained in this report.

MOTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

- 1. Endorse a submission to the Fast Track Government Land Service process, including the Government Land Standing Advisory Committee, for sites at 1000 Whitehorse Road and 16-18 Spring Street, Box Hill that is formed on the basis of the officer assessment contained in this report;***
- 2. Include within the submission a request to remove the Parking Overlay from the land at 16-18 Spring Street, Box Hill.***

LOST

A Division was called.

Division

For

Cr Barker
Cr Davenport
Cr Ellis

Against

Cr Bennett
Cr Carr
Cr Cutts
Cr Liu
Cr Massoud
Cr Munroe
Cr Stennett

On the results of the Division the motion was declared LOST

9.1.3

(cont)

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Liu

That Council endorse a submission to the Fast Track Government Land Service process, including the Government Land Standing Advisory Committee, for sites at 1000 Whitehorse Road and 16-18 Spring Street, Box Hill that is formed on the basis of the officer assessment contained in this report.

CARRIED

A Division was called.

Division

For

Cr Bennett
Cr Carr
Cr Cutts
Cr Ellis
Cr Liu
Cr Massoud
Cr Munroe
Cr Stennett

Against

Cr Barker
Cr Davenport

On the results of the Division the motion was declared CARRIED

BACKGROUND

The Fast Track Government Land Service (FTGLS) is a new initiative by the Victorian State Government for surplus government owned land and aims to facilitate changes to planning provisions or correct planning scheme anomalies for surplus government sites.

Government departments that require planning scheme changes for their land can apply for assistance through the FTGLS. This can include rezoning surplus government land or changes to overlay provisions for existing sites.

The role of the FTGLS team is to facilitate the process, provide advice to the Minister for Planning, undertake notification to the community where necessary and prepare a planning scheme amendment when required. The FTGLS includes preparation of standard amendment documentation and set timeframes to complete the Fast Track process. The FTGLS also includes public consultation and public hearings conducted by the Government Land Standing Advisory Committee (Advisory Committee). The Advisory Committee was established by the Minister for Planning in 2015 with the purpose of providing independent advice on the suitability of changes to planning provisions for land owned by the State Government.

The Box Hill Institute is seeking to consolidate the campus footprint within the Box Hill Metropolitan Activity Centre (MAC) to centralise their facilities and provide opportunity for the development of future facilities. The Institute has determined that some of its land and air rights are now surplus to requirements and seeks to use the FTGLS to change the planning scheme provisions that apply in the Whitehorse Planning Scheme (the Planning Scheme) to the sites to facilitate their future sale. As part of the FTGLS, the sites will be referred to the Advisory Committee for review.

The purpose of this report is to provide an overview of the FTGLS process and an assessment of the implications of rezoning the two sites. This assessment will form the basis for Council's submission to the Advisory Committee.

9.1.3

(cont)

DISCUSSION

FTGLS process

The FTGLS process includes several steps which are outlined in Table 1.

Step 1	The site is determined to be surplus to government existing and future needs	Site is determined to be surplus to requirements in accordance with the Victorian Government Landholding Policy and Guidelines. This includes First Right of Refusal by other government departments, agencies, Local Government and Commonwealth Government.
Step 2	Preliminary assessment report is completed to recommend a Planning Stream Pathway	Completed by FTGLS. Consideration of: <ul style="list-style-type: none"> • Planning controls surrounding the site • Existing conditions of the site and its surroundings • Potential future use of the site Output: recommended Planning Stream pathway <ul style="list-style-type: none"> • any additional reports or studies required • indicative timeframes and costs
Step 3	Implementation of Planning Stream Pathway	<u>Planning Stream A</u> Outcome for the site: Generally consistent with use surrounding the site Planning provisions: Same future zone/planning provisions are generally the same surrounding the site Mechanism: Planning Scheme Amendment approved s20(4) of the <i>Planning and Environment Act 1987</i> Timeframe: Considered by the Minister for Planning 2-3 times per year
		<u>Planning Stream B</u> Outcome for the site: Captures a strategic opportunity for enhanced development outcome Planning provisions: Future zone/planning provisions complement the surrounding area but not necessarily the same Mechanism: Planning Scheme Amendment/permit considered by Advisory Committee Timeframe: 6-8 months
		<u>Planning Stream C</u> Outcome for the site: All other outcomes Planning provisions: As required/determined Mechanism: Standard Planning Scheme Amendment with either local Council or Minister for Planning as Responsible Authority Timeframe: 12 months

Table 1: Fast Track Process

Source: Fast Track Government Land service website (www.planning.vic.gov.au/policy-and-strategy/fast-track-government-land-service/about-fast-track-government-land-service)

The FTGLS has determined that Planning Stream B is the most appropriate planning stream pathway to implement the fast track process for the Box Hill Institute sites.

Planning Stream B includes a consultation period (from 25 September to 3 November 2017), followed by a public hearing before the Advisory Committee. The hearing for the Box Hill institute sites is scheduled for the 16 and 17 November 2017.

9.1.3 (cont)

After the hearing, the Advisory Committee will deliberate on submissions presented to them at the hearing, before submitting their recommendation to the Minister for Planning for consideration. The Advisory Committee timeline is outlined in Figure 1. If authorised by the Minister, a planning scheme amendment will then be prepared to facilitate the proposed changes to the zone and overlays affecting the sites.

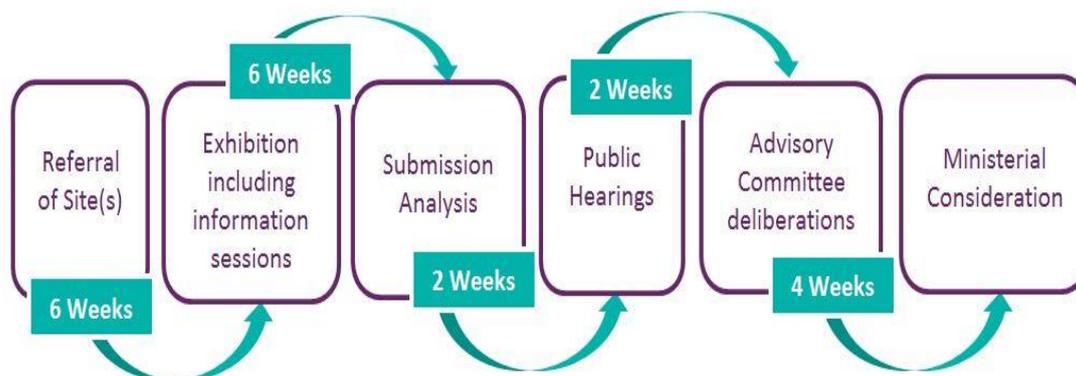


Figure 1: Government Land Standing Advisory committee timeline under

Source: Fast Track Government Land service website (www.planning.vic.gov.au/policy-and-strategy/fast-track-government-land-service/about-fast-track-government-land-service)

Box Hill Institute sites

The following sites will be referred to the Advisory Committee:

- Eastern part of 1000 Whitehorse Road, Box Hill
- 16-18 Spring Street, Box Hill (including a parcel in the adjoining Nelson Road campus)

Officers have assessed the proposed rezoning and application of overlays, where applicable, to the two sites. An officer assessment of the implications of the proposal is included below.

Part of 1000 Whitehorse Road, Box Hill

Subject Site

The site has frontage to Whitehorse Road and Bank Street, Box Hill. The east part of the site is currently zoned Public Use Zone 2 - Education (PUZ2). The site is covered by the Parking Overlay (PO) that applies to the area covered by the Box Hill Transit City Activity Centre Structure Plan (the Structure Plan).

The former Box Hill Girls' Technical School is located at the front of the western part of the property which is proposed to be retained by Box Hill Institute. This building faces Whitehorse Road and is covered by the Heritage Overlay (HO117). A number of multi-storey buildings are located on the remainder of the site, and along with the former Technical School, are part of the Whitehorse campus of the Box Hill Institute.

The site is within walking distance to the Box Hill Transit Interchange which includes the Lilydale and Belgrave train lines, the tram terminus on Whitehorse Road and Box Hill Gardens. The site is also with walking distance of the core commercial and retail area of the Box Hill MAC and is adjacent to the Box Hill Town Hall and community hub.

9.1.3
(cont)

The eastern part of the site has been identified as surplus to the future needs of the Box Hill Institute. The Epworth Eastern, which is directly north of the Nelson Campus of the Box Hill Institute, is seeking to expand its current Box Hill site. To achieve this, it is proposed to undertake a land swap, whereby the Epworth Eastern will purchase the site and relocate the Salvation Army's Box Hill corps from their existing site at 17-23 Nelson Road, Box Hill to the site at 1000 Whitehorse Road. A concept for development of this site does not form part of the current FTGLS process.

There is currently a plan of subdivision lodged with Council's Planning and Building department for subdivision of the site and demolition of the building along the southern boundary. The subsequent subdivision will create Lot 1 occupying an area of 5313sqm, and Lot 2 occupying an area of 5145sqm.



Figure 2: Box Hill Institute site at 1000 Whitehorse Road, Box Hill

9.1.3
(cont)

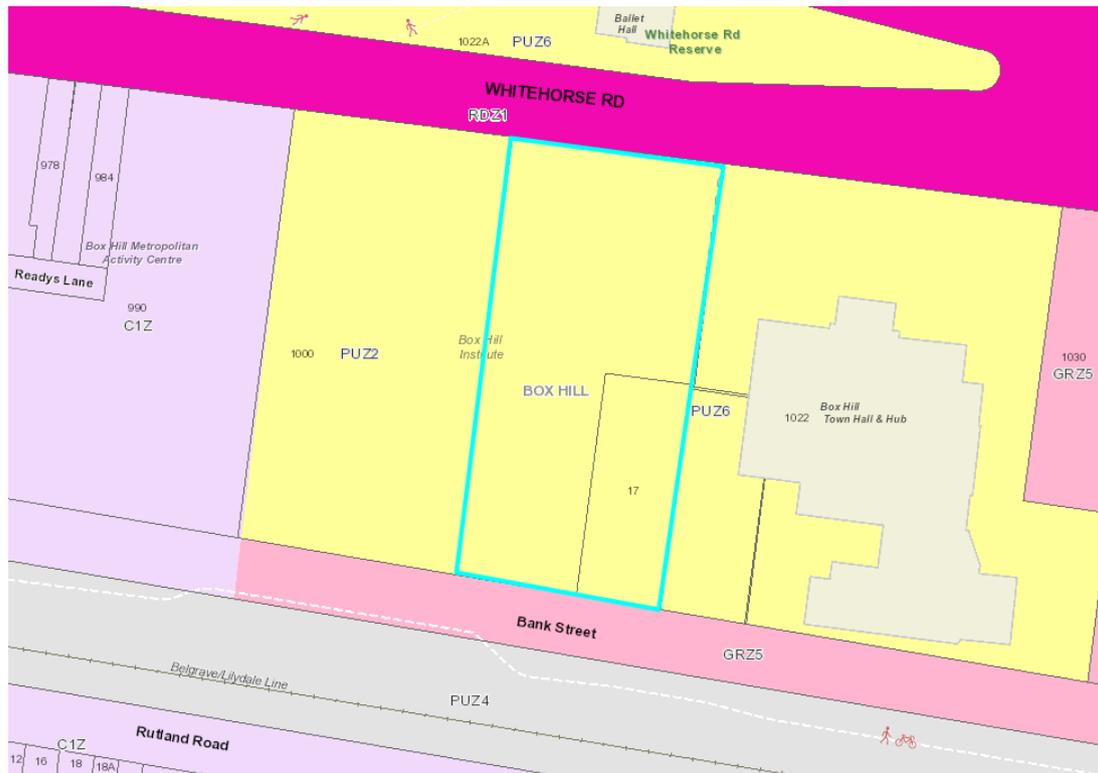


Figure 3: Current zoning of 1000 Whitehorse Road, Box Hill and surrounding sites

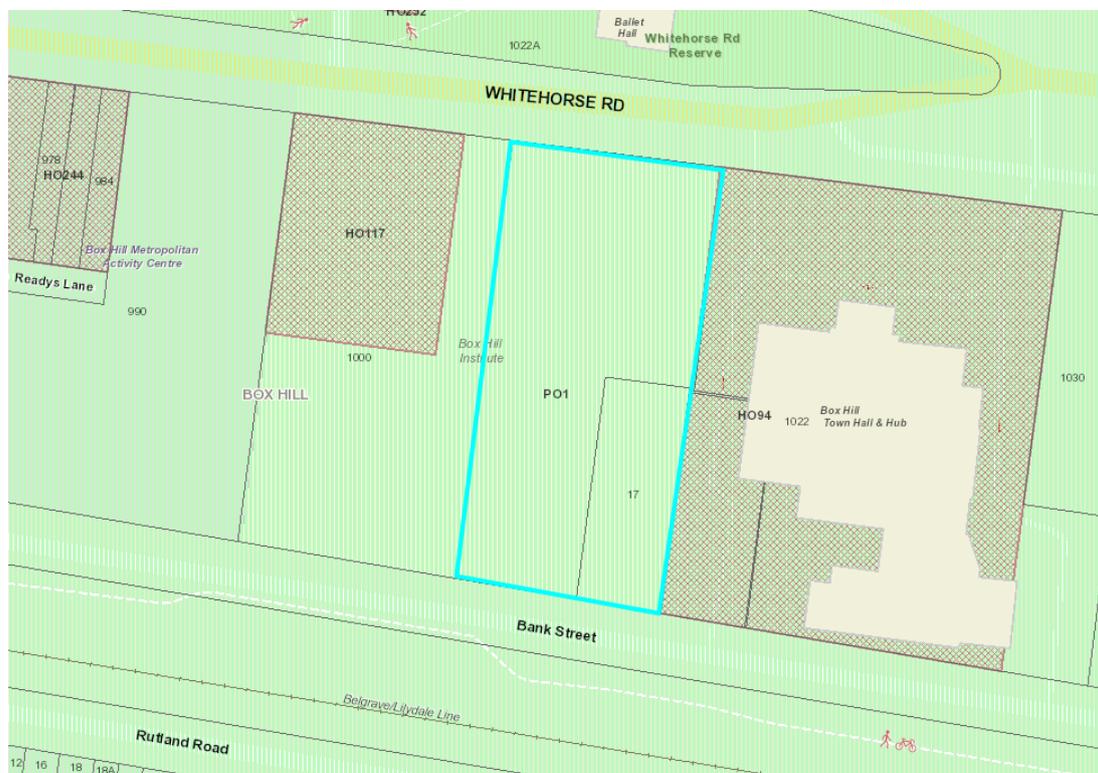


Figure 4: Current overlays on 1000 Whitehorse Road, Box Hill and surrounding sites

9.1.3

(cont)

Proposed changes

It is proposed that the land will be rezoned from PUZ2 to the Commercial 1 Zone (C1Z). The purpose of the C1Z is to:

- Create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- Provide for residential uses at densities complementary to the role and scale of the commercial centre.

Officer assessment

Whilst it is acknowledged that a land swap is proposed between the Epworth Eastern, Salvation Army and Box Hill Institute, the future use and development of this site in the longer term and how it will relate to the surrounding area has not been identified as part of the FTGLS process.

The C1Z zone was not envisaged for this site by planning policy such as the Structure Plan. Whilst it is considered logical and appropriate to rezone the site if it is no longer in public ownership, officers have concerns with the proposed rezoning to the C1Z.

Officers are concerned that the C1Z will allow for a greater range of as of right uses than anticipated by the Structure Plan in this location which could undermine the intent of the precinct and unnecessarily spread the commercial core into the civic precinct. The site is included in Land Use Activity Precinct C in the Structure Plan, which is the Civic and Eastern TAFE precinct and anticipates consolidation of cultural, community and educational facilities in the precinct. These include the Box Hill Institute, the library, the Town Hall as an arts and cultural centre and retention of community facilities and services complementing the civic nature of the precinct. Like other MACs in metropolitan Melbourne, such as Footscray and Dandenong, Box Hill has a specific civic precinct which aims to support and protect the civic function and buildings of the area.

Officers believe that an alternative zone, such as the Mixed Use Zone (MUZ), may be a more appropriate zone in this location. The purpose of the MUZ is

- Provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- Provide for housing at high densities.
- Encourage development that responds to the existing or preferred neighbourhood character of the area.
- Facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

While the MUZ does allow for inclusion of objectives and clause 54 and 55 variations via the schedule, officers believe that a Development Plan Overlay (DPO) could also be applied to the site. This combination of controls will reinforce the objectives, intent and expectations of the Structure Plan for this location. Planning Practice Note 23 states that a DPO is used to provide certainty about the nature of the proposed uses and development on the site. The MUZ has also been used as a 'transition' from the commercial areas to the residential precincts in the MAC.

9.1.3

(cont)

The site is included within Built Form Precinct E in the Structure Plan which is the Town Hall Precinct and anticipates that civic buildings, such as the Town Hall, are given visual emphasis and the significance of heritage buildings and related spaces are protected. The preferred building height in the Structure Plan for this Precinct is 4 to 6 storeys, where upper level setbacks are provided to respect the listed heritage buildings (Box Hill Town Hall and former Technical School) and other significant civic buildings (Box Hill Library and St Peter's Church). Council officers therefore have concerns with the C1Z, as this zone does not have a mandatory height limit and any heights greater than that included in the Structure Plan could diminish and impact on the precinct and in particular the heritage and civic buildings and gateway to Box Hill from the east.

Officers reiterate the application of a DPO to this site, to provide certainty around the future use of the site. In particular, any development on this site would need to respect the existing heritage buildings on, and adjacent to, the site and a DPO could assist with this and give certainty to Council and the community about how future development would respond to these considerations.

Bank Street, directly behind the site, is currently zoned General Residential Zone Schedule 5. Officers believe that this should be included in the proposed rezoning to continue the zoning along Bank Street.

Finally, officers expect that any future development on the site respects the existing heritage buildings on, and adjacent to, the site, such as the Box Hill Town Hall. The former school is considered to be of outstanding historical and aesthetic significance and demonstrates a very important phase in the history of education in Victoria. Clause 22.01 of the Planning Scheme (Heritage Buildings and Precincts) aims "to ensure that new land use, development, buildings and works in and around properties subject to a Heritage Overlay is sympathetic to their significance, character, scale, design, setbacks, form and colour scheme". Additionally, "the design and location of new buildings and works should not adversely impact on the heritage value and significance of the building(s) and/or precinct, or other features protected pursuant to the Heritage Overlay schedule".

16-18 Spring Street, Box Hill (including adjacent parcel on Nelson Road campus)

Subject site

The site has frontage to Spring Street, Box Hill. The site is approximately 2,577m² and is currently zoned PUZ2 and Residential Growth Zone Schedule 3 (RGZ3). The site is covered by the PO that applies to the area covered by the Structure Plan. The site is largely used for car parking, with trees scattered across the car park in the southern part of the site.

The site is within walking distance to the Box Hill Transit Interchange and the tram terminus on Whitehorse Road. The site is also within walking distance to the Box Hill Gardens, Box Hill Hospital, Epworth Eastern Hospital and the core commercial and retail area of the Box Hill MAC. It is anticipated that the site will accommodate a purpose built training facility for the Box Hill Institute to support the ongoing training of nursing staff at the Epworth Eastern Hospital.

9.1.3
(cont)



Figure 5: Box Hill Institute site at 16-18 Spring Street, Box Hill and 853 Whitehorse Road, Box Hill

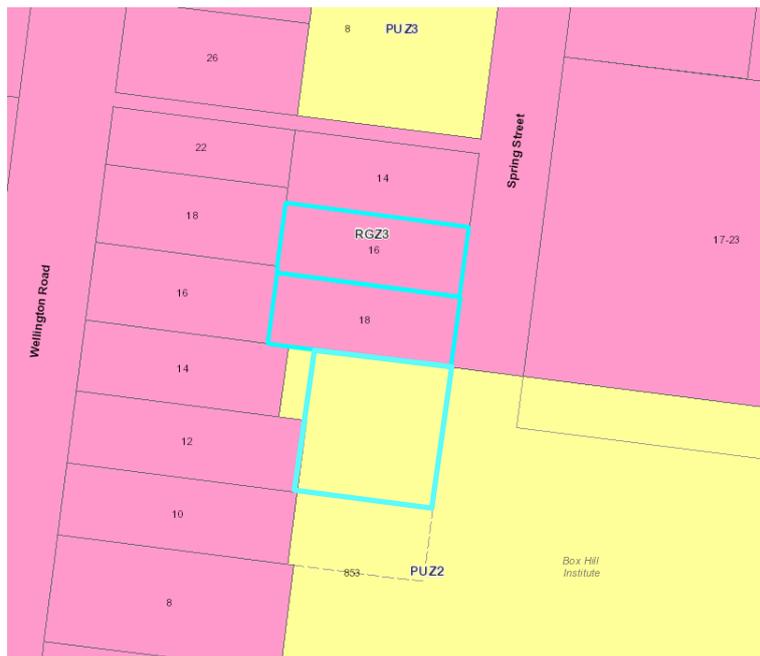


Figure 6: Current zoning of 16-18 Spring Street, Box Hill and 853 Whitehorse Road, Box Hill

9.1.3 (cont)



Figure 7: Current overlays on 16-18 Spring Street, Box Hill and 853 Whitehorse Road, Box Hill

Proposed changes

It is proposed to rezone the site from PUZ2 and RGZ3 to the MUZ and apply a new Schedule to the DPO. The purpose of the MUZ is to:

- Provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- Provide for housing at high densities.
- Encourage development that responds to the existing or preferred neighbourhood character of the area.
- Facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

The draft Schedule to the DPO (**Attachment 1**) outlines the proposed requirements for the development plan and requirements before a permit is granted. It is proposed that the development plan must include the following requirements:

- A site analysis that identifies existing conditions plan, showing surrounding land uses and development, adjoining roads and pedestrian links, public transport routes and social infrastructure.
- Concept plans for the layout and development of the site, which show:
 - The siting and orientation of built form.
 - The proposed uses of each building.
 - Three dimensional building envelopes for new buildings, including indicative building heights, the separation distances between buildings and the setback from street frontages and adjoining properties.
 - Shadow diagrams for the equinox (22 September / 22 March) based on the building envelopes and arrangements.

9.1.3

(cont)

- Design Guidelines for the site, which reflect the following requirements:
 - The building heights should not exceed 29 storeys in height and provide an appropriate graduation in height.
 - A mixed use podium of 4 storeys, incorporating commercial and retail uses at ground floor level and three levels of education facilities.
 - All levels above the podium to provide for residential development.
 - Car parking should be obscured from the public realm.
 - Building services, including roof top services/elements should be screened from the public realm.
 - Sustainable design principles to address water management, solar access and energy conservation.
- An indicative development schedule including the number, type and density of dwellings and the floor area of any proposed non-residential uses.
- A traffic management plan and car parking plan, which provides:
 - The existing capacity of the surrounding road network.
 - An indication of roads, pedestrian, cyclist and vehicle access locations, including parking areas both internal and external to the site.
 - An assessment of the impact of traffic and car parking generated by the use and development upon the surround road network.
 - Car parking rates for all uses, including visitor car parking.
 - The layout of access ways, car parking and loading areas.
 - Separated areas for pedestrian movement throughout the site and linkages to the pedestrian network.
 - The provision of convenient bicycle storage facilities.
- A landscape concept plan for the site

The proposed development on the site is a 29 and 24 storey building for nurse training facilities for the Box Hill Institute in conjunction with the Epworth Eastern Hospital, and student accommodation. It is proposed that a four storey podium will activate the street front with retail on the ground floor and 3 levels of training facilities above to be retained by the Box Hill Institute. The two interlocking towers above are proposed to be set back and potentially provide for student accommodation by developing the air rights.

Officer assessment

The MUZ was not envisaged by planning policy such as the Structure Plan, which originally proposed that the sites, and surrounding area, be included in the Priority Development Zone (PDZ). The Department of Environment, Land, Water and Planning consider that there are now more appropriate tools available within the Victoria Planning Provisions and no longer supports the use of PDZ. Therefore the proposed zoning to Mixed Use is consistent with the zone that is proposed to apply to the adjacent sites to the north, east and west via Amendment C175.

Officers expect that any future development on the site responds to the intent of the Structure Plan. The sites are included in Land Use Activity Precinct D, which is the Hospital and Western TAFE precinct and anticipates growth and enhancement of educational and medical institutions and support for related businesses and services, offices, private recreational facilities, plus high density housing (including student housing). The proposed development responds to the intent of the Precinct D by including training facilities for health professionals and providing student accommodation close to the existing educational facilities. Officers are satisfied that the proposed uses complement the land uses in the precinct.

9.1.3

(cont)

The site is included in Built Form Precinct F which is the Major Development Precinct and anticipates taller buildings, enabling increased density. Heights in this precinct must not cause overshadowing of Key Open Spaces, Residential precincts within, or beyond, the study area. Transitional heights are to be provided at the edges of the precinct to respect the scale of neighbouring precincts.

The proposed development has significant building height. Recently constructed developments in the area do not exceed 9 storeys and recently approved developments do not exceed 14 storeys. Officers are therefore concerned about the proposed heights.

The proposed development seeks a zero/minimum setback with a hard urban edge to the ground level and podium. Officers are therefore concerned with the proposed setbacks and site coverage and the interface with the public realm.

Attachment 2 includes the DPO with suggested officer revisions based on the officer assessment. Key comments regarding the DPO are expressed below.

The proposed DPO requires that a concept plan is prepared, showing amongst other things, shadow diagrams for the equinox (22 September / 22 March) based on the building envelopes and arrangements. Within Built Form Precinct F of the Structure Plan, overshadowing of key open spaces, peripheral residential precincts or residential areas outside the Activity Centre should be avoided between 11am-2pm on 22 June, beyond what would result from an 11m building over the full extent of the site. The Box Hill Gardens are identified as a key open space and are located approximately 170m east of the site. Officers would expect any future development to respect this open space with regards to overshadowing between 11am-2pm on 22 June.

The proposed DPO requires that Design Guidelines are prepared for the site which reflects, amongst other things, that all levels above the podium are to provide for residential development. Whilst Built Form Precinct D does envisage high density residential, the precinct also anticipates the growth and enhancement of educational and medical institutions, related business and services, offices and private recreational facilities. The proposed DPO should therefore reflect this broader range of uses and remove the specific requirement for residential development.

Council officers note that other Schedules to the DPO in the Planning Scheme include a requirement for the development plan to be displayed prior to approval by Council. The proposed Schedule to the DPO does not indicate to the community what will be developed conceptually for the site and therefore it is important to allow the community to review the development plan, including any notice exemptions that the Schedule allows. Officers suggest the following wording be inserted into the proposed Schedule to the DPO:

“Before deciding whether to approve a development plan or a substantial amendment to an approved development plan, the responsible authority must first display the plan for public comment for a period of at least 14 days and must consider any comments received in response to display of the plan.

The responsible authority may approve a minor amendment to the Development Plan without the further requirement for a display period.”

CONSULTATION

The FTGLS and the Advisory Committee is organising and undertaking the public consultation between Monday 25 September and Friday 3 November 2017. All inquiries during the public consultation period are to be directed to the FTGLS.

Council has advised on the extent of the public consultation and also provided the FTGLS with stakeholder and interest groups that should be notified about the process. The public consultation involves the direct notification of owners and occupiers within the Structure Plan area and surrounding streets.

9.1.3

(cont)

A notice about the public consultation is scheduled to appear in the Whitehorse Leader at the commencement of the public consultation period. A public information session is scheduled for 11 October 2017 at the Box Hill Town Hall which will be staffed by officers from the FTGLS and the Box Hill Institute.

For the duration of the public consultation, copies of all relevant documents will be available for viewing on the website of the FTGLS and in hard copy at the Planning Counter at Council's Civic Centre in Nunawading and Council's Box Hill Customer Service Centre at the Box Hill Town Hall.

FINANCIAL IMPLICATIONS

The FTGLS is covering all costs associated with the public consultation including notification to properties, the public notice in the Whitehorse Leader and distribution of documents.

Council will be required to pay for all costs associated with any expert witnesses and/or representation in support of Council at the Advisory Committee hearing. It is anticipated that Council will call an expert witness in urban design to assist Council at the hearing and that this expert witness can be covered by the 2017-18 budget.

POLICY IMPLICATIONS

The FTGLS supports Strategic Direction 4 in the Council Plan (Strategic Leadership and Open and Accessible Government).

In particular, Council is supporting the relevant stakeholders to inform policies, projects, services and infrastructure that deliver positive relevant outcomes for the community. The FTGLS will deliver a transparent process that aims to facilitate the sale of air rights at 16-18 Spring Street, Box Hill to develop new educational, health and residential facilities for the community. Council is a party to this process and will present at the Advisory Committee hearing.

The involvement of Council as a party to the FTGLS process supports Strategic Direction 2 in the Council Plan (Maintain and enhance our built environment to ensure a liveable and sustainable city). This action is supported through Council noting its concerns about the development proposed at 16-18 Spring Street and the proposed rezoning of 1000 Whitehorse Road and presenting those concerns to the Advisory Committee.

CONCLUSION

The FTGLS is an initiative by the State Government to streamline the process of changing provisions in the planning scheme that apply to land owned by the Government that has been declared surplus to requirements.

The FTGLS has been utilised for two sites within the Box Hill Institute campus footprint as they have been declared surplus to the requirements of the Institute. Council has concerns about the proposed changes to the planning controls for the two sites.

This report outlines implications of the proposed changes to the two sites and recommends that this report form the basis for Council's submission to the FTGLS process, including the Advisory Committee hearing.

ATTACHMENT

- 1 Proposed DPO for 16-18 Spring Street, Box Hill 
- 2 Revised DPO based on officer comments for 16-18 Spring Street Box Hill 

9.2 INFRASTRUCTURE

9.2.1 Tender Evaluation Report (Contract 30001) Ballyshanassy Park Sports Fields Reconstruction

SUMMARY

Since 2012 Council has proactively managed the former landfill sites in the municipality with the implementation of Landfill Management Aftercare Management Plans. To fulfil the sites Landfill Aftercare Management Plans, and to allow Council to maintain the sports fields to the required standards, it has been determined that the most appropriate course of action is to reconstruct the fields. This will involve using the latest sports field construction methods, including a substantial drainage and irrigation system and the installation of warm season turf in line with current Council practices. The next project is the implementation of the Landfill Aftercare Management Plan for Ballyshanassy Park.

To consider tenders received for Ballyshanassy Park Sports Fields Reconstruction and to recommend the acceptance of the tender received from SJM Group Pty Ltd, trading as SJM Turf and Civil, for the amount of \$1,512,033.30, including GST and to consider the overall project expenditure.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

- 1. That Council accept the tender and sign the formal contract document for Contract 30001 for the Ballyshanassy Park Sports Fields Reconstruction received from SJM Group Pty Ltd (ABN 52 220 976 1854), of 255 Payne Rd, Beaconsfield, Victoria, 3807, trading as SJM Turf and Civil, for the tendered amount of \$1,512,033.30, including GST; as part of the total expected project expenditure of \$1,753,958.58, including GST.***
- 2. That Council approve the funding shortfall to be funded by the Waste Management Reserve for the amount of \$344,507, excluding GST.***

CARRIED UNANIMOUSLY

BACKGROUND

Ballyshanassy Park is located on Highbury Rd, Burwood East and is approximately 2.25 hectares in size. The ground is predominantly used for cricket in the summer and soccer in the winter. There is also a high amount of casual use of the park from the local community.

The site at Ballyshanassy Park was a former quarry from the early 1930's to the 1960's. Following this the quarry was entirely filled with landfill waste, capped and converted into soccer and cricket fields by 1972. The site has been used as sports fields since this time and currently has no existing drainage or irrigation to allow Council to maintain the surface to the standards required.

To fulfil the site's Landfill Aftercare Management Plan, and to allow Council to maintain the sports fields to the required standards, it has been determined that the most appropriate course of action is to reconstruct the fields. This will involve using the latest sports field construction methods, including a substantial drainage and irrigation system and the installation of warm season turf in line with current Council practices. Conduits will be installed to allow for consideration of future expanded sports field lighting at the venue.

It is proposed that the works will start in October 2017 and be completed by end April 2018 with the ground to remain closed to community use until 1 October 2018 to allow for full turf establishment.

9.2.1

(cont)

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 12 August 2017 and were closed on Wednesday 6 September 2017. Three tenders were received.

The tenders were evaluated against the following criteria:

- a) *The Tender Offer;*
- b) *Tenderer's knowledge and experience in delivering similar projects on landfill sites as per set specifications within time constraints;*
- c) *Capacity of tenderer to undertake the works; and*
- d) *The resources (equipment and staff) that the contractor will be able to devote to this contract*

Occupational Health & Safety and Equal Opportunity (Pass/Fail).

SJM Turf and Civil has submitted a tender price of \$1,512,033.30 Inc GST.

From the Walker Park project experience SJM Turf and Civil have clearly demonstrated an excellent level of knowledge and experience in undertaking complex sports field reconstruction projects. In addition to Walker Park they have completed a number of turf reconstruction projects including Gordon Barnard Reserve for Boroondara City Council, Fearon Reserve and Paisley Oval for Hobsons Bay City Council and Flemington Reserve Oval for Melbourne City Council. All the projects have been undertaken to an excellent standard.

SJM Turf and Civil has demonstrated it has the capacity and resources to perform the work within the specified timeframes and has the appropriate OH&S systems and EO policy in place to undertake the contract submitted.

The submission from SJM Turf and Civil provided a good understanding of the expected outcome including a project plan that satisfied Council Officers that the complexities of this project are understood. This project plan has a clear methodology and timeframes that are realistic and achievable.

The tender received from SJM Turf and Civil is considered to provide the best value for money for this Contract.

CONSULTATION

ParksWide Department and Parks Planning and Recreation Unit have consulted extensively with Mitcham Baptist Soccer Club, East Box Hill Cricket Club, Blackburn Cricket Club, Forest Hill Cricket Club and Mitcham Cricket Club currently the tenant clubs at Ballyshanassy Park. These clubs are fully supportive of the proposed project, the timeframes and are looking forward to playing on a significantly improved turf surface in the future. At the time of writing this report, it is envisaged that all of these clubs have been able to find alternative venues for the duration of the project.

Officers have provided an update through a letter box drop for residents within a 400m radius of Ballyshanassy Park.

The preferred tenderer's business viability has been considered.

9.2.1
 (cont)

FINANCIAL IMPLICATIONS

	Budget	Expenditure
Capital Works Funding Account No.(10 U424 6708)	\$1,250,000	
Waste Management Reserve Account (10 9900 9253)	\$344,507.80	
Total Budget	\$1,594,507.80	
Preferred tenderer's lump sum offer (including GST)		\$1,512,033.30
Less GST		-\$137,457.50
Net cost to Council		\$1,374,575.80
Plus Contingencies (10%)		\$137,457
Plus Consultants Fees (6%)		\$82,475
Total Expenditure		\$1,594,507.80

POLICY IMPLICATIONS

There are no Policy Implications associated with this Report.

9.2.2 Tender Evaluation Report (Contract 30015) Koonung Creek Wetlands Boardwalk Construction

FILE NUMBER: SF17/475

SUMMARY

Council has an ongoing program to undertake appropriate maintenance, renewal and replacement of bridges, culverts and path structures. Part of the program for 2017/2018 has a priority to replace the boardwalk in the Koonung Creek Wetlands. This report is to consider tenders received for the reconstruction of the boardwalk and to recommend the acceptance of the tender received from Fleetwood Urban Pty Ltd, for the amount of \$470,536 including GST and to consider the overall project expenditure.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Barker

That Council accept the tender for the reconstruction of the boardwalk in the Koonung Creek Wetlands received from Fleetwood Urban Pty Ltd (ABN 40 000 789 748), of 20 Sunline Drive, Truganina, VIC, 3029, for the tendered amount of \$470,536.00 including GST; as part of the total expected project expenditure of \$546,643 including GST (\$513,312 excluding GST).

CARRIED UNANIMOUSLY

BACKGROUND

Council has an ongoing program to undertake appropriate maintenance, renewal and replacement of bridges, culverts and path structures. In 2013, experienced bridge consultants undertook an inventory and structural condition assessment of all Council road bridges, major culverts and path structures. This information was used to develop a Council Road Bridge and Path Structure Renewal Strategy. The Strategy is used as the basis for maintenance and renewal programs and implementation commenced in 2015/2016.

Every two years, experienced bridge consultants with Council officers undertake an inventory and structural condition assessment of all Council road bridges, major culverts and path structures. This information is used to determine priorities for the maintenance and renewal program. The boardwalk in the Koonung Creek Wetlands near Valda Avenue has been assessed to be in poor condition and beyond regular maintenance and needed to be reconstructed to avoid closure due to its rapidly deteriorating condition.

The boardwalk in Koonung Creek Wetlands was constructed as part of the extension of the Eastern Freeway from Doncaster Road to Springvale Road that was completed in 1997. The Koonung Creek precinct was in recent years handed over to Council for ongoing maintenance and renewal.

The wetlands and the boardwalk are popular features of the Koonung Creek precinct and frequently used by visitors to enjoy the scenery and observe local wildlife. Having a boardwalk over a water body is a very unique feature within the municipality. Part of the project includes an update to the current interpretive signs that provide information on the different species of water fowl that can be found in the wetlands.

The proposal is to replace the old boardwalk with a new boardwalk over the wetlands and along the same general alignment and include a 'viewing platform'. The new boardwalk will be approximately 2 metres wide and 112 metres long. The design includes screw pile piles, steel structure (deck frame, stanchions and balustrades) and Mini Mesh decking. Mini Mesh is a fibre reinforced plastic product that has significant environmental benefits as it is durable, has good mechanical properties and possesses high resistance to corrosion and is relatively lightweight. The materials are more durable than the existing timber structure and it is designed that the boardwalk will last considerably longer and require less ongoing maintenance.

9.2.2

(cont)

It is planned to undertake the works during the summer months in the 2017/2018 financial year. Further notices will be posted on site in advance of the works when the timing has been confirmed.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday, 26 August 2017 and were closed on Wednesday, 20 September 2017.

A total of four tenders were received.

The tenders were evaluated against the following criteria:

- The Tender Offer (price);
- Demonstrated and relevant experience in similar work;
- Demonstrated quality in similar work completed; and
- Availability of the tenderer and its resources to meet required timelines.

The preferred tenderer, Fleetwood Urban Pty Ltd, has over 45 years' experience fabricating and installing bridge and boardwalk works and has in-house design and manufacturing facilities. Previous work has included the construction of pedestrian bridges and boardwalks for estate developments in Werribee, Bendigo, Bacchus Marsh and for Moyne Shire. This company has extensive experience and has successfully completed a number of boardwalks in Victoria and interstate.

The tender received from Fleetwood Urban Pty Ltd is considered to provide the best value for money for this Contract.

CONSULTATION

The following consultation was undertaken during the design of the boardwalk:

- The project details were posted on social media on 2 August 2017.
- A cover letter and the concept plan was:
 - Displayed on site on 4 August 2017
 - Hand delivered to 130 local residents on 8 August 2017
 - Emailed to Greenlink Box Hill

There were no comments received from the cover letter and concept plan. There were 10 responses on social media which were positive about the project.

The preferred tenderer's business viability has been considered.

FINANCIAL IMPLICATIONS

	Budget	Expenditure
Capital Works Funding Account No.U210 Footbridge and Path Structure Renewal – adopted budget	\$ 320,000	
Savings from other road and footpath renewal projects	\$ 220,000	
Total Budget	\$ 540,000	
Preferred tenderer's lump sum offer (including GST)		\$ 470,536
Less GST		-\$ 42,776
Net cost to Council		\$ 427,760
Plus Contingencies		\$ 42,776
Plus Project Management Fee		\$ 42,776
Sub Total Expenditure		\$ 513,312

Attendance

Cr Barker left the chambers at 8.45pm, returning at 8.46pm.

9.3 HUMAN SERVICES

9.3.1 Contract Extension (Contract 14009) Festivals Audio Production

SUMMARY

On 12 September 2014, Council awarded Contract 14009 for the Festivals Audio Production to Sound Solutions, trading as Deluxe Audio following a public tender process. The original 3 year term of the Contract will expire on 26 September 2017. The Contract allows for a 2 year extension at Council's discretion.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Ellis

That Council extend Contract 14009 for the Festivals Audio Production with Sound Solutions (ABN 48 258 664 107), of 9 Union Street, South Melbourne, VIC, 3205, trading as Deluxe Audio, on a Schedule of Rates basis for a period of 2 years, commencing on 26 September 2017.

CARRIED UNANIMOUSLY

BACKGROUND

Each festival season, an Audio Production Company is engaged to manage the audio production requirements of the Festival Season and supply all audio equipment and backline. Continuity of service is essential for the safe delivery of the festival season, and for maintaining the high standards expected by the community. As such the provision of this service has been tendered in order to secure a quality long term provider. The term of the contract was three years, and the option to extend for two years is now being sought.

DISCUSSION

On 12 September 2014, Council awarded Contract 14009 for the Festivals Audio Production to Sound Solutions, trading as Deluxe Audio following a public tender process. The original 3 year term of the Contract will expire on 26 September 2017. The Contract allows for a 2 year extension at Council's discretion.

Deluxe Audio has delivered an excellent standard of services over the initial term of the Contract with its performance having been closely monitored and measured through regular communication and meetings. The Contractor delivers *Value for Money* under the Contract, and provides a high level of professionalism and service for our festivals.

Deluxe Audio has agreed to accept Council's offer to extend the Contract under the current Contract terms and conditions, 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 Procurement Department has been consulted with regards to the extension of this Contract.

FINANCIAL IMPLICATIONS

The contract for the provision of Festivals Audio Production is based on an agreed Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

The average expenditure under this contract over the initial contract term was \$44,637, including GST per annum. It is anticipated that the expenditure over the next 2 years will be of a similar magnitude per annum

9.3.2 Whitehorse Health & Wellbeing Plan 2017-2021

FILE NUMBER: 17/156282
ATTACHMENT

SUMMARY

This report presents the Whitehorse Health and Wellbeing Plan 2017-2021 (Municipal Public Health & Wellbeing Plan) for Council adoption.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Ellis

That Council adopts the Whitehorse Health and Wellbeing Plan 2017-2021.

CARRIED UNANIMOUSLY

BACKGROUND

Council previously released the draft *Whitehorse Health and Wellbeing Plan 2017-2021* (the Plan) for the purpose of undertaking further community consultation through a public exhibition process.

DISCUSSION

The Whitehorse Health and Wellbeing Plan 2017-2021 was developed based on three elements: extensive community engagement, demographic information and State and Federal policy directions.

Council has a legislative requirement to produce the Plan and it is required to be adopted by Council by the end October 2017. The Plan is based on a social model of health that utilises the State Government's Municipal Public Health Planning Framework *Environments for Health – Promoting Health and Well Being through Built, Social, Economic and Natural Environments* as the underpinning model for the development of the Plan. It provides a strategic planning framework, promotes partnerships and networks, highlights local health and wellbeing issues, involves all divisions of Council, enables the integration of wellbeing priorities and articulates links to regional, state and national health priorities.

This iteration of the Plan has a number of Council's Social Plans integrated into it, providing for the first time, a fully coordinated approach to health and wellbeing planning across Council and the municipality, including: Diversity, Disability, Reconciliation, Community Participation, Arts & Culture, Recreation, Early Years, Youth and Healthy Ageing.

Comprehensive community engagement processes informed the development of the Plan and further targeted engagement will take place during the life of the Plan to test and confirm current priorities and to identify new and emerging priorities. In addition, the Plan was developed utilising an integrated planning and engagement process that also encompassed the development of the Whitehorse Council Plan.

The following strategic directions underpin Council's commitment to a vibrant and prosperous community. The goals and objectives highlighted in the Whitehorse Health and Wellbeing Plan link to each of the Strategic Directions in the Council Plan in regard to how Council, in partnership with the community, will respond to the community's priorities:

1. Support a healthy, vibrant, inclusive and diverse community
2. Maintain and enhance our built environments to ensure a liveable sustainable city
3. Protect and enhance our open space and natural environments
4. Strategic leadership and open accessible government
5. Support a healthy local economy

9.3.2

(cont)

A detailed analysis of the available information/demographics, an assessment of national, state and local plans and policies and a comprehensive engagement process, identified the following goals for action in the Whitehorse Health and Wellbeing Plan 2017-2021:

- Connected, safe, respected and resilient people, families and communities
- Accessible, safe and welcoming places for all people
- A sustainable environment and shared open spaces
- Communicating, actively engaged Council
- Economic opportunity for people

These five key thematic/priority areas will inform and guide the development of annual action plans. The first of these, which will be implemented throughout 2018, is attached as part of the Whitehorse Health and Wellbeing Plan 2017-2021 (Appendix A). These yearly Plans, developed in partnership with key partners and stakeholders, will guide Council's and other organisations efforts in enhancing health and wellbeing in the municipality. Moving forward, the annual action plans under each thematic/priority area will respond to the issues and priorities in each of the five areas identified and respond to new and emerging priorities.

Some of the extensive breadth of work that cross-Council departments currently carry out to respond to the needs and priorities of the local community, will also be captured in the annual action plans, as well as partnership work and developmental work that will respond to new and emerging priority areas such as the prevention of violence against women (PVAW) and so on. The Plan's outcomes will be reported annually to Council.

The Plan is both developed and implemented in partnership with a diverse range of community organisations. These partnerships include: health and wellbeing organisations, faith based organisations, Victoria Police and many others, as well as working with other levels of government.

As previously reported, the 2016 Census data has been gradually released during 2017 and wasn't complete when the Plan was presented to Council for public exhibition in August. During the exhibition period, additional data has been received and as a result, has now been updated in the Plan. The only demographic information that remains to be updated is: employment, qualifications and migration. This information is expected in November/December this year and will be subsequently reflected in the Plan.

CONSULTATION

Whitehorse City Council recognises and values community participation in Council's decision-making and takes steps to ensure that members of our community are sufficiently informed about and are able to contribute to Council's decision-making processes. Council's Community engagement in the development of the Whitehorse Health and Wellbeing Plan ran through 2016 and 2017. Over 4,865 people from across Whitehorse have been actively engaged and contributed to the development of the Plan, including Councillors and Council officers.

Your Say Whitehorse

In late 2016, Whitehorse City Council undertook an extensive community engagement process – the Your Say Whitehorse campaign – to inform both the Whitehorse Council Plan 2017-2021 and the Whitehorse Health and Wellbeing Plan 2017-2021. Councillors and officers worked together to undertake community workshops, pop ups, online opportunities, surveys and so forth across the municipality, resulting in over 1,200 people participating.

A focus on health and wellbeing

Conducted in March 2017, the Your Say Whitehorse Health and Wellbeing survey asked the community about their main personal health and wellbeing concerns, what helps them to feel connected to the community, what they saw as the main health and wellbeing challenges for people living in Whitehorse and what would have the most positive impact on health and wellbeing. A total of 194 people participated in the survey.

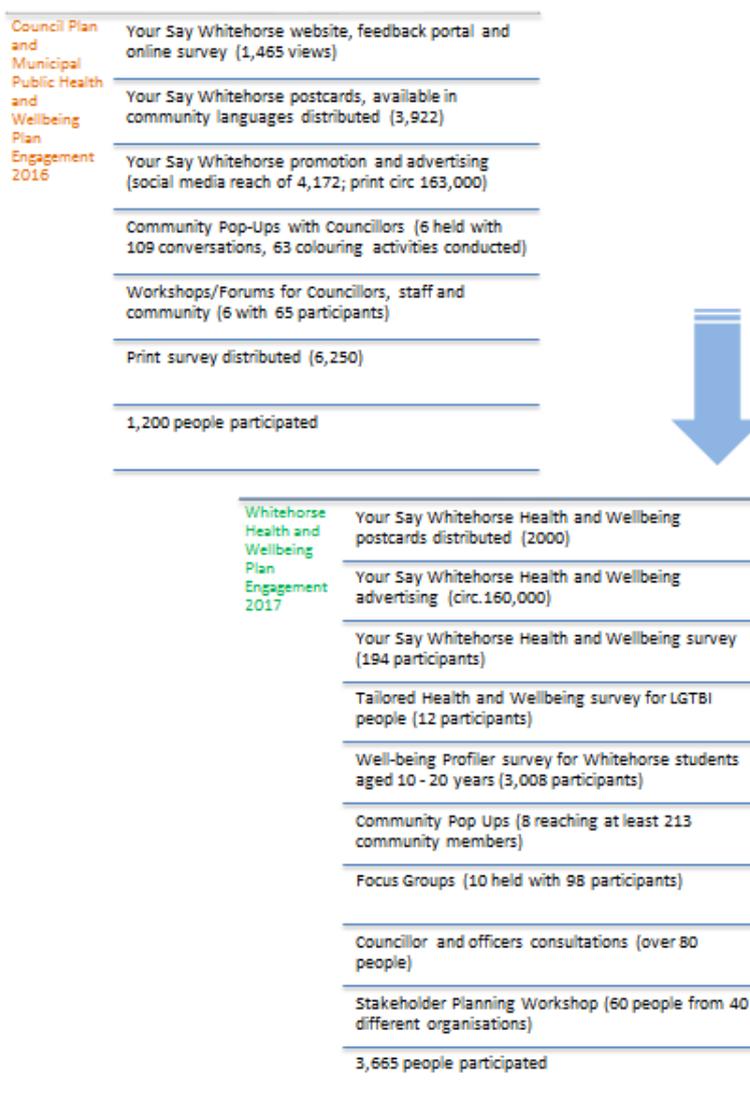
9.3.2
 (cont)

Reach families and explore specific issues

In early 2017 Council conducted additional engagement and consultation to reach families and to explore specific health and wellbeing issues for key groups in the community. The findings of previous consultations and a review of the community's health profile informed the topics of these engagement activities.

Community Pop Ups

Community Pop Ups in high traffic areas such as the Nunawading Library forecourt during school holidays and Forest Hills Shopping Centre, as well as targeted focus group discussions were held, with 349 people engaged as a result. This information has been used to inform implementation of priority actions in the Plan that relate to people with disabilities and their advocates, older people of culturally and linguistically diverse backgrounds (CALD), people with mental health concerns, people who identify as lesbian, gay, bisexual, transgender and intersex (LGBTI), and people living in areas of socioeconomic disadvantage



9.3.2

(cont)

Hearing from young people

In late April to early June 2017, 3,008 young people between the ages of 10 to 20 years old attending schools in the City of Whitehorse completed a survey which measured well-being in six empirically supported domains as important indicators of youth well-being. Using an innovative research tool, *The Well-being Profiler*, Melbourne University's Centre for Positive Psychology conducted the study with students from 15 different educational settings (9 primary schools and 6 secondary schools, years 5-12) across the municipality. The survey contained additional questions about what make Whitehorse a positive place for young people, key issues and challenges they face, local activities in which they engage and ways in which Council could best communicate with them. Altogether, the information from the research findings will inform planning and implementation of a range of strategic responses to local priorities for young people, in addition to the preliminary findings used in the development of this Plan.

Talk with stakeholders

In April 2017, a Stakeholder Planning Workshop engaged 60 people from 40 different organisations – representing State government, the service sector, peak bodies and local organisations and advocates – to consider the key health and wellbeing priorities in the City of Whitehorse and identify opportunities for collaboration and partnerships in the implementation and evaluation of the plan. Further discussions with partner agencies were held throughout development of the plan.

As part of the public exhibition period, the Plan was promoted to gain further community feedback: it was advertised in the Leader, was available at all Customer Service Centres and the libraries, was emailed to officers to send on to their various networks and it was also forwarded to partner agencies and the State Government. One submission was received in response. This was from Carrington Health Services, who specifically requested that their organisation would like to partner with Council on initiatives relating to both social inclusion and healthy eating. This feedback has been incorporated into the Plan. No further feedback was received.

FINANCIAL IMPLICATIONS

The financial cost to Council, in regards to the development of the Whitehorse Health and Wellbeing Plan 2017-2021 (incorporating a number of Council's social plans, which are usually costed separately) is approximately \$20,000.

Financial resources are also allocated to the employment of the Health and Wellbeing Officer, whose role it is to coordinate the development and implementation of the Plan, as well as working on other health and wellbeing developmental initiatives.

In addition, the Community Development Unit will:

- Explore all external funding opportunities to progress any projects that address priorities and issues.
- Identify priorities/issues that may fall into the responsibility of an external service or agency
- Identify priorities/issues that may be the current or planned responsibilities of other Council Service Areas

POLICY IMPLICATIONS

The Whitehorse Health and Wellbeing Plan 2017-2021 is consistent with objectives in the Whitehorse Council Vision, the Whitehorse Council Plan and State and Federal Government policy directions.

ATTACHMENT

- 1 Whitehorse Health & Wellbeing Plan 2017-2021 

9.4 CORPORATE REPORTS

9.4.1 Annual Report 2016-17

ATTACHMENT

SUMMARY

Council's Annual Report for the 2016-17 financial year was presented to the Minister of Local Government in accordance with section 133 of the Local Government Act 1989 on Thursday 28 September 2017. The Annual Report 2016-17 is now presented to Council at the Ordinary Meeting of Council on Monday 16 October 2017 in accordance with section 134 of the Local Government Act 1989.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Munroe

That Council having considered the report in accordance with Section 134 of the Local Government Act 1989 receive and note the Annual Report 2016-17.

CARRIED UNANIMOUSLY

BACKGROUND

Section 131 of the *Local Government Act 1989* requires Council to prepare and approve an Annual Report containing:

- a) A report of operations of the Council;
- b) An audited performance statement;
- c) Audited financial statements;
- d) A copy of the auditor's report on the performance statement, prepared under section 132;
- e) A copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;
- f) Any other matters required by the regulations.

Council at its meeting on Monday 21 August 2017 approved in principle the year-end financial statements and the performance statement in advance of the Auditor-General's consideration.

Final audit reports on the financial statements and performance statement were received from the Auditor-General on Tuesday 22 August 2017 and the Annual Report was submitted to the Minister for Local Government on Thursday 28 September 2017, in accordance with requirements of the Act.

Once submitted to the Minister of Local Government, section 134 of the Act requires Council to consider the Annual Report at a meeting of Council as soon as practicable. The Annual Report will be presented to Council at the Ordinary Meeting of Council on Monday 16 October 2017 for consideration.

Council has given public notice that the Annual Report has been prepared and can be inspected at Council's customer service centres, libraries and operations centre.

9.4.1

(cont)

DISCUSSION

In addition to fulfilling statutory obligations, the report of Council's performance for 2016-17 provides an opportunity to report to the Whitehorse community about Council's services and initiatives during the year. The Annual Report is structured in several sections:

- Introduction: includes CEO's Message, Mayor's Message, highlights and opportunities for 2016-17; Council's vision, mission and values, financial year in review and information about Council, Councillors and the organisation.
- Our Performance: describes Whitehorse City Council's integrated planning and reporting framework, and outlines the Council Plan 2013-17 strategies and strategic indicators, Annual Plan 2016-17 major initiatives and initiatives and Council services by the Strategic Direction as adopted in the Council Vision 2013-2023. The service performance indicators of the Local Government Performance Reporting Framework (LGPRF) are also included in this section.
- Governance and Statutory Information: captures the annual statutory reporting requirements, including reporting against various acts and regulations, Councillor meeting attendance, documents available for inspection, audit operations and the governance and management checklist.
- Performance Statement: is the statement prepared under section 132 and section 133 of the Local Government Act and reports on the Local Government Performance Reporting Framework. The regulations require an explanation of any material variations for all relevant indicators. Materiality thresholds have been set at +/- 10%, however commentary is given to all indicators to provide further context to the results. The performance statement has received an unqualified report from the Auditor-General's office.
- Annual Financial Report 2016-17: contains the financial statements as well as a guide to assist readers to understand their nature and content. These statements have received an unqualified report from the Auditor-General's office.

CONSULTATION

Under sections 131 and 134 of the *Local Government Act 1989*, Council is required to advertise that the Annual Report 2016-17 will be considered at an Ordinary Meeting of Council after the report has been submitted to the Minister of Local Government. This was publicised in *The Age* newspaper on Saturday 30 September 2017 and the *Whitehorse Leader* on Monday 2 October 2017. The Annual Report 2016-17 has also been made available at Council's customer service centres, libraries, operations centre and on Council's corporate website.

FINANCIAL IMPLICATIONS

An overview of Council's financial performance is presented in the Annual Report 2016-17. In the Annual Report, there is a guide for the reader on how to understand the detailed financial report which includes audited financial and standard statements. The financial position of Council is strong and the audit has been passed without qualification by the Victorian Auditor-General's office.

POLICY IMPLICATIONS

Publication of the Annual Report 2016-17 is a key mechanism for ensuring Council's transparency and good governance, and supports the achievements of objectives under strategic direction four of the Council Vision 2013-2023 '*Strategic leadership and open and accessible government*'.

ATTACHMENT

- 1 Whitehorse City Council Annual Report 2016-17 (Final) [⇨](#)

Attendance

Cr Liu left the chamber at 9.00pm, returning at 9.02pm. 

9.4.2 2017/18 Annual Internal Audit Plan

SUMMARY

Whitehorse City Council's 2017/18 internal audit plan has been developed by Crowe Horwath. Whitehorse City Council's Audit Committee charter requires approval of the annual plan by Council.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Davenport

That Council:

- 1. Note the Audit Advisory Committee's endorsement of the 2017/18 annual internal audit plan.**
- 2. Approve the 2017/18 annual internal audit plan.**

CARRIED UNANIMOUSLY

BACKGROUND

Whitehorse City Council's internal audit plan is an independent, objective assurance function designed to add value and improve Council operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

Whitehorse City Council's Audit Advisory Committee (AAC) Charter requires that an annual internal audit plan be approved by Council each year. The role of the AAC is to review and monitor the annual program including receiving of audit scopes and final reports. The Chair of the AAC reports to Council on audit activities on a six monthly basis.

DISCUSSION

The Annual Internal Audit Plan was developed by Crowe Horwath in consultation with the Chief Executive Officer, General Managers, selected managers and the Audit Advisory Committee.

The reviews proposed have been nominated with consideration of the following key principles:

- To target areas of greatest importance or concern, and/or where the potential for improvement, or risks of failure or loss are greatest.
- To provide a rolling program of internal audit activity that is aligned to Council's risk areas as noted in the risk register.
- To take into account the nature and timing of previous internal audit activity.
- To take into account other review activity such as VAGO's financial and performance audits, Independent Broad-based Anti-corruption Commission (IBAC) reports and reports from Ombudsman Victoria relevant to Local Government.
- To ensure an appropriate balance between compliance and process / performance improvement focussed projects.

With these key principles in mind, the following six areas of focus have been included in the Audit Advisory Committee endorsed 2017/18 annual internal audit plan:

1. Procurement
2. Payroll
3. Fuel cards
4. O H & S
5. Former Landfill Sites Management
6. Fraud Management and Protection

Attendance

Cr Davenport left the Chamber at 9.04pm, returning at 9.05pm.

9.4.3 Domestic Animal Management Plan

ATTACHMENT

SUMMARY

The Domestic Animals Act 1994 requires all Victorian Councils to develop a Domestic Animal Management Plan every four years that establishes strategies to:

- *Maximise the benefits of;*
- *Educates the community on;*
- *Ensures appropriate levels of community compliance with; and*
- *Raise the profile of effective domestic animal management and ownership.*

This report provides an overview of the development of the third iteration of the Whitehorse City Council Domestic Animal Management Plan.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Liu

That Council:

1. ***Adopt the Domestic Animal Management Plan 2017/20 attached; and***
2. ***Forward a copy of the endorsed Whitehorse City Council Domestic Animal Management Plan 2017/20 to the Secretary of Department of Economic Development, Jobs, Transport and Resources in accordance with section 68A of the Domestic Animals Act 1994.***

CARRIED UNANIMOUSLY

BACKGROUND

In accordance with the section 68A of the *Domestic Animals Act 1994* (Act), Councils must now prepare and adopt a Domestic Animal Management Plan (DAMP) every four years. The current Domestic Animal Management Plan expires in November 2017.

Whitehorse City Council adopted its original DAMP in 2008 that had 16 key initiatives including introducing compulsory desexing of cats and dogs, a review of dog off lead areas, the introduction of cat curfews and the promotion of the benefits of pet ownership.

The second DAMP endorsed in 2013, established the Domestic Animal Management Planning Advisory Committee (DAMPAC) to consider new and emerging issues in this area and to make recommendations to Council on domestic animal management issues and build on the foundations established in the original plan

The Draft DAMP 2017/20 establishes a four year Action Plan that recommends a staged approach over the life of the Plan to review domestic animal management issues including Council's existing Orders made under the Act, review membership of DAMPAC and its Terms of Reference to broaden exposure and influence and to benchmark Whitehorse's level of service against similar service providers to identify opportunities

DISCUSSION

A number of key animal management provisions established in the previous DAMPs have been in place for up to 10 years and require review. These include:

- Off lead provisions and locations;
- The introduction of compulsory desexing of cats and dogs;
- Cat and dog prohibited areas; and
- Cat curfews

The DAMP 2017/20 will review all four Council Orders made under the Act to ensure they meet the objectives of responsible pet ownership, meet legislative requirements and incorporate community and stakeholder feedback

9.4.3

(cont)

In addition, in developing the DAMP 2017/20, consultation was conducted with stakeholders, industry experts, the community and staff to identify key community issues. Surveys opportunities were provided on line and promoted through the DAMPAC network and newspaper advertising, at pop up displays in shopping centres, parks, reserves and libraries and through one on one engagement.

The survey was a broad based process aimed at identifying community issues to be included in the four year DAMP Action Plan. All responses were considered and incorporated into the process

The 96 responses identified the following as key issues in domestic animal management:

- Enforcement of the legislation;
- Education;
- Animal registration;
- Cat curfews; and
- Off lead parks

The draft DAMP 2017/20 identifies what Council is currently doing in animal management, recommends the retention of DAMPAC and establishes a four year action plan that frameworks Whitehorse City Council's activities in domestic animal management.

Highlights of the Action Plan include:

- A review of all Orders made under the Act relating to domestic animal management. The process will be to carry out targeted consultation with stakeholders, undertake a review of best practice approaches and engage with Council departments managing open space;
- Establish a communication strategy to inform the community on key domestic animal activities;
- Develop skills and knowledge of staff in the animal management area;
- Review DAMPAC and its Terms of Reference to ensure relevance, stakeholder participation and its effectiveness; and
- Implement a promotion and education program to help inform our community;
- Establish animal registration initiatives to improve reunification levels of lost animals with their owners.

The draft DAMP 2017/20 also features Council's current programs and their effectiveness referencing Local Government Victoria's Know your Council website which demonstrates Whitehorse City Council's strong performance in animal management as referenced through the Local Government Performance Reporting Framework.

Other key statistics include:

- The high percentage of animals reunited with their owners;
- Low euthanasia rates;
- Increasing requests for services from the community;
- Nuisance management strategies;
- Our preparedness to manage animals in an emergency; and
- Responsible pet ownership incentives.

9.4.3

(cont)

CONSULTATION

Consultation was initially carried out through an electronic survey promoted through a series of media, holding “pop up” displays at prominent locations including shopping centres, Council’s Customer Service Centres, parks and libraries and through DAMPAC membership networks.

The draft DAMP was also referred to and considered by DAMPAC at a work shop.

FINANCIAL IMPLICATIONS

Initiatives are expected to be delivered through existing staff and operational budget. Annual assessment will be made of initiatives requiring resource beyond this.

POLICY IMPLICATIONS

The DAMP 2017/20 replaces the previous 2013/16 DAMP strategy

ATTACHMENT

- 1 DAMP 2017-20 [⇒](#) 

9.4.4 Supplementary Valuation Quarterly Report - 1 July 2017 to 30 September 2017

FILE NUMBER: SF16/746#02

SUMMARY

This report presents supplementary valuations undertaken and recommends adjustment of rate records. The supplementary valuations have been carried out on properties in accordance with Section 13DF of the Valuation of Land Act 1960.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Barker

That Council:

1. **Note and accept the supplementary valuations undertaken during the period commencing 1 July 2017 to 30 September 2017.**
2. **Authorise the rate records being adjusted to take account of the supplementary valuations returned.**

CARRIED UNANIMOUSLY

BACKGROUND

Item 1.11 of the Schedule of Powers contained within the Chief Executive Officer's Instrument of Delegation adopted by Council on 21 August 2017 states the following:

"The delegate must not determine the issue, take the action or do the act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:

- The return of the general valuation and any supplementary valuations."

This report relates to supplementary valuations undertaken by Council in accordance with the *Valuation of Land Act 1960* for the period from 1 July 2017 to 30 September 2017.

DISCUSSION

Supplementary valuations are conducted regularly throughout the financial year to maintain the equity and accuracy of Council's rating valuation base.

Supplementary valuations are primarily due to construction, subdivision and/or planning activities.

The supplementary valuations undertaken are summarized in Table #1 below.

Table # 1: Supplementary Valuations completed between: 1 July 2017 and 30 September 2017

Supplementary Valuation Reference	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
July 2017	1,076	\$401,078,000	\$ 726,104,000	\$36,683,400
September 2017	287	\$206,811,000	\$ 280,693,000	\$15,764,700
Supplementary Valuations Total	1,363	\$607,889,000	\$1,006,797,000	\$52,448,100

9.4.4

(cont)

CONSULTATION

The legislative requirement for Council to complete supplementary valuations is contained within the *Valuation of Land Act 1960*. All supplementary valuations contained in this report have been undertaken in accordance with the *2016 Valuation Best Practice Specifications Guidelines*.

The supplementary valuations in this report been certified by the Valuer- General's office (VGV) as being suitable for use by Council. Councils may use supplementary valuations prior to VGV certification.

FINANCIAL IMPLICATIONS

The total change to the Capital Improved Value (CIV) caused by the supplementary valuations undertaken is an increase of \$350,800,000.

This change in CIV has generated an additional \$588,822 of supplementary rate income.

A summary of Council's valuation totals for all rateable properties and non-rateable properties are set out below in Table #2, Table #3 and Table #4.

Table #2: Valuation totals as at 1 July 2017

BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
Rateable	71,888	\$47,383,881,700	\$64,528,686,500	\$ 3,334,917,950
Non Rateable	1,078	\$3,110,188,000	\$3,519,808,500	\$198,070,050
<i>Municipal Total</i>	<i>72,966</i>	<i>\$50,494,069,700</i>	<i>\$68,048,495,000</i>	<i>\$3,532,988,000</i>

Table#3 Change to valuation totals due to supplementary valuations between: 1 July 2017 to 30 September 2017

<i>Supplementary Valuations</i>	<i>Assessments subject to Supplementary Valuation</i>	<i>Change to Site Value</i>	<i>Change to CIV</i>	<i>Change to NAV</i>
	1,363	\$ 7,155,500	\$ 350,800,000	\$19,152,800

Table #4: Valuation totals as at 30 September 2017

NEW BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
New Rateable	72,484	\$47,395,132,200	\$64,882,466,500	\$ 3,352,882,300
New Non Rateable	1,075	\$3,106,093,000	\$3,516,828,500	\$199,258,500
<i>New Municipal Total</i>	<i>73,559</i>	<i>\$50,501,225,200</i>	<i>\$68,399,295,000</i>	<i>\$3,552,140,800</i>

NB: Supplementary valuations on non-rateable properties are recorded on Council's rating system and their totals are included in the supplementary valuation reports. This is because non-rateable properties may incur a Fire Service Property Levy in accordance with the *Fire Services Property Levy Act 2012*.

POLICY IMPLICATIONS

The Valuations have been undertaken in accordance with the legislative requirements of the *Valuation of Land Act 1960*.

9.4.5 Proposed Sale of Strip of Council Owned Land Adjacent 55 Dorking Road, Box Hill

FILE NUMBER: SF16/746#02

SUMMARY

Section 189 the Local Government Act 1989 restricts Council's power to sell Council owned land. Council at its meeting of 21 August 2017 noted that the 20m² parcel of Council owned land known as Lot 1 on proposed Plan of Subdivision 812390G, being a narrow strip of land adjacent to 55 Dorking Road Box Hill was surplus to Council's needs. Council resolved to give public notice in accordance with Section 189 of the Local Government Act 1989 of its intention to sell the land. Council is also required in accordance with Section 223 of the Local Government Act 1989 to consider any written submissions and Council is required to hear any verbal submissions made in conjunction with any written submissions. No submissions were received.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

- 1. Having completed the public notice process in accordance with sections 189 and 223 of the Local Government Act 1989 and having received no submissions, Council now resolves to sell the land contained within Lot 1 on proposed Plan of Subdivision 812390G upon title release from Land Registry by private treaty to the registered proprietors of 55 Dorking Road Box Hill for the consideration of Sixteen Thousand Dollars (\$16,000) plus GST.**
- 2. Authorise the Chief Executive Officer to sign all documents for the sale and transfer of the land known as Lot 1 on proposed Plan of Subdivision 812390G, being the land adjacent to 55 Dorking Road, Box Hill and also authorise the affixing of the Council seal, if required, to the documents.**

CARRIED UNANIMOUSLY

BACKGROUND

At Council's meeting of 21 August 2017 Council resolved:

That Council:

- 1. Note that the 25m² of land contained within Volume 10749 Folio 119 is surplus to Council's requirements.*
- 2. Acknowledge that the land contained within Volume 10749 Folio 119 has a limited market and private treaty is the preferred method of sale.*
- 3. Authorise the Chief Executive Officer to commence the procedures under the Planning & Environment Act 1987 and the Subdivision Act 1988 to subdivide the 25m² of land contained within Volume 10749 Folio 119 into two allotments; to be known as Lots 1 & 2 on proposed Plan of Subdivision 812390G and remove the sewerage easement from Lot 1 on proposed Plan of Subdivision 812390G.*
- 4. In accordance with Sections 189 and 223 of the Local Government Act 1989, give notice of its intention to sell the 20m² land contained within Lot 1 on proposed Plan of Subdivision 812390G upon title release from Land Registry by private treaty to the registered proprietors of 55 Dorking Road Box Hill for the consideration of Sixteen Thousand Dollars (\$16,000) plus GST.*
- 5. Pursuant to section 223 (1) of the Local Government Act 1989 consider, and if required, hear any submissions received in regard to the proposal to sell the land.*

9.4.5

(cont)

6. *Authorise the Manager of Property & Rates to give public notice, in accordance with Sections 189 and 223 of the Local Government Act 1989, of Council's intention to sell the property known as Lot 1 on proposed Plan of Subdivision 812390G; and pursuant to Section 223 (3) of the Local Government Act 1989, to carry out the administrative procedures to enable Council's Special Committee appointed to carry out its function under Section 223 of the Local Government Act 1989 to hear and consider submissions at the meeting to be held at Whitehorse Civic Centre Council Chamber, 379 Whitehorse Road Nunawading on Monday 9 October 2017 at 8.00pm*
7. *Upon completion of the public notice process, authorise the Manager of Property & Rates to prepare a further Council report for Council's consideration and resolution.*
8. *Acknowledge that the 5m² of land contained within Lot 2 on proposed Plan of Subdivision 812390G will remain in the name of Whitehorse City Council.*

A public notice advertising Council's intention to sell was displayed in The Age newspaper on Saturday 26 August 2017, in accordance with Section 189 of the *Local Government Act 1989*.

The same public notice was displayed on Council's website for twenty-eight days in accordance with Section 82A of the *Local Government Act 1989*

Council did not receive any submissions during the submission period.

DISCUSSION

Council is the registered proprietor of the land contained in Certificate of Title Volume 10749 Folio 119. Lot 1 on proposed Plan of Subdivision 812390G and known as the land adjacent to 55 Dorking Road Box Hill has a narrow elongated shape and comprises 20m² of land.

Both the northern and southern side boundaries of the subject land abut the property known as 55 Dorking Road, Box Hill. Potential purchasers of the land are limited to the owner of the adjoining property at 55 Dorking Road. As the subject land has a limited market, "private treaty" was identified as the preferred method of sale.

The public notice advertised by Council in The Age newspaper on Saturday 26 August 2017 stated the proposal that Council would sell the land by "private treaty" to the owners of the adjoining property at 55 Dorking Road, Box Hill for the consideration of **Sixteen Thousand Dollars (\$16,000)** plus GST, which was established by an independent valuation dated 31 July 2017.

CONSULTATION

The formal process regarding the selling of Council owned land is contained within Section 189 of the *Local Government Act 1989* and gives a person the right to make a submission under Section 223 of the *Local Government Act 1989*.

Council is required to give public notice that it intends to sell the subject land and this notice gives members of the public the opportunity to make a written submission regarding Council's intention to sell.

In accordance with Section 223(1) (a) a person making a written submission has the right to request to be heard by the Committee of Council, appointed to consider and hear submissions.

9.4.5
(cont)

The consultation timetable for the subject land included the following dates:

Statutory advertisements (Public Notice):	“The Age” Saturday 26 August 2017
Closing date for submissions:	Monday 25 September 2017
Meeting to hear submissions:	Monday 9 October 2017

Public submission/s

The closing date for submissions was Monday 25 September 2017.

As advised no submissions were received by the closing date.

FINANCIAL IMPLICATIONS

Gross proceeds from the subdivision and sale of Lot 1 on proposed Plan of Subdivision 812390G will be \$16,000 excluding GST.

The public notification costs and subdivision costs are being borne by Council. After expenses, the net proceeds to Council from the sale of Lot 1 will be approximately \$6,000 excluding GST.

9.4.6 Eastern Region Group of Councils (ERG) Future Governance Arrangements

SUMMARY

This report outlines the work undertaken by the member Councils of the ERG in relation to:

- a) Considering enhanced ERG governance arrangements with the intention of achieving more formalised, purposeful and impactful leverage as a distinct regional voice on matters of common significance, importance and priority for the communities of the eastern metropolitan region; and*
- b) Identifying and nominating priority actions (strategic projects, issues and advocacy) for inclusion in the development of an ERG 3-year strategic plan.*

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Bennett

That Council, as a member of the eastern regional group, endorse and approve the establishment of the Eastern Region Group as outlined in this report including :

- 1. The proposed governance arrangement as outlined in the report***
- 2. The proposed Council member annual financial commitment of \$30,000***
- 3. The draft ERG Strategic Plan 2018–2020***
- 4. The Council's Chief Executive Officer be authorised to oversee and approve the ERG formal agreement***

CARRIED UNANIMOUSLY

BACKGROUND

Councils in the eastern area of Melbourne have worked collectively over many years to advocate on behalf of their communities. To date the Eastern Region Group (ERG) has operated as an informal issues-based forum, managed by bi-monthly meetings of Mayors and Chief Executive Officers (CEOs), where meeting locations and Chair rotate between each member Council.

The eastern councils have had a strong voice and been able to influence policy matters on a range of issues including planning, service funding, transport, infrastructure, affordable housing, and climate change. Examples of this are seen in the work of the ERG as well as the Eastern Transport Coalition (ETC), Eastern Alliance for Greenhouse Action (EAGA) and Eastern Affordable Housing Alliance (EAHA).

In recent years the need to respond collectively has increased in importance, particularly due to the changing policy environment in the state and federal spheres, the emphasis on regional planning platforms across a range of portfolio areas as well as pressure on resources and the changing expectations of our communities.

More recent activities including the state government review of the Local Government Act, the MAV Act and the introduction of rate capping legislation are added imperatives for the region to strengthen its collective effort.

This report considers the response and deliberations of ERG Councils to the proposition that it is timely to establish more formal arrangements that strengthen the partnership and coordination across the eastern group of councils. It further considers the development of a 3-year strategic plan for the region and enhanced governance arrangements to support its implementation.

9.4.6 (cont)

DISCUSSION

During 2014, a high-level piece of work to review existing ERG governance arrangements was commissioned and undertaken by Kay Rundle and Associates. This review work suggested that increased benefits would result from a more structured approach and that a formal governance structure would enable a co-ordinated and strategic response across a range of regional matters.

This work further noted the extent of other groups operating in the east, including those financially resourced by member councils (EAHA, EAGA, ETC). It proffered that if these various groups formed parts of one whole structure on behalf of Melbourne's east, the net impact would increase the profile and advocacy strength available.

Resulting from this review, in 2015 the eastern region established secretariat resources to support the ERG as an agreed first step ahead of more structured arrangements. To this end, The Agenda Group was contracted to supply the ERG secretariat service and assist in the ERG's collective work. The Agenda Group engagement as a secretariat service to the ERG is due to conclude in December 2017.

Other changes at the regional level include the dropping of the Regional Management Forum (RMF) model and its replacement with a Metropolitan Partnerships arrangement introduced in June 2017. This change prompted the withdrawal of Boroondara Council from the eastern regional group, resulting in the current ERG membership of six councils being aligned with the Metropolitan Partnership region.

Based on the experience over the last 2 years in having an engaged independent secretariat resource to support co-ordination and administration of ERG work, the group has identified the following key benefits and outcomes that can further flow from an enhanced regional approach:

Improved visibility

Developing a strong "regional" presence with a united view helps ensure that ERG issues are more visible and clear to other levels of government on behalf of our communities

Improved advocacy

Responding to escalating pressure for councils to advocate effectively on behalf of their communities and to achieve more meaningful influence over other levels of government that control most of the resources which enable our communities to function. It is vital that within a strategic and planned context that the region agree a set of advocacy priorities.

Integrated Planning

Enhancing the currently limited capacity to consider and pursue collaborative resource planning across our boundaries. A more enabling environment for exploiting integrated planning and/or service development opportunities would augment the region's potential to attract greater external funding and achieve better community outcomes.

Simplified Connection to State and Federal Government

The complexity of demands from other levels of government can be more ably facilitated by a more coordinated approach. A single-entry point into our region would strengthen our capacity to respond to change at other levels of government and improve the advocacy and planning elements.

9.4.6 (cont)

Improved performance opportunities

The potential for councils to work collectively at an operational level can be harnessed more readily within an accepted regional model allowing for the assessment of economies of scale and productivity opportunities. The current process of review of the Local Government Act also opens opportunities which the eastern region may be able to pursue, including establishing a more structured approach around shared services delivery and the potential to progress entrepreneurial initiatives.

ERG Workshop of 12 July 2017 – Proposition Testing for the 2018-2020 Strategic Plan

At the request of the Mayors of the member Councils, Councillors and Chief Executives were invited to participate in an ERG workshop held on 12 July 2017. The core purpose of the workshop was to test the collective appetite of ERG councils to progress more formalised, purposeful and impactful leverage as a recognised and distinct regional voice on matters of common significance, importance and priority for the communities of the eastern metropolitan region.

A total of 28 workshop participants from the six councils of the ERG, comprising 22 Councillors (including 4 Mayors and 2 Deputy Mayors), with 5 Chief Executives and 1 Acting Chief Executive, explored the question of whether there is a will to augment the positioning and standing of the ERG in terms of exploiting regional leverage with the objective of:

- Achieving better community outcomes in a high demand environment; and
- Improving service efficiency and effectiveness in a constrained environment.

The workshop was independently facilitated by WorkWell Consulting. A record of the workshop proceedings was captured by independent consultant Joe Carbone (former Chief Executive Officer of Manningham City Council) who has been engaged to compile a Proposition Document and the drafting of the 3 Year ERG Strategic Plan for consideration.

In summary, the Workshop process established that there was broad willingness for the ERG to explore collaborative approaches that augment regional leverage as a “cumulative motive force”, whilst preserving the independence of participating entities to use their own motive force and elect those issues on which they believe they have substantial common interest.

The workshop proceedings reflected a cautiously positive position on the proposition of progressing more formalised, purposeful and impactful leverage on issues of common interest and importance for most, if not all councils.

In reaching this position, the workshop determined some objective guidelines around which future approaches in support of collaboration and joint advocacy should be based. The objective guidelines and expressed organisational tenet for the ERG going forward were collated and recorded.

This work provides a basis for future ERG efforts, guided by a framework of desired goals, success factors (positive conditions) and cautions (avoidance of negative conditions).

Development of Draft ERG 3 Year Strategic Plan (2018-2020): Selection of Strategic Projects/Issues

Strategic projects and issues have been identified and nominated for the development of the draft ERG 2018-2020 Strategic Plan.

9.4.6
 (cont)

The selected strategic projects/issues incorporated in the draft ERG 2018-2020 Strategic Plan align with the guiding framework of desired goals, success factors and cautions expressed in the ERG Proposition Document as follows:

1. Contribute to the goal of creating a recognised multi-council future vision by exploiting the opportunity to achieve greater “net community benefit” across the region from improved returns on capital and/or service effectiveness, including enhanced likelihood of attracting greater external funding;
2. Support the goal of whole region integrated planning which facilitates opportunities to:
 - a) Pursue advantageous planning across municipal boundaries covering the dimensions of social and/or infrastructure planning on a regional level;
 - b) Exploit possible advantages of:
 - i. Pooled resourcing (specialist staff)
 - ii. Information sharing and common systems development
 - iii. Joint research effort
 - iv. Developing common operational tools and standards
 - v. Aligning work with existing plans and groups that are already making progress across municipal boundaries
3. Strengthen external advocacy and promotion of an ERG single identified voice for the region;
4. Achieve positive outcomes for the benefit of the region and its communities that can be quantified and evaluated; and
5. Avoid negative conditions such as duplication, “relevance deprivation” and competing interests between councils.

Draft ERG 2018–2020 Strategic Plan

The framework of the developed draft ERG Strategic Plan is built around 3 core elements as set out in the table below:

Identity Positioning (I)	Strategic Directions (P + C)	Advocacy, Promotion, Marketing (A)
Commitment to a multi-Council future vision for the eastern metropolitan region that reflects the objectives and efforts of the chosen strategic directions of the ERG	Selected strategic projects/ issues to be progressed and supported ➤ Integrated Planning (P) ➤ Operational Collaboration (C)	Purposeful advocacy, promotion and marketing that is distinctly reflective of the multi-city vision of the eastern region and directly linked to the adopted Integrated Planning and Operational Collaboration agenda
↓ INFLUENCE	↓ REGIONAL LEVERAGE	↓ TARGETTED ADVOCACY

Strategic Directions (P+C) shape the Identity (I) and Advocacy (A). Over time, (A) reinforces the (I)

9.4.6 (cont)

Whilst the above strategic plan model represents the structured approach for the next recommended iteration of the ERG, it is also pertinent for the ERG to be continually and actively responsive to emerging sector issues of significance as they arise as has been past practice.

Collaborative monitoring and assessment of political, service and financial impacts of proposed public policy changes driven by State and/or Federal government as affects Local Government, particularly as may specifically impact the eastern region Councils, should continue to be under ongoing watch by the ERG. It is proffered that this needs to be a continuing core component of the ERG role and more particularly in the current environment where potential changes to MAV are yet to play out.

This report recommends that the draft ERG Strategic Plan 2018–2020 be adopted by Council as a member of the ERG. The ERG is to further refine the draft Strategic Plan in terms of assessing and agreeing the achievable work schedule for the three years.

ERG relationship with existing regional groups functioning in the eastern metropolitan region

The significant work of the following 3 key regional issues based groups is recognised:

- Eastern Transport Coalition (ETC);
- Eastern Affordable Housing Alliance (EAHA); and
- Eastern Alliance for Greenhouse Action (EAGA)

These groups have been effective in their areas of focus but to date there has been no clear alignment between their operation and the ERG. The Report of May 2014 recommended the linking of these groups with the eastern metropolitan Mayors and CEOs forum similar to the way in which some other established regions work with subject matter sub-groups through formal structures e.g. G21, IMAP, NorthLink and LeadWest.

As an initial step towards testing and pursuing a clearer and more meaningful connection between the above groups and the ERG, a reporting relationship development approach is suggested which facilitates shared reporting as well as strategic alignment on agreed/common priorities. In so pursuing such a development path, there would be the opportunity to enhance and better co-ordinate the advocacy effort of the region.

The ERG councils currently commit funding and resources to the ETC, EAHA and EAGA as follows:

- ETC - \$8,000 annual fee plus \$14,000 for a 3-year advocacy campaign per member council. Current membership comprises all ERG councils plus Greater Dandenong
- EAHA - \$7,000 p.a. per member council for a 0.4 EFT administrative resource. Current membership comprises all ERG councils.
- EAGA - \$20,000 p.a. per member council. Current membership comprises all ERG councils except Manningham, plus Boroondara, Stonnington and Glen Eira.

The financial commitment by member councils to the ERG currently is a total of \$30,000 p.a. This funding is largely allocated to the contracted secretariat support service. The current secretariat service is provided by The Agenda Group, whose service contract expires in December 2017. For the last 3 years, ERG funding included the contribution of Boroondara Council which is now no longer part of the ERG.

9.4.6 (cont)

Given the significant cumulative investment of eastern region councils in support of regional advocacy and political lobbying activity, it is imperative for the region to optimise such resources and energy through the opportunity of improved collaboration and integration of effort. The development path suggested in this report commences with the establishment of agreed reporting relationships between the key regional groups and the ERG. It is recommended that this development approach form part of the year 1 agenda of the ERG in collaboration with the ETC, EAGA and EAHA.

ERG Governance

The formal governance model proposed for the ERG is in the form of an Eastern Regional Group of Councils Agreement made pursuant to s. 193 of the *Local Government Act 1989*.

In future, changes to the Local Government Act may provide some opportunities or alternate legal options that can be explored such as the Incorporated Associations Act and/or extended entrepreneurial provisions. The Local Government Act review may indeed reinforce the need for stronger regional partnerships of Councils.

Membership of the ERG is open to the six councils of the eastern metropolitan region of Melbourne comprising Knox, Manningham, Maroondah, Monash, Whitehorse and Yarra Ranges.

Each participating council would be an entity member of the ERG and would contribute financially towards the secretariat and administrative function of the ERG in overseeing the implementation of the adopted regional strategic plan.

Included in the role and function of the ERG is the development of appropriate reporting and working relationship links with existing regional groups i.e. ETC, EAGA and EAHA to ensure their alignment with the work and supported priorities of the region and their ongoing momentum in their focus areas.

The Mayor from each member council forms the overarching eastern region entity which is to be supported by secretariat support resources as well a range of collaborative sub-committees established based on strategic need as determined in the adopted strategic regional plan.

The Mayors group would elect a chair who would preside over the ERG for that full year commencing in December of each year.

In addition to the membership of the Mayors, the ERG would also include membership of a further nominated Councillor from each member council. Council Chief Executives and the secretariat representative are ex-officio attending members of the ERG, thereby voting rights are held by Councillor members only.

It is envisaged that the ERG would meet bi-monthly to oversee the implementation of the adopted strategic plan. Chief Executive Officers would continue to ensure that key emerging issues affecting the local government sector are raised and addressed by the ERG.

In view of the current review of the Municipal Association of Victoria (MAV) Act, and in association with providing input to the further review processes underway by the MAV, the ERG will need to raise the question of MAV regional boundaries and their non-alignment with any existing state or federal boundaries.

Corporate service operational support provided to the ERG by any member council in terms of human resource management, financial operations, IT and/or office accommodation services is to be reimbursed at cost.

It is anticipated that Mayors and CEOs of the ERG would provide quarterly feedback to their respective councils on the progress of the ERG and status of strategic plan implementation.

9.4.6

(cont)

The financial commitment of member councils is proposed to be maintained at the current level of \$30,000 per council per annum. The level of annual contribution per council would be subject to annual review and approval.

CONSULTATION

As outlined in this report, there has been a high level of engagement across the region over a period of years, including the most recent July workshop where all councillors from the eastern region were invited to participate. The current Eastern Region Mayors and CEO's group have also played a leadership role in guiding the work leading to this proposal during the past year.

FINANCIAL IMPLICATIONS

The primary direct resource to support the operation of the ERG is a secretariat that provides an executive officer function for meetings, communications and co-ordination of follow up ERG business.

As part of the implementation process of the ERG Strategic Plan 2018-2020, councils will deploy existing resources that are already committed to regionally based collaborative projects and activities. Opportunities will also emerge to consider the potential pooling of specialist resources across the region as well as joint resourcing of research efforts for greater mutual benefit to all member councils.

CONCLUSION

This report reflects a considered motivation on the part of the member councils of the ERG to augment its standing and positioning as a stronger, more identifiable and influential voice in the face of greater emphasis on regional planning platforms by state and federal government in a changing policy environment across a range of portfolio areas.

Essential to progressing the ERG from its current standing as an informal collegiate based issues forum, to a more formalised, purposeful and united representative body for the eastern metropolitan region of Melbourne, is the development and adoption of a formative 3-year strategic plan for the regional group.

In addition to recommending to Council that it approve and adopt the draft ERG 2018-2020 Strategic Plan developed in line with guidelines proposed from workshop consultation involving member councils, the report further recommends the approval of proposed formal ERG governance arrangements and Council financial commitment.

9.4.7 Meeting Cycle January to December 2018

SUMMARY

This report is to set the meeting dates for the period January to December 2018. It is recommended that Council continue with the current meeting cycle which provides for meetings to take place on Monday nights as follows:

Week 1 – Strategic Planning Session

Week 2 – Councillor Briefing and Special Committee Meeting.

Week 3 – Council Meeting

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Cutts

That:

- 1. The report be received and noted and the Meeting Cycle for the period January to December 2018 as detailed in Appendix A to this report be adopted.***
- 2. Meetings of the Council and Special Committee of Council be held in the Council Chamber, 379 Whitehorse Road, Nunawading, with the exception of the first Ordinary Council Meeting of the year Monday 29 January 2018 which will be held in the Council Chamber Box Hill Town Hall.***
- 3. Public notice of Council's meeting schedule be given as required by Section 89 (4) of the Local Government Act 1989.***

CARRIED UNANIMOUSLY

BACKGROUND

The Council Meeting Cycle is currently as follows:

Week 1	Week 2	Week 3
6.30pm Strategic Planning Session (not a formal or public meeting)	6.30 - 8.00pm Councillor Briefing Information gathering for briefing on agenda for Council Meeting on Week 3 (not a formal or public meeting) 8.00pm Special Committee of Council Meeting	7.00pm Council Meeting

9.4.7

(cont)

This report is to set meeting dates for the period January to December 2018 as listed in Appendix A to this report.

It is recommended that Council continue with the current meeting cycle which provides for meetings to take place on Monday nights as follows:

Week 1 – Strategic Planning Session

Week 2 – Councillor Briefing and Special Committee Meeting

Week 3 – Council Meeting

- Meetings will take place on Monday nights in a four weekly cycle, with Week 4 (and Week 5 in those months with a fifth Monday) being a meeting free night, to schedule other matters for consideration as necessary. Where Monday is a public holiday the meeting will take place on the Tuesday night immediately following.
- During January the Councillor Briefing will be held on Monday 22 January and the first Ordinary Council Meeting for 2018 will be held Week 4 of January (**nb the Ordinary Council meeting Monday 29 January 2018 will be held at the Box Hill Town Hall**)
- The meeting cycle has been adjusted in June due to the Australian Local Governance Association National General Assembly being scheduled for June 2018.
- Strategic Planning Sessions will be held from February to October 2018 inclusive.
- Special Committee of Council meetings will be held from February to December 2018 inclusive.
- All meetings will be conducted in accordance with the Charters and Council's Meeting Procedure and Common Seal Local Law 2013.

CONSULTATION

Councillors are familiar with the meeting cycle, structure and Council meeting processes.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

9.4.7
 (cont)

MEETING CYCLE 2018 – Public

January	
Ordinary Council Meeting	29
February	
Special Committee	12
Ordinary Council Meeting	19
March	
Special Committee	13 (Tues)
Ordinary Council Meeting	19
April	
Special Committee	16
Ordinary Council Meeting	23
May	
Special Committee	14
Ordinary Council Meeting	21
June	
Special Committee	12 (Tues)
Ordinary Council Meeting ¹	25 ¹
July	
Special Committee	9
Ordinary Council Meeting	16
August	
Special Committee	13
Ordinary Council Meeting	20
September	
Special Committee	10
Ordinary Council Meeting	17
October	
Special Committee	8
Ordinary Council Meeting	15
Special (Statutory) Council Meeting –Election of the Mayor	29
November	
Special Committee	12
Ordinary Council Meeting	19
December	
Special Committee	3
Ordinary Council Meeting	10

- Additional meetings may be called as required and will be advertised in local newspapers when possible and/or by notice on the public noticeboards at Civic Offices.
 - All meetings to be held in the Council Chamber, Whitehorse Civic Centre, 379 Whitehorse Rd, Nunawading, with the exception of the meeting scheduled for ***Monday 29 January 2018, which will be held in the Council Chamber, Box Hill Town Hall***
 - Council Meetings commence at 7.00pm unless otherwise advised. Special Committee of Council Meetings commence at 8.00pm unless otherwise advised. All meetings open to the public, unless Council resolves to close the meeting to the public to consider an item 'in camera'.
 - Meetings subject to change as necessary, changes to the meeting cycle will be advised by public notice as appropriate.
- 1 Meeting schedule adjusted due to ALGA National Conference scheduled 17-20 June 2018

9.4.8 Adoption of Instrument of Appointment and Authorisation under the Planning and Environment Act 1987

SUMMARY

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

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Carr

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

CARRIED UNANIMOUSLY

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.

9.4.8
(cont)

Whitehorse City Council
Instrument of Appointment and Authorisation
under the Planning and Environment Act 1987

STAFF	
Surname	Given name
KILLIN	Emily
WELLS	Natalie
SINNATT	Sue

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

In this instrument "officer" means:

- a) Emily Killin;
- b) Natalie Wells;
- c) Sue Sinnatt.

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 **17 October 2017**

THE COMMON SEAL OF THE)
WHITEHORSE CITY COUNCIL was hereunto)
affixed this)
day of October 2017 in the presence of:)
)
)
)
_____)
Councillor)
)
)
_____)
Chief Executive Officer)
)

9.4.9 Delegated Decisions August 2017

SUMMARY

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

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Liu

That the report of decisions made by officers under Instruments of Delegation for the month of August 2017 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for August 2016	Number for August 2017
Planning and Environment Act 1987	Delegated Decisions	190	133
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		30	34
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	92	94
Liquor Control Reform Act 1998	Objections and Prosecutions	Nil	Nil
Food Act 1984	Food Act Orders	6	7
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	1	3
Local Government Act 1989	Temporary Road Closures	17	4
Other Delegations	CEO Signed Contracts between \$150,000 - \$500,000	1	1
	Property Sales and Leases	15	7
	Documents to which Council seal affixed	1	5
	Vendor Payments	940	1114
	Parking Amendments	8	7
	Parking Infringements written off (not able to be collected)	550	290

9.4.9

(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS AUGUST 2017

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

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/221	31-08-17	Application Lapsed	7 James Avenue MITCHAM VIC 3132	Springfield	Construction of Secondary (double storey) dwelling	Multiple Dwellings
WH/2017/358	24-08-17	Application Lapsed	78 Middleborough Road BURWOOD EAST VIC 3151	Riversdale	Display of major promotion signage	Advertising Sign
WH/2017/417	08-08-17	Application Lapsed	9 Boongarry Avenue BLACKBURN VIC 3130	Central	Construction of buildings and works (verandah) in Significant Landscape Overlay (SLO1)	Special Landscape Area
WH/2017/426	24-08-17	Application Lapsed	5 Crest Grove NUNAWADING VIC 3131	Springfield	Construction of four double storey dwellings	Multiple Dwellings
WH/2014/1243/A	09-08-17	Delegate Approval - S72 Amendment	16 La Frank Street BURWOOD VIC 3125	Riversdale	Construction of one double storey dwelling to the rear of the existing dwelling	Permit Amendment
WH/2014/271/A	22-08-17	Delegate Approval - S72 Amendment	5 Belmont Street SURREY HILLS VIC 3127	Riversdale	Construction of three double storey dwellings	Permit Amendment
WH/2014/528/A	30-08-17	Delegate Approval - S72 Amendment	38 Killara Street BOX HILL NORTH VIC 3129	Elgar	The development of the land for two dwellings comprising one double storey dwelling to the rear of the existing single storey dwelling	Permit Amendment
WH/2015/1030/A	30-08-17	Delegate Approval - S72 Amendment	23 Clifton Street BOX HILL SOUTH VIC 3128	Riversdale	Amendment to Planning Permit WH/2015/1030 (Construction of two (2) double storey dwellings) to amend plans and condition 1.a) to allow direct access to dwelling entrances off Clifton Street and the relocation of garages further forward to Clifton Street	Permit Amendment

9.4.9
 (cont)

WH/2015/1084/B	22-08-17	Delegate Approval - S72 Amendment	3-5 Springfield Road BLACKBURN NORTH VIC 3130	Central	Amendment to Planning Permit WH/2015/1084 issued for Buildings and works associated with an existing place of worship and use of the land for a car park	Permit Amendment
WH/2015/341/A	18-08-17	Delegate Approval - S72 Amendment	11 Newbiggin Street BURWOOD VIC 3125	Riversdale	Construction of three double storey dwellings	Permit Amendment
WH/2015/530/B	01-08-17	Delegate Approval - S72 Amendment	19 Premier Avenue MITCHAM VIC 3132	Springfield	Amendment To Planning Permit Wh/2015/530 (Issued On 12 January 2016 For The Construction Of Two Double Storey Dwellings) To Extend Bedrooms 3 And 4 Of Unit 2 One Metre North-East	Permit Amendment
WH/2015/715/B	10-08-17	Delegate Approval - S72 Amendment	12-14 Nelson Road BOX HILL VIC 3128	Elgar	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
WH/2015/860/A	30-08-17	Delegate Approval - S72 Amendment	7 Unley Court VERMONT VIC 3133	Morack	Construction of one (1) double storey dwelling to the rear of an existing dwelling	Permit Amendment
WH/2016/562/A	18-08-17	Delegate Approval - S72 Amendment	11 Peacock Street BURWOOD VIC 3125	Riversdale	Construction of three (3) double storey dwellings	Permit Amendment

9.4.9
 (cont)

WH/2016/996/A	17-08-17	Delegate Approval - S72 Amendment	613 Whitehorse Road MITCHAM VIC 3132	Springfield	Change of use to a minor sports and recreation facility (badminton courts) and associated display of a floodlit business identification sign and a waiver of bicycle facilities requirements	Permit Amendment
WH/2016/1024	31-08-17	Delegate NOD Issued	425 Mitcham Road MITCHAM VIC 3132	Springfield	The construction of three (3) double storey dwellings, alterations of access to a road in a Road Zone Category 1	Multiple Dwellings
WH/2016/1161	25-08-17	Delegate NOD Issued	127 Springfield Road BLACKBURN NORTH VIC 3130	Central	Construction of three (3) double storey dwellings	Multiple Dwellings
WH/2016/1200	22-08-17	Delegate NOD Issued	81 Broughton Road SURREY HILLS VIC 3127	Riversdale	To construct two double storey dwellings and to subdivide the land into two lots	Multiple Dwellings
WH/2016/1205	28-08-17	Delegate NOD Issued	33 Lasiandra Avenue FOREST HILL VIC 3131	Springfield	Construction of two dwellings comprising one double storey dwelling and one single storey dwelling to the rear	Multiple Dwellings
WH/2016/138	04-08-17	Delegate NOD Issued	13 Hopetoun Parade BOX HILL VIC 3128	Elgar	Construction of a 5 storey residential development plus basement	Multiple Dwellings
WH/2016/644	07-08-17	Delegate NOD Issued	2 Shaun Avenue BLACKBURN SOUTH VIC 3130	Riversdale	The construction of two (2) double storey dwellings	Multiple Dwellings
WH/2016/724	23-08-17	Delegate NOD Issued	19 Arnold Street BOX HILL VIC 3128	Elgar	Buildings and works for the construction of a 14 storey building (plus basement) containing two or more dwellings and a medical centre, use of land for medical centre and reduction of statutory car parking requirements	Multiple Dwellings

9.4.9
(cont)

WH/2016/733	25-08-17	Delegate NOD Issued	66 Springfield Road BOX HILL NORTH VIC 3129	Elgar	Construction of three double storey dwellings	Multiple Dwellings
WH/2016/762	24-08-17	Delegate NOD Issued	60 Heatherdale Road MITCHAM VIC 3132	Springfield	Construction of two double storey dwellings and two lot subdivision	Multiple Dwellings
WH/2016/829	02-08-17	Delegate NOD Issued	63 Severn Street BOX HILL NORTH VIC 3129	Elgar	Construction of a three (3) storey building comprising twelve dwellings	Multiple Dwellings
WH/2016/875	07-08-17	Delegate NOD Issued	7 Eustace Street BLACKBURN VIC 3130	Central	Removal of tree and construction of buildings and works associated with the construction of a double carport and verandah	Special Landscape Area
WH/2016/93	24-08-17	Delegate NOD Issued	13 Spence Street BURWOOD VIC 3125	Riversdale	Buildings and works associated with four dwellings (one existing)	Multiple Dwellings
WH/2017/158	04-08-17	Delegate NOD Issued	205 Springfield Road BLACKBURN NORTH VIC 3130	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/166	31-08-17	Delegate NOD Issued	1 Corlett Street MONT ALBERT NORTH VIC 3129	Elgar	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/300	31-08-17	Delegate NOD Issued	10/494-498 Mitcham Road MITCHAM VIC 3132	Springfield	Buildings and works on a lot less than 300 sqm (Retrospective)	Single Dwelling < 300m2
WH/2017/331	07-08-17	Delegate NOD Issued	18 High Street MONT ALBERT VIC 3127	Elgar	Buildings and works including demolition in a Heritage Overlay (HO102)	Heritage
WH/2017/406	25-08-17	Delegate NOD Issued	12 Meerut Street MITCHAM VIC 3132	Springfield	Removal of trees (3) and construction of an extension to existing dwelling in an Significant Landscape Overlay	Special Landscape Area
WH/2017/92	24-08-17	Delegate NOD Issued	395 Middleborough Road BOX HILL VIC 3128	Elgar	Building and works to construct a fence and vegetation removal	Heritage
WH/2015/840	28-08-17	Delegate Permit Issued	537 Elgar Road MONT ALBERT NORTH VIC 3129	Elgar	Construction of two attached double storey dwellings and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings

9.4.9
(cont)

WH/2016/1047	31-08-17	Delegate Permit Issued	33 Meldan Street BURWOOD VIC 3125	Riversdale	Two unit development - construction of two double storey dwellings with garage	Multiple Dwellings
WH/2016/1053	31-08-17	Delegate Permit Issued	2 Cyril Street BOX HILL SOUTH VIC 3128	Riversdale	Twenty (20) lot subdivision of an existing building	Subdivision
WH/2016/1059	31-08-17	Delegate Permit Issued	36 Penrose Street BOX HILL SOUTH VIC 3128	Riversdale	Construction of a second dwelling (retain existing)	Multiple Dwellings
WH/2016/1094	21-08-17	Delegate Permit Issued	41 Betula Avenue NUNAWADING VIC 3131	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2016/1104	17-08-17	Delegate Permit Issued	25/137-145 Rooks Road NUNAWADING VIC 3131	Springfield	Extension of mezzanine floor and new window for existing office use and reduction in car parking	Industrial
WH/2016/1125	31-08-17	Delegate Permit Issued	9 Havelock Street BURWOOD VIC 3125	Riversdale	The Construction of Three Double Storey Dwellings	Multiple Dwellings
WH/2016/1136	24-08-17	Delegate Permit Issued	84 Whitehorse Road BLACKBURN VIC 3130	Central	Construction four (4) double storey dwellings and alteration of access to a road in a Road Zone 1	Multiple Dwellings
WH/2016/1167	31-08-17	Delegate Permit Issued	37 Woodleigh Crescent VERMONT SOUTH VIC 3133	Morack	Two double storey townhouses	Multiple Dwellings
WH/2016/464	15-08-17	Delegate Permit Issued	8 Lyndhurst Crescent BOX HILL NORTH VIC 3129	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2016/49	17-08-17	Delegate Permit Issued	1/53 Station Street BURWOOD VIC 3125	Riversdale	Construction of a three storey building (plus basement) comprising dwellings and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
WH/2016/797	16-08-17	Delegate Permit Issued	1/249 Springvale Road NUNAWADING VIC 3131	Springfield	Construction of two double storey dwellings to the front of the existing dwelling	Multiple Dwellings
WH/2016/818	25-08-17	Delegate Permit Issued	34 Asquith Street BOX HILL SOUTH VIC 3128	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2016/861	14-08-17	Delegate Permit Issued	109 Woodhouse Grove BOX HILL NORTH VIC 3129	Elgar	Development of three (3) double storey dwellings	Multiple Dwellings
WH/2016/932	31-08-17	Delegate Permit Issued	13 Browns Road NUNAWADING VIC 3131	Springfield	The construction of two (2) double storey dwellings	Multiple Dwellings

9.4.9
(cont)

WH/2017/118	22-08-17	Delegate Permit Issued	255 Burwood Highway BURWOOD EAST VIC 3151	Morack	To display business identification signage (internally illuminated) and to create access to a road in a Road Zone, Category 1.	Advertising Sign
WH/2017/123	14-08-17	Delegate Permit Issued	18 Beech Street SURREY HILLS VIC 3127	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/200	17-08-17	Delegate Permit Issued	31 Grange Road BLACKBURN SOUTH VIC 3130	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/222	18-08-17	Delegate Permit Issued	7 Adley Court VERMONT SOUTH VIC 3133	Morack	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/253	24-08-17	Delegate Permit Issued	52 Menin Road FOREST HILL VIC 3131	Springfield	Works (paving associated with an existing dwelling) under SLO6	Special Landscape Area
WH/2017/286	31-08-17	Delegate Permit Issued	8/60-62 South Parade BLACKBURN VIC 3130	Central	To build a verandah on the north yard of our property	Single Dwelling < 300m2
WH/2017/307	25-08-17	Delegate Permit Issued	225 Canterbury Road BLACKBURN VIC 3130	Central	Display a Business Identification sign in a Residential Zone	Advertising Sign
WH/2017/308	5-08-17	Delegate Permit Issued	40 Fulton Road BLACKBURN SOUTH VIC 3130	Riversdale	Construction of one double storey dwelling on a lot less than 500 sqm & fence.	Single Dwelling < 300m2
WH/2017/329	07-08-17	Delegate Permit Issued	403 Mont Albert Road MONT ALBERT VIC 3127	Elgar	Extension to existing dwelling within Heritage Overlay	Heritage
WH/2017/349	02-08-17	Delegate Permit Issued	7 Ashburn Place BLACKBURN VIC 3130	Central	Change of use to a dance studio	Industrial
WH/2017/360	14-08-17	Delegate Permit Issued	11A Nash Road BOX HILL SOUTH VIC 3128	Riversdale	Buildings and works on a lot less than 300sqm	Single Dwelling< 300m2
WH/2017/387	28-08-17	Delegate Permit Issued	19 Alexander Street BOX HILL VIC 3128	Elgar	Partial demolition and construction of buildings and works to a single dwelling	Heritage
WH/2017/399	17-08-17	Delegate Permit Issued	1 Alfred Street BLACKBURN VIC 3130	Central	Display of business identification signage, including one (1) internally illuminated sign	Advertising Sign
WH/2017/439	18-08-17	Delegate Permit Issued	36 Barry Road BURWOOD EAST VIC 3151	Morack	Development of land for two dwellings (retrospective permit).	Residential (Other)
WH/2017/440	23-08-17	Delegate Permit Issued	12 Loraine Avenue BOX HILL NORTH VIC 3129	Elgar	Four (4) lot subdivision	Subdivision
WH/2017/441	24-08-17	Delegate Permit Issued	26 Fuller Street MITCHAM VIC 3132	Springfield	Addition to existing dwelling within 4m of a tree	Special Landscape Area

9.4.9
(cont)

WH/2017/460	23-08-17	Delegate Permit Issued	152 Middleborough Road BLACKBURN SOUTH VIC 3130	Riversdale	Two (2) lot subdivision	Subdivision
WH/2017/461	30-08-17	Delegate Permit Issued	9 Silver Grove NUNAWADING VIC 3131	Springfield	Use of the land for an Indoor Recreation Facility (Dancing School)	Industrial
WH/2017/462	24-08-17	Delegate Permit Issued	836-850 Whitehorse Road BOX HILL VIC 3128	Elgar	527 lot subdivision	Subdivision
WH/2017/466	21-08-17	Delegate Permit Issued	2A-2B Milne Road MONT ALBERT NORTH VIC 3129	Elgar	Building & works in C1Z and car parking reduction	Vegetation Protection Overlay
WH/2017/467	23-08-17	Delegate Permit Issued	410 Belmore Road MONT ALBERT NORTH VIC 3129	Elgar	Three (3) lot subdivision	Subdivision
WH/2017/472	21-08-17	Delegate Permit Issued	14/127 Highbury Road BURWOOD VIC 3125	Riversdale	The construction of buildings and works (retrospective mezzanine) and a reduction of the car parking rate	VicSmart - General Application
WH/2017/476	25-08-17	Delegate Permit Issued	3 Tennyson Street BURWOOD VIC 3125	Riversdale	Three (3) lot subdivision	Subdivision
WH/2017/481	31-08-17	Delegate Permit Issued	17 Oliver Avenue BLACKBURN VIC 3130	Central	Removal of four trees in a Significant Landscape Overlay, Schedule 2	Special Landscape Area
WH/2017/485	24-08-17	Delegate Permit Issued	17 Acacia Street BOX HILL VIC 3128	Elgar	Two (2) lot subdivision	Subdivision
WH/2017/486	23-08-17	Delegate Permit Issued	64 Springfield Road BOX HILL NORTH VIC 3129	Elgar	Two (2) lot subdivision	Subdivision
WH/2017/487	08-08-17	Delegate Permit Issued	17 Cameron Road BOX HILL NORTH VIC 3129	Elgar	Remove one tree	VicSmart - General Application
WH/2017/495	31-08-17	Delegate Permit Issued	660 Whitehorse Road MONT ALBERT VIC 3127	Elgar	Two (2) lot subdivision	Subdivision
WH/2017/499	02-08-17	Delegate Permit Issued	7-13 Carrington Road BOX HILL VIC 3128	Elgar	Buildings and works to an existing premise in a Commercial zone	VicSmart - General Application
WH/2017/512	29-08-17	Delegate Permit Issued	5 Shields Court BLACKBURN SOUTH VIC 3130	Central	Two (2) lot subdivision	Subdivision
WH/2017/514	16-08-17	Delegate Permit Issued	15 Wolseley Close MONT ALBERT VIC 3127	Elgar	Alterations to an outbuilding in a Heritage Overlay	Heritage
WH/2017/519	31-08-17	Delegate Permit Issued	1 Victory Street MITCHAM VIC 3132	Springfield	Two (2) lot subdivision	Subdivision
WH/2017/522	29-08-17	Delegate Permit Issued	7 Harcourt Street BLACKBURN NORTH VIC 3130	Central	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/523	08-08-17	Delegate Permit Issued	29 Norma Road FOREST HILL VIC 3131	Morack	Two (2) lot subdivision	VicSmart - Subdivision

9.4.9
(cont)

WH/2017/530	25-08-17	Delegate Permit Issued	1 Graham Place BOX HILL VIC 3128	Elgar	Business Identification Signage (School Car Park)	Advertising Sign
WH/2017/537	21-08-17	Delegate Permit Issued	30 Ashlar Crescent BLACKBURN VIC 3130	Central	We require a permit to prune a tree listed on the significant trees of blackburn registry and remove another tree	VicSmart - General Application
WH/2017/546	24-08-17	Delegate Permit Issued	41 Jeffery Street BLACKBURN VIC 3130	Central	Removal of tree in SLO1	VicSmart - General Application
WH/2017/564	28-08-17	Delegate Permit Issued	8A Victoria Avenue MITCHAM VIC 3132	Springfield	New front fence	VicSmart - General Application
WH/2017/571	31-08-17	Delegate Permit Issued	43 Katrina Street BLACKBURN NORTH VIC 3130	Central	Two (2) lot subdivision	Subdivision
WH/2017/579	09-08-17	Delegate Permit Issued	1/378 Station Street BOX HILL SOUTH VIC 3128	Riversdale	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/580	31-08-17	Delegate Permit Issued	16 Karen Street BOX HILL NORTH VIC 3129	Elgar	Two (2) lot subdivision	Subdivision
WH/2017/583	08-08-17	Delegate Permit Issued	24 Hawkins Avenue MONT ALBERT NORTH VIC 3129	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/589	08-08-17	Delegate Permit Issued	610 Station Street BOX HILL VIC 3128	Elgar	Construction of buildings and works (flu and rear door) in Commercial 1 Zone	VicSmart - General Application
WH/2017/591	31-08-17	Delegate Permit Issued	19 Peter Avenue BLACKBURN NORTH VIC 3130	Central	Two (2) lot subdivision	Subdivision
WH/2017/592	31-08-17	Delegate Permit Issued	65 Heathfield Rise BOX HILL NORTH VIC 3129	Elgar	Two (2) lot subdivision	Subdivision
WH/2017/593	31-08-17	Delegate Permit Issued	4 Burch Street BLACKBURN NORTH VIC 3130	Central	Two (2) lot subdivision	Subdivision
WH/2017/596	18-08-17	Delegate Permit Issued	28 Laburnum Street BLACKBURN VIC 3130	Central	Boundary Re-alignment	VicSmart - Subdivision
WH/2017/600	29-08-17	Delegate Permit Issued	13 Loddon Street BOX HILL NORTH VIC 3129	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/614	21-08-17	Delegate Permit Issued	1A Thomas Street MITCHAM VIC 3132	Springfield	Installation of a roller door to existing garage in association with a dwelling in a Heritage Overlay	VicSmart - General Application
WH/2017/628	18-08-17	Delegate Permit Issued	124-126 Canterbury Road BLACKBURN SOUTH VIC 3130	Central	Dispensation for reduction in car parking for Education Centre	VicSmart - General Application

9.4.9
(cont)

WH/2017/629	31-08-17	Delegate Permit Issued	7 Orchard Crescent MONT ALBERT NORTH VIC 3129	Elgar	Removal of three (3) trees within a Vegetation Protection Overlay (VPO2)	Vegetation Protection Overlay
WH/2017/631	22-08-17	Delegate Permit Issued	29 Faulkner Street BLACKBURN SOUTH VIC 3130	Central	Extension and alteration to existing dwelling and construction of new garage in the Special Building Overlay	VicSmart - General Application
WH/2017/633	24-08-17	Delegate Permit Issued	21 Hartigan Street BLACKBURN VIC 3130	Central	Construction of a single dwelling and garage in a Special Building Overlay	VicSmart - General Application
WH/2017/638	29-08-17	Delegate Permit Issued	10 Black Street MONT ALBERT VIC 3127	Elgar	Partial demolition and buildings and works in the form of external alterations to an existing dwelling in a Heritage Overlay.	VicSmart - General Application
WH/2017/645	29-08-17	Delegate Permit Issued	8A Second Avenue BOX HILL NORTH VIC 3129	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/68	28-08-17	Delegate Permit Issued	15 Cameron Road BOX HILL NORTH VIC 3129	Elgar	Construction of two(2) double storey dwellings	Multiple Dwellings
WH/2016/1045	24-08-17	Delegate Refusal Issued	14 Sweetland Road BOX HILL VIC 3128	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
WH/2016/1105	24-08-17	Delegate Refusal Issued	874-878 Whitehorse Road BOX HILL VIC 3128	Elgar	Construct a 24 storey residential building (residential hotel and retail premise), use of land for accommodation, reduction in car parking and provision of spaces on another site, reduction in bicycle parking.	Multiple Dwellings
WH/2016/809	03-08-17	Delegate Refusal Issued	40 Francesca Street MONT ALBERT NORTH VIC 3129	Elgar	Development of twenty-five double and triple storey dwellings	Multiple Dwellings
WH/2016/935	02-08-17	Delegate Refusal Issued	25 Redhill Avenue BURWOOD EAST VIC 3151	Morack	Construction of two (2) dwellings on a lot, and removal of Covenant C921978 which restricts development of the land to one (1) private dwelling together without houses and garage.	Multiple Dwellings

9.4.9
(cont)

WH/2017/142	08-08-17	Delegate Refusal Issued	5 Patricia Street BOX HILL VIC 3128	Elgar	Removal of restrictive covenant no 1077412 applicable to lot 28 on LP7776 (4671/120)	Subdivision
WH/2017/298	15-08-17	Delegate Refusal Issued	545 Mitcham Road VERMONT VIC 3133	Springfield	Works (paving) associated with an existing dwelling	Special Landscape Area
WH/2017/379	31-08-17	Delegate Refusal Issued	406 Burwood Highway VERMONT SOUTH VIC 3133	Morack	Two double storey dwellings on a lot	Multiple Dwellings
WH/2017/42	07-08-17	Delegate Refusal Issued	641 Canterbury Road VERMONT VIC 3133	Springfield	Use and development of a child care centre, tree removal and alteration of access to a Road Zone (Category 1)	Child Care Centre
WH/2017/525	04-08-17	Delegate Refusal Issued	76 Churchill Street MONT ALBERT VIC 3127	Elgar	Construction of a front fence	VicSmart - General Application
WH/2017/86	09-08-17	Delegate Refusal Issued	154 Junction Road NUNAWADING VIC 3131	Springfield	Removal of passage way easement	Other
WH/2017/576	25-08-17	No Permit Required	14/2 Chippewa Avenue MITCHAM VIC 3132	Springfield	Proposed veranda to the rear of unit 14	Single Dwelling < 300m2
WH/2016/676/A	03-08-17	Withdrawn	8 Alexander Street MITCHAM VIC 3132	Springfield	Construction of two double storey dwellings	Permit Amendment
WH/2016/981	11-08-17	Withdrawn	2 Dale Court BLACKBURN NORTH VIC 3130	Central	Place of assembly	Residential (Other)
WH/2017/587	23-08-17	Withdrawn	285-301 Warrigal Road BURWOOD VIC 3125	Riversdale	Signage for the church and school	Heritage
WH/2017/512	29-08-17	Delegate Permit Issued	5 Shields Court BLACKBURN SOUTH VIC 3130	Central	Two (2) lot subdivision	Subdivision
WH/2017/514	16-08-17	Delegate Permit Issued	15 Wolseley Close MONT ALBERT VIC 3127	Elgar	Alterations to an outbuilding in a Heritage Overlay	Heritage
WH/2017/519	31-08-17	Delegate Permit Issued	1 Victory Street MITCHAM VIC 3132	Springfield	Two (2) lot subdivision	Subdivision
WH/2017/522	29-08-17	Delegate Permit Issued	7 Harcourt Street BLACKBURN NORTH VIC 3130	Central	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/523	08-08-17	Delegate Permit Issued	29 Norma Road FOREST HILL VIC 3131	Morack	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/530	25-08-17	Delegate Permit Issued	1 Graham Place BOX HILL VIC 3128	Elgar	Business Identification Signage (School Car Park)	Advertising Sign
WH/2017/537	21-08-17	Delegate Permit Issued	30 Ashlar Crescent BLACKBURN VIC 3130	Central	We require a permit to prune a tree listed on the significant trees of blackburn registry and remove another tree	VicSmart - General Application

9.4.9
(cont)

WH/2017/546	24-08-17	Delegate Permit Issued	41 Jeffery Street BLACKBURN VIC 3130	Central	Removal of tree in SLO1	VicSmart - General Application
WH/2017/564	28-08-17	Delegate Permit Issued	8A Victoria Avenue MITCHAM VIC 3132	Springfield	New front fence	VicSmart - General Application
WH/2017/571	31-08-17	Delegate Permit Issued	43 Katrina Street BLACKBURN NORTH VIC 3130	Central	Two (2) lot subdivision	Subdivision
WH/2017/579	09-08-17	Delegate Permit Issued	1/378 Station Street BOX HILL SOUTH VIC 3128	Riversdale	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/580	31-08-17	Delegate Permit Issued	16 Karen Street BOX HILL NORTH VIC 3129	Elgar	Two (2) lot subdivision	Subdivision
WH/2017/583	08-08-17	Delegate Permit Issued	24 Hawkins Avenue MONT ALBERT NORTH VIC 3129	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/589	08-08-17	Delegate Permit Issued	610 Station Street BOX HILL VIC 3128	Elgar	Construction of buildings and works (flu and rear door) in Commercial 1 Zone	VicSmart - General Application
WH/2017/591	31-08-17	Delegate Permit Issued	19 Peter Avenue BLACKBURN NORTH VIC 3130	Central	Two (2) lot subdivision	Subdivision
WH/2017/592	31-08-17	Delegate Permit Issued	65 Heathfield Rise BOX HILL NORTH VIC 3129	Elgar	Two (2) lot subdivision	Subdivision
WH/2017/593	31-08-17	Delegate Permit Issued	4 Burch Street BLACKBURN NORTH VIC 3130	Central	Two (2) lot subdivision	Subdivision
WH/2017/596	18-08-17	Delegate Permit Issued	28 Laburnum Street BLACKBURN VIC 3130	Central	Boundary Re-alignment	VicSmart - Subdivision
WH/2017/600	29-08-17	Delegate Permit Issued	13 Loddon Street BOX HILL NORTH VIC 3129	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/614	21-08-17	Delegate Permit Issued	1A Thomas Street MITCHAM VIC 3132	Springfield	Installation of a roller door to existing garage in association with a dwelling in a Heritage Overlay	VicSmart - General Application
WH/2017/628	18-08-17	Delegate Permit Issued	124-126 Canterbury Road BLACKBURN SOUTH VIC 3130	Central	Dispensation for reduction in car parking for Education Centre	VicSmart - General Application
WH/2017/629	31-08-17	Delegate Permit Issued	7 Orchard Crescent MONT ALBERT NORTH VIC 3129	Elgar	Removal of three (3) trees within a Vegetation Protection Overlay (VPO2)	Vegetation Protection Overlay
WH/2017/631	22-08-17	Delegate Permit Issued	29 Faulkner Street BLACKBURN SOUTH VIC 3130	Central	Extension and alteration to existing dwelling and construction of new garage in the Special Building Overlay	VicSmart - General Application

9.4.9
(cont)

WH/2017/633	24-08-17	Delegate Permit Issued	21 Hartigan Street BLACKBURN VIC 3130	Central	Construction of a single dwelling and garage in a Special Building Overlay	VicSmart - General Application
WH/2017/638	29-08-17	Delegate Permit Issued	10 Black Street MONT ALBERT VIC 3127	Elgar	Partial demolition and buildings and works in the form of external alterations to an existing dwelling in a Heritage Overlay.	VicSmart - General Application
WH/2017/645	29-08-17	Delegate Permit Issued	8A Second Avenue BOX HILL NORTH VIC 3129	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
WH/2017/68	28-08-17	Delegate Permit Issued	15 Cameron Road BOX HILL NORTH VIC 3129	Elgar	Construction of two(2) double storey dwellings	Multiple Dwellings
WH/2016/1045	24-08-17	Delegate Refusal Issued	14 Sweetland Road BOX HILL VIC 3128	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
WH/2016/1105	24-08-17	Delegate Refusal Issued	874-878 Whitehorse Road BOX HILL VIC 3128	Elgar	Construct a 24 storey residential building (residential hotel and retail premise), use of land for accommodation, reduction in car parking and provision of spaces on another site, reduction in bicycle parking.	Multiple Dwellings
WH/2016/809	03-08-17	Delegate Refusal Issued	40 Francesca Street MONT ALBERT NORTH VIC 3129	Elgar	Development of twenty-five double and triple storey dwellings	Multiple Dwellings
WH/2016/935	02-08-17	Delegate Refusal Issued	25 Redhill Avenue BURWOOD EAST VIC 3151	Morack	Construction of two (2) dwellings on a lot, and removal of Covenant C921978 which restricts development of the land to one (1) private dwelling together without houses and garage.	Multiple Dwellings

9.4.9
(cont)

WH/2017/142	08-08-17	Delegate Refusal Issued	5 Patricia Street BOX HILL VIC 3128	Elgar	Removal of restrictive covenant no 1077412 applicable to lot 28 on LP7776 (4671/120)	Subdivision
WH/2017/298	15-08-17	Delegate Refusal Issued	545 Mitcham Road VERMONT VIC 3133	Springfield	Works (paving) associated with an existing dwelling	Special Landscape Area
WH/2017/379	31-08-17	Delegate Refusal Issued	406 Burwood Highway VERMONT SOUTH VIC 3133	Morack	Two double storey dwellings on a lot	Multiple Dwellings
WH/2017/42	07-08-17	Delegate Refusal Issued	641 Canterbury Road VERMONT VIC 3133	Springfield	Use and development of a child care centre, tree removal and alteration of access to a Road Zone (Category 1)	Child Care Centre
WH/2017/525	04-08-17	Delegate Refusal Issued	76 Churchill Street MONT ALBERT VIC 3127	Elgar	Construction of a front fence	VicSmart - General Application
WH/2017/86	09-08-17	Delegate Refusal Issued	154 Junction Road NUNAWADING VIC 3131	Springfield	Removal of passage way easement	Other
WH/2017/576	25-08-17	No Permit Required	14/2 Chippewa Avenue MITCHAM VIC 3132	Springfield	Proposed veranda to the rear of unit 14	Single Dwelling < 300m2
WH/2016/676/A	03-08-17	Withdrawn	8 Alexander Street MITCHAM VIC 3132	Springfield	Construction of two double storey dwellings	Permit Amendment
WH/2016/981	11-08-17	Withdrawn	2 Dale Court BLACKBURN NORTH VIC 3130	Central	Place of assembly	Residential (Other)
WH/2017/587	23-08-17	Withdrawn	285-301 Warrigal Road BURWOOD VIC 3125	Riversdale	Signage for the church and school	Heritage

9.4.9

(cont)

BUILDING DISPENSATIONS/APPLICATIONS AUGUST 2017

Address	Date	Ward	Result
27 The Ridge, BLACKBURN	29-08-17	Central	Amendment Approved R420
34 Brendale Avenue, BLACKBURN NORTH	18-08-17	Central	Amendment Approved R424
47 Bindy Street, FOREST HILL	29-08-17	Central	Amendment Approved R409
1 Lavelle Street, BLACKBURN SOUTH	04-08-17	Central	Consent Granted R414
1 Wreford Road, BLACKBURN SOUTH	11-08-17	Central	Consent Granted R424, R426, R430
11 Yorkshire Street, BLACKBURN NORTH	15-08-17	Central	Consent Granted R411, R412
12 Essex Street, BLACKBURN NORTH	24-08-17	Central	Consent Granted R416
18 Gordon Crescent, BLACKBURN	01-08-17	Central	Consent Granted R414
21 Bindy Street, BLACKBURN SOUTH	24-08-17	Central	Consent Granted R424
24 Harold Street, BLACKBURN	09-08-17	Central	Consent Granted R410, R415
37 Devon Drive, BLACKBURN NORTH	10-08-17	Central	Consent Granted R424, R427
4 Tara Avenue, BLACKBURN	25-08-17	Central	Consent Granted R424
83 Surrey Road, BLACKBURN NORTH	29-08-17	Central	Consent Granted R604
84 Railway Road, BLACKBURN	21-08-17	Central	Consent Granted R604
9 Charlotte Street, BLACKBURN SOUTH	01-08-17	Central	Consent Granted R424
16 Katrina Street, BLACKBURN NORTH	01-08-17	Central	Consent Refused R409
35 Ashley Street, BOX HILL NORTH	18-08-17	Elgar	Amendment Approved R424
1 Hogan Court, BOX HILL NORTH	10-08-17	Elgar	Consent Granted R409
1/411 Elgar Road, MONT ALBERT	04-08-17	Elgar	Consent Granted R415
104 Woodhouse Grove, BOX HILL NORTH	28-08-17	Elgar	Consent Granted R424
109 Carrington Road, BOX HILL	14-08-17	Elgar	Consent Granted R604
11 Bass Street, BOX HILL	01-08-17	Elgar	Consent Granted R415
17 Orchard Crescent, MONT ALBERT NORTH	01-08-17	Elgar	Consent Granted R414
19 Acacia Street, BOX HILL	15-08-17	Elgar	Consent Granted R414
1A Agnes Street, MONT ALBERT	02-08-17	Elgar	Consent Granted R415
49 Brougham Street, BOX HILL	16-08-17	Elgar	Consent Granted R427, R424
54 Watts Street, BOX HILL	21-08-17	Elgar	Consent Granted R414, R420, R409, R410
66 Rostrevor Parade, MONT ALBERT NORTH	01-08-17	Elgar	Consent Granted R424
8 Nan Street, BOX HILL NORTH	15-08-17	Elgar	Consent Granted R424
1/411 Elgar Road, MONT ALBERT	04-08-17	Elgar	Consent Refused R409
75 Valda Avenue, MONT ALBERT NORTH	16-08-17	Elgar	Consent Refused R425, R427, R424
10 Redhill Avenue, BURWOOD EAST	16-08-17	Morack	Consent Granted R414, R415, R416
16 Barnesdale Drive, VERMONT	10-08-17	Morack	Consent Granted R411
4 Ballantyne Street, BURWOOD EAST	28-08-17	Morack	Consent Granted R409
5 Tarno Avenue, VERMONT SOUTH	15-08-17	Morack	Consent Granted R414
10 Redhill Avenue, BURWOOD EAST	15-08-17	Morack	Consent Refused R409
16 Barnesdale Drive, VERMONT	10-08-17	Morack	Consent Refused R424, R409
10 Gracehill Avenue, BURWOOD	29-08-17	Riversdale	Amendment Approved R409
15 Cooinda Court, BURWOOD EAST	29-08-17	Riversdale	Amendment Approved R409
19 Iris Street, BURWOOD	01-08-17	Riversdale	Consent Granted R424

9.4.9
 (cont)

Address	Date	Ward	Result
27 Asquith Street, BOX HILL SOUTH	15-08-17	Riversdale	Consent Granted R424
32 Jenner Street, BLACKBURN SOUTH	04-08-17	Riversdale	Consent Granted R409, R414
4 Gardner Street, BOX HILL SOUTH	15-08-17	Riversdale	Consent Granted R424
44 Samuel Road, BLACKBURN SOUTH	15-08-17	Riversdale	Consent Granted R414
51 Sugarloaf Close, BURWOOD EAST	24-08-17	Riversdale	Consent Granted R410, R414
57 Dorothy Street, BURWOOD EAST	04-08-17	Riversdale	Consent Granted R424
63 Cadorna Street, BOX HILL SOUTH	18-08-17	Riversdale	Consent Granted R409
9 Venice Street, BOX HILL SOUTH	01-08-17	Riversdale	Consent Granted R409
12 Oakham Avenue, BURWOOD EAST	11-08-17	Riversdale	Consent Refused R414
1B Scottsdale Street, SURREY HILLS	25-08-17	Riversdale	Consent Refused R414, R415, R420
20 Monica Street, BURWOOD	04-08-17	Riversdale	Consent Refused R424
61 Lenna Street, BURWOOD EAST	10-08-17	Riversdale	Consent Refused R409
10 Wattlebird Court, BURWOOD	29-08-17	Riversdale	Withdrawn R414
25 Glen Valley Road, FOREST HILL	18-08-17	Springfield	Amendment Refused R409
12 Grace Court, MITCHAM	09-08-17	Springfield	Consent Granted R411, R415, R414, R409
19 Walwa Street, MITCHAM	02-08-17	Springfield	Consent Granted R414
20 Blue Hills Avenue, NUNAWADING	15-08-17	Springfield	Consent Granted R414
20 Blue Hills Avenue, NUNAWADING	15-08-17	Springfield	Consent Granted R412, R411
20 Menin Road, NUNAWADING	25-08-17	Springfield	Consent Granted R424
21 Walwa Street, MITCHAM	10-08-17	Springfield	Consent Granted R411, R414
24 Hedge End Road, NUNAWADING	01-08-17	Springfield	Consent Granted R415
257 Springfield Road, NUNAWADING	18-08-17	Springfield	Consent Granted R409
3 High Street, NUNAWADING	16-08-17	Springfield	Consent Granted R409, R411
55 Scott Street, VERMONT	18-08-17	Springfield	Consent Granted R409
11 Walwa Street, MITCHAM	15-08-17	Springfield	Consent Refused R415
18 Glen Road, MITCHAM	15-08-17	Springfield	Consent Refused R414
2 Longland Road, MITCHAM	24-08-17	Springfield	Consent Refused R414
3 High Street, NUNAWADING	15-08-17	Springfield	Consent Refused R414, R415
44 Alwyn Street, MITCHAM	01-08-17	Springfield	Consent Refused R424

9.4.9

(cont)

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – AUGUST 2017

Under the Planning and Environment Act 1987

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION AUGUST 2017

Contract	Service
Contract 20047	Provision of Cloud-Based Sustainability Engagement & Recognition Platform

REGISTER OF PROPERTY DOCUMENTS EXECUTED AUGUST 2017

Property Address	Document Type	Document Detail
Leases		
636 Burwood Highway, Vermont South - Axicom Pty Ltd	Telecommunications lease (land only)	Whitehorse City Council as Landlord (expires 26-Mar-23)
659 Elgar Road, Mont Albert North - Elgar Park Regional Hockey Association	Variation of Lease	Whitehorse City Council as Landlord (expires 30-Nov-25)
37 Bennett Street, Forest Hill - Uniting (Victoria and Tasmania) Limited	Assignment of Lease	Whitehorse City Council as Landlord (expires 31-Dec-18)
Land Transfers		
4/21 Severn Street, Box Hill North	Transfer of Land	Sale of Discontinued Road Section 207D Local Government Act 1989
Fires Services Property Levy (FSPL)		
Reconciliation and Remittance of Fire Services Property Levy	Electronic Funds Transfer	Remittance of Fire Services Property Levy collected
Agreements		
Morton Park Partial Acquisition	Settlement Deed	Yarra Valley Water
Rates Refund/Write off		
Refund of overpayment of Rates - 7 Aberdeen Road, Blackburn South	Vendor Payment Authorisation Form	Ratepayers Name withheld for privacy reasons

9.4.9

(cont)

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – AUGUST 2017

Instrument of Appointment of Authorised Officer under the Planning and Environment Act 1987 (Resolution 21.08.17)

Instrument of Delegation Council to Special Committee of Council (Resolution 21.08.17)

Instrument of Delegation Council to Chief Executive Officer (Resolution 21.08.17)

Instrument of Delegation Council to Staff under the Planning and Environment Act 1987, Planning and Environment Regulations 2015, planning and Environment (Fees) Regulations 2016 (Resolution 21.08.17)

Instrument of delegation Council to Staff under Various Acts (Resolution 21.08.17)

PARKING RESTRICTIONS APPROVED BY DELEGATION AUGUST 2017

Address: **Salisbury Avenue, Blackburn:** from Middleborough Road to 15m east of Middleborough Road – north side

Previously: 1 '2-Hour, 8am to 6pm, Monday to Friday' parking space

Now: 1 'No Stopping' parking space

Address: **Salisbury Avenue, Blackburn:** from Middleborough Road to 15m east of Middleborough Road – south side

Previously: 1 'Unrestricted' parking space

Now: 1 'No Stopping' parking space

Address: **Scott Street, Vermont:** from southern boundary of 75 Scott Street to northern boundary of 55 Scott Street – east side

Previously: 6 'Unrestricted' parking spaces

Now: 6 'No Stopping' parking spaces

Address: **Scott Street, Vermont:** from northern boundary of 70 Scott Street to 82m south of Erilyn Court – east side

Previously: 5 'Unrestricted' parking spaces

Now: 5 'No Stopping' parking spaces

Address: **Scott Street, Vermont:** from Canterbury Road to 15 north of Canterbury Road – east side

Previously: 1 'Unrestricted' parking space

Now: 1 'No Stopping' parking space

Address: **Scott Street, Vermont:** from Canterbury Road to 15 north of Canterbury Road – west side

Previously: 1 'Unrestricted' parking space

Now: 1 'No Stopping' parking space

Mont Albert: **Owen Street, Mitcham:** from Mitcham Road to 15m west of Mitcham Road – north side

Previously: 1 'Unrestricted' parking space

Now: 1 'No Stopping' parking space

9.4.9

(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING AUGUST 2017

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
03/08/2017	\$905,204.58	1	EFT
03/08/2017	\$3,676.23	6	EFC
03/08/2017	\$45,202.32	41	CHQ
03/08/2017	\$121,969.88	21	EFT
04/08/2017	\$11,495.00	1	EFT
08/08/2017	\$450.30	1	EFT
10/08/2017	\$6,453.81	14	EFC
10/08/2017	\$1,536,850.85	293	EFT
10/08/2017	\$24,628.24	30	CHQ
17/08/2017	\$69,153.00	1	EFT
17/08/2017	\$10,473.64	10	EFC
17/08/2017	\$329,348.43	50	EFT
17/08/2017	\$111,918.18	47	CHQ
24/08/2017	\$2,498.80	6	EFC
24/08/2017	\$28,450.69	22	CHQ
24/08/2017	\$497,993.22	53	EFT
31/08/2017	\$10,566.60	11	EFC
31/08/2017	\$118,673.92	32	CHQ
31/08/2017	\$4,702,689.62	472	EFT
31/08/2017	\$3,181.80	1	EFC
31/08/2017	\$546.49	1	EFT
Monthly Lease	\$82,700.00		
Gross	\$8,551,125.60	1114	
Cancelled Payments	-\$9,494.36	-23	
Nett	\$8,541,631.24	1091	

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

10.1 Reports by Delegates

- 10.1.1 Cr Cutts reported on her attendance at a recent meeting of the Visual Arts Committee.
- 10.1.2 Cr Liu reported on her attendance at the:
- Whitehorse Business Group - Business in Excellence Gala Dinner held on the 13 October 2017.
 - Box Hill First meeting held on 16 October 2017.
- 10.1.3 Cr Bennett reported on his attendance at the:
- Whitehorse Business Group - Business in Excellence Gala Dinner held on the 13 October 2017.
 - Eastern Transport Coalition meeting held on the 21 September 2017.
 - Local Government Waste Management Forum to Support Metro Waste Management Group – Tour of Suburban Waste Facilities held on the 6 October 2017.
- 10.1.4 Cr Carr reported on her attendance at the:
- Recent meeting of the Visual Arts Committee.
 - Box Hill First meeting held on 16 October 2017.
- 10.1.5 Cr Ellis reported on her attendance at the Eastern Region Affordable Housing Alliance meeting held on the 3 October 2017.
- 10.1.6 Cr Massoud reported on her attendance at the:
- Whitehorse Disability Advisory Committee meeting held on the 4 October 2017.
 - Eastern Region Group Mayors and CEO's meeting held on the 6 October 2017.
 - Box Hill First meeting held on 16 October 2017

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Munroe

That the reports from delegates be received and noted.

CARRIED

10.2 Recommendation from the Special Committee of Council Meeting of 9 October 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
18-09-17	Audit Advisory Committee <ul style="list-style-type: none"> Strategic Internal Audit plan 2017-2020 Procurement & payroll Review IA Scopes Progress on internal Audit Report Recommendations Protected Disclosure Procedures Draft Annual Report of Operations 2016/17 Corporate Policies Review Child Safe Standards Update Audit Advisory Committee meeting Schedule 2018 	Cr Massoud (Mayor & Chair) Cr Stennett	N Duff P Smith S Cann		
18-09-17 6.30-7.00pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> 9.1.2 Forest Ridge Development Plan – 104 -168 Hawthorn Road, Forest Hill State Proposal to move to Annual & General Property Revaluations 12.1 Contractual Matter – Confidential 	Cr Massoud (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell	N Duff declared a conflict of interested in Item 12.1 Contractual Matter	Having declared a conflict of interest in Item 12.1 Contractual Matter N Duff, left the meeting at 6.45pm and did not return.
02-10-17 6.30-11.00pm	Strategic Planning Session <ul style="list-style-type: none"> Freedom of Information Fast Track Government Land Services – Box Hill Institute GIS Strategy Domestic Animal Management Plan Whitehorse Health & Wellbeing plan 2017-2021 Financial Report August 2017 Capital Works Update Eastern Region Group Update Briefing regarding Operational Matter 	Cr Massoud (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport - arrived at 7.00pm Cr Ellis Cr Liu Cr Munroe-arrived at 8.00pm	N Duff J Green P Warner T Wilkinson (AGMCS) T Peak A De Fazio K Marriot A Egan V McLean J Paoletti S Morison D Seddon D Logan	Nil	Nil

<p>04-10-17 10.00-1.00pm</p>	<p>Whitehorse Disability Advisory Committee</p> <ul style="list-style-type: none"> • Changing places, facilities in Whitehorse • Registration of Disability workforce • Reflection on terms of reference • NDIS Update 	<p>Cr Massoud (Mayor & Chair)</p>	<p>M Darcy</p>	<p>Nil</p>	<p>Nil</p>
<p>09-10-17 6.30-7.55pm</p>	<p>Councillor Briefing Session</p> <ul style="list-style-type: none"> • Special Committee Agenda/Other Business • Draft Council Agenda 16 October 2017 	<p>Cr Massoud (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Stennett – arrived at 6.45pm</p>	<p>N Duff J Green P Warner T Wilkinson (AGMCS) T Peak A De Fazio S Freud J Russell K Marriot A Egan J Hansen V McLean M Tate</p>	<p>Nil</p>	<p>Nil</p>

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Ellis

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

11.1 Cr Carr reported on her attendance at the Australian Local Government Women's Association Conference held on 13 October to 15 October 2017.

11.2 Cr Massoud reported on the Spring Festival held on the 15 October 2017, thanking all the staff involved.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Cutts

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

CARRIED UNANIMOUSLY

12 CLOSE MEETING

In closing the Mayor advised this was her last meeting for the Mayoral term and expressed her appreciation and thanks to everyone in the Chamber for the professional manner in which they participated in debate during meetings.

The Mayor thanked the gallery for attending the meeting and bid everyone good evening.

Meeting closed at 9.49pm

Confirmed this 20th day of November 2017

CHAIRPERSON