



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Nunawading Civic Centre

Monday 19 March 2018

379 Whitehorse Road Nunawading

on

at 7:00pm

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

Ms Noelene Duff
Chief Executive Officer

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Meeting opened at 7.00pm

Present: Cr Davenport (Mayor), Cr Barker, Cr Bennett, Cr Carr, Cr Cutts, Cr Ellis, Cr Liu,
Cr Massoud, 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 19 February 2018 and Confidential Ordinary Council Meeting 19 February 2018

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Ellis

That the minutes of the Ordinary Council Meeting 19 February 2018 and Confidential Ordinary Council Meeting 19 February 2018 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

5.1 Mr Chris White, Nunawading asked a question in relation to Item 9.1.4 Council's Approach to becoming Carbon Neutral by 2022.

The Chief Executive Officer, Ms Noelene Duff responded to the question on behalf of Council.

5.2 Ms Carolyn Hall, Box Hill North asked two questions in relation Notice of Motion 106 – Cr Bennett: Yarra Valley Water Doncaster Hill Recycled Water Project (or Sewage Treatment Plant) 11 December 2017 and Notice of Motion 108 19 February 2018.

The Chief Executive Officer, Ms Noelene Duff responded to the questions on behalf of Council.

5.3 Ms Allison Hall, Box Hill North asked two questions in relation Notice of Motion 108 – Barker: Yarra Valley Water (YVW) Sewage Treatment Plant Eram Park 19 February 2018.

The Chief Executive Officer, Ms Noelene Duff responded to the questions on behalf of Council.

6 NOTICES OF MOTION

6.1 Notice of Motion No 109 - Cr Cutts

MOTION

Moved by Cr Cutts, Seconded by Cr Stennett

That Council:

1. *Authorise the placement of a half page feature advertisement in the Whitehorse Leader and the Manningham Leader with an open letter from Whitehorse Council conveying Council's strong opposition to North East Link Authority (NELA) Option A.*
2. *Express and detail in the open letter all the issues which will impact detrimentally on the amenity of the area and residents.*
3. *Replicate the same letter to Whitehorse residents as a half page advertisement in the next available edition of Whitehorse News.*
4. *Write to NELA requesting a response to Council queries made on 22 January 2018 with regard to traffic modelling studies performed on north south roads in the Whitehorse municipality connecting to the Eastern Freeway from the south prior to Option A being chosen, and*
5. *To provide information on subsequent traffic modelling studies performed after the decision was made.*
6. *Request that NELA publishes these traffic modelling studies on its website and other publications.*
7. *Write and address a personalised letter to all 9 Manningham Councillors signed by the Mayor on behalf of all Whitehorse Councillors, outlining the actions taken by Whitehorse Council and seeking their support.*

AMENDMENT

Moved by Cr Liu

That Council:

- 1. Authorise the placement of a half page feature advertisement in the Whitehorse Leader and the Manningham Leader with an open letter from Whitehorse Council conveying Council's strong opposition to North East Link Authority (NELA) Option A.***
- 2. Express and detail in the open letter all the issues which will impact detrimentally on the amenity of the area and residents.***
- 3. Replicate the same letter to Whitehorse residents as a half page advertisement in the next available edition of Whitehorse News.***
- 4. Write to NELA requesting a response to Council queries made on 22 January 2018 with regard to traffic modelling studies performed on north south roads in the Whitehorse municipality connecting to the Eastern Freeway from the south prior to Option A being chosen, and***
- 5. To provide information on subsequent traffic modelling studies performed after the decision was made.***
- 6. Request that NELA publishes these traffic modelling studies on its website and other publications.***
- 7. Write and address a personalised letter to all the North East Link affected Councils signed by the Mayor on behalf of all Whitehorse Councillors, outlining the actions taken by Whitehorse Council and seeking their support.***

The Amendment lapsed for want of a Seconder

The Motion moved by Cr Cutts, seconded by Cr Stennett was then put
and **LOST ON THE CASTING VOTE OF THE MAYOR**

A Division was called.

Division

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

**On the results of the Division the Motion was declared LOST ON THE
CASTING VOTE OF THE MAYOR**

7 PETITIONS

7.1 Petition to increase Parking Time Limit along Laburnum Shopping Village

A petition signed by 131 signatories has been received requesting Council increase parking time limit along Laburnum Shopping Village from 30 minutes to 2 hours.

That the petition be received and referred to the General Manager City Development for appropriate action and response.

7.2 Petition relating to 199 Canterbury Road, Blackburn (LOT 1 LP 114506)

Cr Massoud tabled a petition signed by 253 signatories requesting that Council refuse the proposed development at 199 Canterbury Road, Blackburn (LOT 1 LP 114506).

That Council receive the petition for consideration as part of Council's deliberation on Item 9.1.2 199 Canterbury Road, Blackburn (LOT 1 LP 114506) Use and Development of Land for a Child Care Centre, associated tree removal and works beneath trees and alterations to access a road in a Road Zone, Category 1 and that it be referred to the General Manager City Development for appropriate action and response.

PROCEDURAL MOTION

Moved by Cr Massoud, Seconded by Cr Ellis

That the Petition items 7.1 and 7.2 be considered together and the Recommendations adopted.

CARRIED UNANIMOUSLY

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 310-312 Springvale Road, FOREST HILL (LOT 1 LP 64077 & LOT 1 LP 17289) – Construction and use of a two storey childcare centre with basement parking and alteration of access to a road in a Road Zone, Category 1

FILE NUMBER: WH/2017/108
ATTACHMENT

SUMMARY

This application was advertised, and a total of ten objections were received. The objections raised issues with traffic impacts, basement car parking, impacts to neighbourhood character, noise, overlooking, light spill and commercial use of residential property. A Consultation Forum was held on 18 December 2017 chaired by Councillor Cutts, at which the issues were explored, however no resolution was reached between the parties. This application has been called in by Councillor Cutts. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2017/108 for 310-312 Springvale Road, FOREST HILL (LOT 1 LP 64077 & LOT 1 LP 17289) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction and use of a two storey childcare centre with basement parking and alteration of access to a road in a Road Zone, Category 1 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 310-312 Springvale Road, FOREST HILL (LOT 1 LP 64077 & LOT 1 LP 17289) for the construction and use of a two storey childcare centre with basement parking and alteration of access to a road in a Road Zone, Category 1, subject to the following conditions:*
- 1.** *Before the use and development starts, or any trees or vegetation removed, amended plans (two copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:*
 - a)** *The location of Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both ground floor plan and landscape plan, and the requirements of Condition 5 to be annotated on the development and landscape plans.*
 - b)** *Basement columns to be dimensioned in accordance with Clause 52.06-9 Diagram 1 Clearance to car parking spaces.*
 - c)** *Details of any necessary letterboxes in accordance with Australian Standard AS-NZ 4253-1994.*
 - d)** *Provision of screening measures to the play area(s) and windows to address overlooking in accordance with Standard B22 of Clause 55 as accepted industry standards for overlooking.*

9.1.1

(cont)

- e) *The accessible pedestrian access ramp to have gradients of 1:14.*
 - f) *All air conditioning units to be located within the basement.*
 - g) *A landscape Plan in accordance with Condition 3, including the following:*
 - i. *Four indigenous canopy trees capable of reaching a minimum mature height of 12 metres.*
 - ii. *No trees to be planted within the easement.*
 - h) *An amended Waste Management Plan (WMP) and any alterations as required by the amended WMP in accordance with Condition 14.*
 - i) *All sustainability features indicated in the submitted, amended and approved Sustainability Management Plan (SMP) in accordance with Condition 15. 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 fixtures, etc.). The plans are to be generally in accordance with the plans submitted with the application but modified to show:*
 - i. *Water-sensitive urban design measures as required to achieve a STORM Rating of at least 100% or equivalent, including a rainwater tank capacity of at least 20,000 litres, plumbed to all toilets, irrigation and bin area wash down, as well as, indicative pump and maintenance access.*
 - ii. *Design measures as identified in the BESS Report, as required to legitimately exceed an overall score of 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and IEQ (Indoor Environment Quality).*
 - iii. *All operable windows, doors, winter garden openings and vents in elevation drawings.*
 - iv. *Shadows as per actual sun angles on all elevation drawings.*
 - v. *Exterior shading for all east, north and west windows greater than 1.5 square metres, to shade at least 30% of windows from 11am to 3pm on 1 February.*
 - vi. *All exterior building services equipment, including any heating, cooling, ventilation and hot water systems.*
 - vii. *An annotation of the timber species intended for use as decking or outdoor timber, noting that unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) must not be used.*
 - j) *Any modifications or details recommended in the acoustic report required by Condition 17, including details of proposed acoustic fencing to north, south and west boundaries.*
 - k) *A Functional Layout Plan (FLP) in accordance with Condition 27.*
 - l) *Any necessary changes to the crossover to comply with Condition 30.*
 - m) *Deletion of existing crossover in accordance with Condition 31.*
- All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit.*
2. *The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*

9.1.1
(cont)

3. **No building or works must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:**
- a) **A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
 - b) **Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.**
 - c) **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,**
 - d) **A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**
 - e) **The proposed design features such as paths, paving, lawn and mulch.**
 - f) **A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

Landscaping in accordance with this approved plan and schedule shall be completed before the addition to 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, all 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. **Tree 1 (street tree) (*Eucalyptus* sp.) – 7.2 metres radius.**
 - ii. **Tree 2 (*Camelia*) – 2.0 metres radius.**
 - iii. **Tree 3 (*Pittosporum tenuifolium*) – 2.0 metres radius.**
 - iv. **Tree 4 (*Photinia*) – 2.0 metres radius.**
 - v. **Tree 5 (*Magnolia*) – 2.0 metres radius.**
 - vi. **Tree 6 (*Camelia*) – 2.0 metres radius.**
 - vii. **Tree 7 (*Lilly pilly*) – 4.2 metres radius.**
 - b) **Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:**
 - i. **Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.**
 - ii. **Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.**
 - iii. **Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.**

9.1.1
(cont)

- iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 6. A maximum of 96 children are permitted at the centre at any one time.**
- 7. Unless with the prior written consent of the Responsible Authority, the hours of operation are:**
- a) Monday to Friday – 6:30am to 7:00pm.**
- Unless with the prior written consent of the Responsible Authority, all waste collection and the loading and unloading of any goods or materials must only be during the hours between 10:00am to 2:30pm (Monday to Friday).*
- 8. No external floodlighting shall be installed without the written consent of the Responsible Authority.**
- 9. No equipment, services and architectural features other than those shown on the endorsed plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.**
- 10. All air conditioning units must be located within the basement.**
- 11. Prior to any excavation occurring onsite the developer must erect a timber paling fence to replace the brick wall that is required to be removed along the south boundary.**
- 12. Prior to the commencement of buildings or works on the land, a Construction Management Plan, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by Council.**
- The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.*
- 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.*
- 13. Prior to the commencement of any buildings or demolition works, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. This WMP must be generally in accordance with the plan submitted with the application, but amended to address issues raised in the memorandum from Council's Engineering and Environmental Services dated 17 October 2017.**

9.1.1
(cont)

The Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

- 14. Prior to the commencement of any buildings or demolition works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. This SMP must be generally in accordance with the SMP submitted with the application, but amended to include the following changes:**

- a) A STORM Rating Report with a score of at least 100% or equivalent.**
- b) A complete, published BESS Report, with an overall score that legitimately exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and IEQ (Indoor Environment Quality).**
- c) Provide a Preliminary BCA Section J Energy Efficiency Report including information regarding artificial lighting, daylighting and ventilation.**
- d) Control car park ventilation with CO sensors.**
- e) Control car park lighting (at least 75% of lighting fixtures) with motion sensors.**
- f) Commit to controlling all common, service and lift area lighting with occupancy sensors.**
- g) Commit to controlling common, service and lift area ventilation with occupancy sensors.**
- h) Commit to the inclusion of improved energy efficient heating and cooling systems indicating the associated COP and EER values and/or star ratings.**
- i) Commit to the inclusion of renewable energy technologies including photovoltaic.**
- j) Commit to the inclusion of water efficient fixtures and appliances indicating the associated WELS ratings.**
- k) Connect the rainwater tanks to all toilet flushing, irrigation and bin wash-down areas.**
- l) Commit to diverting at least 80% of construction/demolition waste from landfill.**
- m) Submit a water balance calculation justifying the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with the AS/NZS 6400:2016 standard of 1 full- and 4 half-flushes per person per day (giving 17.5 L/person/day for 4 star WELS rated toilet). A rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained given that the rainwater is proposed to cater for all toilets and recommended to facilitate irrigative and bin wash-down areas. The size of the rainwater tank is recommended to increase to 20 kL or collection area increased (if possible), which would enable a longer period of water security.**

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

- 15. The requirements of the SMP must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.**

9.1.1
(cont)

- 16. Prior to the commencement of any buildings or demolition works, an acoustic report assessing noise impacts to surrounding residential properties must be submitted to and approved by the Responsible Authority. The requirements of the acoustic report must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.**
- 17. 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). The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.**
- 18. The amenity of the area shall not be detrimentally affected by the use or development, through:**
 - a) Transportation of materials, goods or commodities to or from the land,**
 - b) Appearance of any building, works or materials,**
 - c) Emission of noise or artificial light,**
 - e) In any other way.**
- 19. Any alarms must be directly connected to a security service and must not produce noise beyond the premises.**
- 20. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- 21. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.**
- 22. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 23. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**
- 24. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.**
- 25. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.**

9.1.1

(cont)

VicRoads

- 26. Before the development starts, a Functional Layout Plan (FLP) must be submitted to and approved by the Roads Corporation (VicRoads). When approved by VicRoads, the FLP must be endorsed by the Responsible Authority and will then form part of the permit. The FLP must be drawn to scale with dimensions and show:**
- a) Fully dimensioned right-turn lane and extended median provided on the southbound approach of Springvale Road at the Glen Valley Road intersection generally in accordance with AustRoads guidelines designed to provide:**
 - i. Storage for at least two vehicles in a manner which provides separation from through traffic travelling southbound and does not obstruct vehicles turning right out of Glen Valley Road**
 - ii. Appropriate relocation of the amber/red lanterns and associated signs**
 - iii. Appropriate signage/line marking.**
 - b) Swept path analysis for all relevant movements associated with the right-turn lane and median break.**
- 27. Subsequent to the approval of the FLP and prior to the commencement of any roadworks within the arterial road reserve the applicant must submit the detailed engineering design plans to VicRoads for review and approval. The detailed design plans must be prepared generally in accordance with the approved FLP.**
- 28. Prior to the commencement of the use hereby approved, all works associated with the right-turn lane must be completed in accordance with the approved detailed engineering design plans and FLP, to the satisfaction of VicRoads and the Responsible Authority (RA) and at no cost to VicRoads or the RA.**
- 29. Prior to the commencement of use or occupation, a sealed access crossover as at least 6.1 metres wide at the property boundary with the edges of the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road must be constructed to the satisfaction the RA and at no cost to VicRoads or the RA.**
- 30. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.**
- 31. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works and right-turn lane must be provided and available for use.**
- 32. Vehicles must enter and exit the land in a forward direction at all times.**

Expiry

- 33. This permit will expire if one of the following circumstances applies:**
- a) The development is not commenced within two (2) years from the date of issue of this permit;**
 - b) The development is not completed within four (4) years from the date of this permit.**
 - c) The use does not commence within six (6) months of the completion of the development.**

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

9.1.1
(cont)

PERMIT NOTES

Environmental Health

- A. Food operations and premises must be registered under the Food Act 1984 with Council's Environmental Health department.**

Asset Engineering

- B. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- C. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- D. All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings**
- E. Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning Permit, amendment of the Planning Permit might be required.**
- F. The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, naturestrip and kerb and channel.**
- G. The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.**
- H. There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.**
- I. No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the Relevant Authority. If approval obtained, the property owner is required to enter into a S173 Agreement with Council that requires the property owner to maintain the fire hydrant".**
- J. No trees, excavation and/or fill permitted within the easement.**

9.1.1
(cont)

VicRoads

- K. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.***
- L. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.***
- 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.***

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Stennett

That Council:

- A Being the Responsible Authority, having caused Application WH/2017/108 for 310-312 Springvale Road, FOREST HILL (LOT 1 LP 64077 & LOT 1 LP 17289) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction and use of a two storey childcare centre with basement parking and alteration of access to a road in a Road Zone, Category 1 is unacceptable and should not be supported.***
- B Issue a Refusal to Grant a Permit under the Whitehorse Planning Scheme to the land described as 310-312 Springvale Road, FOREST HILL (LOT 1 LP 64077 & LOT 1 LP 17289) for the construction and use of a two storey childcare centre with basement parking and alteration of access to a road in a Road Zone, Category 1, on the following grounds:***
 - 1. The proposal fails to comply with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, particularly Clause 21.06-7 – Non-Residential Uses, and Clause 22.05 – Non-Residential Uses in Residential Areas with respect to causing detriment to the amenity of the surrounding residential area.***
 - 2. The proposed vehicle access from Springvale Road will be hazardous given both the speed and volume of traffic, which will encourage parents to park in nearby residential streets.***
- 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

9.1.1
 (cont)

MELWAYS REFERENCE 62 E1

Applicant:	The Ellis Group Architects
Zoning:	Neighbourhood Residential Zone, Schedule 3 (NRZ3)
Overlays:	Significant Landscape Overlay, Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 22.05	Non-Residential Uses in Residential Areas
Clause 32.09	Neighbourhood Residential Zone
Clause 42.03	Significant Landscape Overlay
Clause 52.06	Car Parking
Clause 52.29	Land Adjacent to a Road Zone, Category 1
Clause 65	Decision Guidelines
Ward:	Springfield



		Subject site		10 Objector Properties	↑ North
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BACKGROUND

History

Planning permit WH/2014/760 for construction of five dwellings including three double storey dwellings and two single storey dwellings and alteration of access to a road in a road zone, category 1, was issued on 8 May 2015. An extension of time to the permit was granted with an expiry of 8 May 2019.

The Site and Surrounds

The subject site occupies two lots on the west side of Springvale Road in Forest Hill, 230 metres north of the intersection with Canterbury Road. The sites have a collective frontage of 32 metres to Springvale Road, a depth varying from 41.15 metres to 45.9 metres and a total site area of 1390m². The site has a slope of 2.42 metres falling from east to west (front to back) across the site. A 2.44 metre wide drainage easement is located along the rear (western) boundary of the northern lot and a 1.83 metre drainage easement along the rear (western) boundary of the southern lot. The site currently contains two single storey brick detached dwellings. The subject site does not contain any significant vegetation.

The surrounding properties are residential, comprising a mix of single and double storey dwellings. There are a number of medium density developments evident in the area. There are two moderately sized trees within 2 Cumberland Court to the west of the subject site.

Planning Controls

Zone:

The site is within the Neighbourhood Residential Zone Schedule 3 (NRZ3). The purpose of Clause 32.09 (Neighbourhood Residential Zone) includes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A planning permit is required for use of the land for a childcare centre pursuant to Clause 32.09-2 (Table of uses). It is noted that as the use is not listed within the table it automatically becomes a Section 2 – permit required use.

A planning permit is required for the construction of buildings and works associated with a Section 2 use pursuant to Clause 32.09-8.

Overlay:

On 8 February 2018, the Minister for Planning approved Amendment C191 to the Whitehorse Planning Scheme on an interim basis until 31 December 2018. The Amendment implements a municipal wide Significant Landscape Overlay Schedule 9 (SLO9) to all residential land not currently included in a SLO, except for land within the Mixed Use Zone. There are no transitional provisions, so the amendment came into effect immediately and applies to all current Planning Permit Applications that are under consideration.

There is one protected trees within the vicinity of the site - Tree 7 (Lilly Pilly). In this instance there are no protected trees on the site and no buildings or works within 4 metres of protected trees and therefore no permit is required under this clause.

9.1.1

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Clause 52.06 – Car Parking

Clause 52.06 requires 0.22 parking spaces per child to be provided for a child care centre. This equates to a requirement for 21 car parking spaces as the proposal seeks a 96 place child care centre.

The proposal is not seeking a reduction in the car parking rate and therefore no permit is required under this clause.

Clause 52.29 – Land adjacent to a Road Zone, Category 1.

Clause 52.29 required a permit to alter access to a road in a road zone, Category 1. A permit is required under the provisions of this clause.

PROPOSAL

Use:

It is proposed to demolish the two dwellings on the combined sites and construct a child care centre. The proposed child care centre will offer a maximum of 96 places. A total of 21 car spaces are provided on site within a basement with access from Springvale Road.

Proposed hours of operation:

The proposed childcare centre is to operate during weekdays: Monday – Friday: 6:30am to 7pm.

Development:

The proposed childcare centre is characterised by a contemporary design and utilises a mixture of building materials, including different colour brick walls and claddings.

The proposed building will be two storeys with a pitched roof form. The proposed front setback to Springvale Road is 6.0 to 8.0 metres, which is consistent with the 6m and 9.7m setbacks of the adjoining properties. A minimum 3m setback is provided to the north boundary (including basement), with setbacks to the south boundary of 1m for the basement and 7.4m for the ground and first floors, and approximately 4.2m and 9.1m setbacks are provided to the western boundary.

The proposed overall height is 8.7m, which is less than the maximum height of 9m allowed for a dwelling or residential building. The total building coverage is approximately 51% of the total site and permeability of 37%.

The building details are:

Basement Level:

- 21 car parking spaces, including a minimum of 6 tandem spaces for staff and one disabled space.
- Laundry, waste storage and water tanks.

Ground Floor Level:

- An entry foyer accessed from the pedestrian path including alternative disabled and pram access ramp;
- A front reception area, office, kitchen and staff room;
- Lift and stair; and
- 4 children's rooms (including a cot room) catering for 52 children each provided with access to amenities and outdoor play areas (decking/garden area);
- 3 bicycle parking hoops within the frontage.

9.1.1

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First Floor Level:

- 2 children's rooms catering for 44 children each provided with access to amenities and outdoor play area (balconies area).

Advertising Signs

It is noted that no signage is proposed under this application.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Springvale Road frontage of each lot. Following the advertising period 10 objections were received.

The issues raised are summarised as follows:

Neighbourhood Character

- Inconsistent with objectives of the NRZ.
- Excessive site coverage.
- Insufficient permeability.
- Commercial use is inconsistent with residential use of the area.

Traffic and Car Parking

- Insufficient parking provision.
- Increased on-street parking.
- Traffic safety impacts:

Amenity impacts:

- Noise impacts.
- Insufficient detail regarding proposed acoustic fence.
- No details of air conditioning units.
- Construction impacts.
- Overlooking.
- Light spill from security lighting.
- Excavation adjacent to adjoining property.
- Removal of brick wall on boundary.

Landscaping:

- Impacts to neighbouring trees.
- Insufficient landscape areas

Non-planning matters:

- Negative impact on surrounding property values.
- Facility is not required due to other recently approved local centres.
- The existing approval of five dwellings is more appropriate for the site.

Consultation Forum

A Consultation Forum was held on 18 December 2017, chaired by Cr Cutts. Nine objectors attended the meeting, as well as the planning officer and permit applicant.

9.1.1

(cont)

Matters discussed at the Consultation Forum included:

- Car parking provision.
- Amenity impacts, including noise, overlooking, light spill and overshadowing.
- Details of proposed acoustic fences.
- Requirement for ongoing landscaping maintenance.
- Removal of the brick wall on the south boundary.

As a result of the discussion, clarification was given on the delivery times and waste collection with the applicant advising that all deliveries and waste collection would occur during non-peak times during opening hours.

The applicant also agreed to the following, as part of any approval granted:

- All air conditioning units would be located within the basement.
- A review of noise impacts as a condition of approval.
- The side boundary fence replacing the brick wall to be erected at the start of the construction process.

Referrals

External

VicRoads

No objection subject to conditions, including provision of a U-turn lane in Springvale Road and modifications to the crossover to address ingress and egress to the arterial road.

Internal

Engineering and Environmental Services Department

- Transport Engineer

No objection to the provision of car parking within the basement subject to conditions regarding columns.

- Waste Engineer

The proposed development plans and Waste Management Plan (WMP) have been reviewed by Council's Waste Management team, who had no objection subject to an amended WMP.

- Assets Engineer

No objection subject to conditions.

ESD Advisor

The proposal has been reviewed by Council's ESD Advisor, who stated that the application does not meet Council's ESD standards because it is incomplete. It was recommended an amended Sustainability Design Assessment (SDA) be requested by a condition of any permit issued.

Early Childhood Services

Advised that food operations and premises must be registered under the Food Act 1984.

9.1.1

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DISCUSSION

Consistency with State and Local Planning Policies

Proposed child care centre use

There is broad support within both the SPPF and LPPF, such as at Clause 11 (Settlement), Clause 19 (Infrastructure) and Clause 21.07 (Economic Development) for land uses that contribute to social and community infrastructure. These provisions emphasise the importance of planning for social and physical infrastructure in an efficient, equitable and timely manner, and that planning is to recognise social needs by providing land for a range of accessible facilities for the community.

Further, objectives contained within Clause 11.04-4 (Liveable Communities and Neighbourhoods), Clause 15.01-1 (Urban Environment), Clause 21.06-7 (Non-Residential Uses) and Clause 22.05 (Non-Residential Uses in Residential Areas) stress the importance of ensuring development, and particularly non-residential development, responds to its context and is designed in a way that enhances the neighbourhood character and streetscape of the area.

The purpose (as relevant) of the Neighbourhood Residential Zone states:

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

In terms of Clause 22.05 (Non-Residential Uses in Residential Areas Policy), key objectives of Clause 22.05 (Non-Residential Uses in Residential Areas) include:

- *To make provision for services and facilities demanded by local communities in a way that does not detract from the amenity of the area;*
- *To avoid the concentration of non-residential uses where it would:*
 - *Have off-site effects which are detrimental to residential amenity.*
 - *Create a defacto commercial area.*
 - *Isolate residential properties between non-residential uses; and*
- *To ensure that the design, scale and appearance of non-residential premises reflects the residential character and streetscape of the area.*

The use of the site for a child care centre is supported by policy which encourages non-residential uses being located on a corner site and abutting a Road Zone, Category 1 and 2. The site has a main road interface (Springvale Road – Road Zone, Category 1) and in this instance it is preferable that the use not be located on a corner site as to do so would encourage parking in the secondary residential street.

Policy also states that non-residential uses are discouraged from locating in residential zones if there are suitable sites in nearby commercial centres and are encouraged to be in a location where there is a demonstrable need for the proposed facility or service. VCAT has in recent times been consistently critical of these policies, stating in *Intabuild Pty v Whitehorse CC* [2017] VCAT 234 ‘

[17] I have quoted extensively from the above decision because I consider that the same comments are relevant for this site in Highbury Road. To consider need based on a small geographic area or on vacancy rates takes too narrow perspective of need and demand when choices about using a childcare centre are based on the whole range of factors referred to in paragraph 30 quoted above.’

[30] I have previously made comment about locational policy set out in Clause 22.05-3 and been critical of the policy asking about suitable sites in nearby commercial centres.

9.1.1

(cont)

Similarly, in *Holland Road Holdings Pty Ltd v Whitehorse CC* [2017] VCAT 314, the member stated:

[59] *As with the earlier cases, I find it inconceivable that a permit applicant experienced in the childcare industry would seek to set up a centre if there was no demand. I also make the point that the childcare centre is providing a service whether it is provided by the community or a private company.*

Notwithstanding the above criticisms from VCAT, being on a main road it is likely that the facility will cater for both local residents and working people who frequently use the road. It is also common for child care centres to be located within residentially zoned land, rather than commercially zoned land, as this land often becomes available more frequently, and is usually less expensive and larger in size than land located within a commercial area.

The predominant criterion for assessment, other than the policy context, relates to the potential for any off-site amenity impacts on the surrounding residential area. An amenity issue raised by objectors was that of noise. Many VCAT decisions have viewed noise emanating from child care centres as being reasonable within a residential area and particularly accepted as a necessary trade-off in providing community facilities. That said, the VCAT decision of *Petzierides v Hobsons Bay CC (Red Dot)* [2012] VCAT 686 (28 May 2012) identifies that whilst the noise of children playing is reasonable, this does not mean that a centre can obviate the need to act responsibly and appropriately by not ensuring any noise impact is of an acceptable level. Accordingly, permit conditions are proposed to address noise impacts.

Other amenity concerns that often stem from the location of a child care facility within a residential zone relate to built form overshadowing and, where a two storey building is concerned, overlooking. The proposal has reasonably managed these two factors through the use of setbacks, screens around play areas and window location and type. It is also noted that shadow diagrams indicate that there will be limited impacts from overshadowing. To ensure that any unforeseen issues don't arise, further conditions are also proposed to cover off on overlooking.

It is considered that the concerns from objectors that there will be amenity impacts from an overflow of parking on local residential streets cannot be substantiated, given that the proposal meets onsite car parking requirements. Whilst officers understand the perception of car parking concerns with a child care facility, the mechanism to control this through the planning scheme is through the provision of car parking, and in this regard, the proposal provides the number of spaces required by the scheme. It is therefore anticipated that all car parking demands will be satisfied onsite and it is unlikely that parents will choose to park in nearby streets given that, other than on Springvale Road which is a clearway between the hours of 6:30 to 9:30 am and 4 to 6:30 pm, the closest street parking is a minimum of 60 metres away.

Design and Built Form

Policy objectives, under 'Design' of Clause 22.05 (Non-Residential Uses in Residential Areas) include:

- *Existing residential buildings are encouraged to be retained and converted to suit the use in preference to a purpose-built premises.*
- *The design, scale and appearance of the non-residential use are encouraged to harmonise with the housing styles and general character of the area.*
- *Front setbacks are encouraged to be consistent with abutting residences.*

The objectives of the Neighbourhood Residential Zone also include:

- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*

9.1.1

(cont)

The subject site is identified by Clause 22.03 (Residential Development) as being within Bush Suburban Precinct 3 (BSP3), which encourages building detailing that reflects, without mimicking, the details of buildings within the area by articulating the facades of buildings with the use of recesses, verandahs, balconies, window openings and variations in materials and colour. When viewed from the street (east elevation), the proposed development will read as a building of modest scale and form with detailing consistent with the character of the area.

While the development proposes a two-storey building, the first-floor coverage of 17.8% is significantly less than the overall building coverage of 51%, and although there is an additional first-floor play area, on balance the overall scale and intensity of the proposal is an appropriate response to the subject land and its immediate context.

Landscaping

The BSP3 also has an objective to strengthen the garden setting of dwellings and the tree canopy of the neighbourhood. Although this proposal is not for a dwelling, the intent of the objective remains valid. On this issue it is acknowledged that the building site coverage of 51% exceeds the preferred site coverage of 40% within the BSP3. This is acceptable in this instance as the site permeability of 37% is close to the preferred permeability of 40%, and the landscape plan demonstrates that there is adequate room for the provision of the necessary four native canopy trees (preferably indigenous) capable of reaching a minimum mature height of 12 metres on the consolidated site. This requirement is included in permit conditions.

Overall the proposed landscape plan offers screen planting at the interfaces to soften the visual amenity impacts of the built form and provide a vegetated response consistent with the objectives of the Bush Suburban area.

The application includes an arborist report which identifies the street tree and a number of trees on abutting properties which will require protection by tree protection fencing during construction. This is addressed in permit conditions.

It appears that the disabled/pram ramp is unnecessarily long, which will be both inconvenient to users and increases hard surfaces, and therefore reduces garden beds within the frontage. A condition of approval will require that the ramp length be reviewed with gradients of 14%, which is the maximum gradient for disabled access.

Objectors Concerns not Previously Addressed

- Traffic safety impacts – safety concerns were raised in regards to accessing the site from an arterial road with a speed limit of 80 kmph. The application was referred to VicRoads, who is the road authority for Springvale Road. VicRoads resolved this issue by requiring a permit condition which makes the vehicle access and crossover to be at least 6.1 metres wide at the property boundary with the edges of the crossover angled at 60 degrees to the road reserve boundary.
- Construction impacts, including from excavation adjacent to the adjoining property – A Construction Management Plan is required as a condition of approval, with potential impacts from excavation near boundaries being the responsibility of the Registered Building Surveyor.
- Negative impact on surrounding property values – VCAT 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 upon property values.

9.1.1

(cont)

- The existing approval of five dwellings is more appropriate for the site – Council as the responsible authority is required to consider the merits and suitability of the current proposal, not whether an alternative proposal would be more suitable.

CONCLUSION

The proposal for construction and use of a two storey childcare centre with basement parking and alteration of access to a road in a Road Zone, Category 1, is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, and the Neighbourhood Residential Zone.

The application meets objectives to appropriately provide community infrastructure on a main road location, where it will have minimal impacts on the residential hinterland. Furthermore, the scale of the development appropriately responds to both the built form and landscape values of the area and will not prejudice the amenity of the locality.

A total of 10 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 Plans  

9.1.2 199 Canterbury Road, Blackburn (LOT 1 LP 114506) - Use and development of land for a child care centre, associated tree removal and works beneath trees and alterations to access to a road in a Road Zone, Category 1

FILE NUMBER: WH/2016/1193
ATTACHMENT

SUMMARY

The original application was advertised on 30 March, 2017 and a total of seventy-eight (78) objections were received. The objections raised issues with regard to neighbourhood character including landscape character, parking and traffic, amenity impacts, vegetation removal, safety, impact on property values, fauna impacts and the number of existing childcare centres in the area. A Section 57A Amendment to the application was lodged on 13 July, 2017 and the re-advertising of the application was in process when Council received notice from VCAT advising that an appeal against Failure to Determine had been received. As part of the Application for Review, the applicant was required to re-advertise the application and subsequently, forty-five (45) Statements of Grounds were lodged with VCAT by property owners/residents. As part of the VCAT process, a Compulsory Conference was held on 13 February, 2018 and a second Compulsory Conference occurred on 6 March, 2018. At this second Compulsory Conference, VCAT advised that Notice of any amended plans be given by 14 March, 2018. Furthermore, additional Statements of Grounds (for any new parties wishing to become party to the appeal) must be lodged by 21 March, 2018.

It is noted that four additional objections to the proposal have been received by Council since the Compulsory Conference of 13 February, 2018 and, while the concerns included in these objections have been noted, Council officers have advised these objectors that the matter now sits with VCAT and that submissions should be directed to it.

As part of the Compulsory Conference agreement, amended 'without prejudice' plans were circulated on 28 February, 2018, incorporating the majority of the agreed amendments however, the VicRoads-related requirements have not yet been resolved. It is noted that under the VCAT operating procedures, any matter subject to a current Compulsory Conference, including tabled materials, is a confidential process and cannot be distributed outside of the proceeding.

The VCAT Merits Hearing is scheduled for five days from 9 April, 2018.

Based on the above-noted Section 57A Amendment, Council officers prepared a delegate report recommending refusal of the application. However, the amended 'without prejudice' plans are considered to reflect significant improvements to the proposal demonstrating how the proposal can be achieved appropriately taking into account all relevant planning controls and objector concerns. As a result, Council officers now seek the support of Council for the proposal, subject to conditions and VicRoads approval.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. The Section 57A Amendment introduced a number of positive changes to the proposal, namely reduced floor area/site coverage related in part to the relocation of the car parking area to below the main level of the child care centre, increased side setbacks, increased canopy tree planting and generally reduced building bulk, which render the application improved. Notwithstanding these positive changes, there remain some outstanding matters with regard to tree planting, and number of children, which can be addressed through permit conditions.

9.1.2

(cont)

It is noted that VicRoads, as a Referral Authority pursuant to Section 55 of the Planning and Environment Act, 1987, has objected to the application on the basis of requiring further information in order to identify the extent of improvement works required to mitigate traffic impacts relating to the proposal. Their position to date has not changed.

This matter has now been 'called-in' to Council for a decision by Councillor Massoud.

RECOMMENDATION

That Council:

A *Being the Responsible Authority, having caused Application WH/2016/1193 for 199 Canterbury Road, BLACKBURN (Lot 1 LP 114506) to be advertised and having received and noted the objections is of the opinion that had the matter not been before VCAT, that the granting of a Planning Permit for the use and development of land for a child care centre, associated tree removal and works beneath trees and alterations to access to a road in Road Zone, Category 1 is acceptable (subject to below conditions), however given the current VicRoads objection, the Responsible Authority cannot support the proposal until such time as VicRoads consent is provided.*

B *Being the Responsible Authority, having caused Application WH/2016/1193 for 199 Canterbury Road, BLACKBURN (Lot 1 LP 114506) to be advertised and having received and noted the objections is of the opinion that had the matter not been before VCAT, that the granting of a Planning Permit for the use and development of land for a child care centre, associated tree removal and works beneath trees and alterations to access to a road in Road Zone, Category 1 is acceptable subject to the following conditions:*

1. *Before the development starts, or vegetation is removed, amended plans (two full size copies) must 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 the plans submitted with the application but modified to show:*
 - a) *The locations of Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 5 and 6 to be annotated on the development and landscape plans.*
 - b) *The correct location of Tree 7 (Melaleuca linariifolia – Snow in Summer).*
 - c) *No encroachment greater than 10 per cent into the TPZ of Tree 2 (Eucalyptus leucoxylon – Yellow Gum unless it can be demonstrated that the tree will not be impacted as a result of cut starting approximately 2.8 metres from the east boundary fence, or any other activity/development within the TPZ.*
 - d) *For Tree 5 (Syzygium paniculatum – Magenta Cherry), Tree 8 (Cedrus deodara – Himalayan Cedar) and Tree 10 (Grevillea robusta – Silky Oak), details of the level of encroachment into the related TPZs/SRZs by the proposed fence and any associated path.*
 - e) *A reduction to the footprint of the building, with no reduction to the front or side setbacks, to allow for the planting of at least five (5) new canopy trees on the site, each with a minimum mature height of fifteen (15) metres and a minimum height of 1.5 metres at the time of planting generally in accordance with Clause 22.04 (Tree Conservation) of the Whitehorse Planning Scheme.*

The planting of these five (5) trees is to be reflected on the landscape plan in accordance with Condition 3

9.1.2

(cont)

- f) Compliance with the requirements of VicRoads.**
- g) A reduction in the total number of children attending the centre to 120 children.**
- h) All building/site features required by the Waste Management Plan to be submitted in accordance with Condition 12.**
- i) All building features/alterations required by the Arborist Report to be submitted in accordance with Condition 5, 6 and 7.**
- j) The available sight distance at access driveways is to be in accordance with Clause 52.06 of the Whitehorse Planning Scheme.**
- k) The circulation roadway ramp width in compliance with Clause 52.06-8 of the Whitehorse Planning Scheme and/or Australian Standard AS 2890.1, Section 2.5 and Figure 2.8.**
- l) Suitable acoustic treatments to be installed above the existing/proposed boundary fence on the western boundary from the start of the outdoor play area to the north-west corner of the site and along the east boundary from the serve yard to the north-east corner of the site as recommended by a suitably qualified acoustic engineer**

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

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 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,****
 - d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**
 - e) The proposed design features such as paths, paving, lawn and mulch.**
 - f) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

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

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

9.1.2

(cont)

- 4. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.**
- 5. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established on the subject site and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:**
 - a) Tree Protection Zone distances:**
 - i. Tree 2 (*Eucalyptus leucoxylon* – Yellow Gum) – 4.1 metre radius from the centre of the tree base.**
 - ii. Tree 3 (*Pittosporum undulatum* – Sweet Pittosporum) – 2.0 metre radius from the centre of the tree base.**
 - iii. Tree 5 (*Syzygium paniculatum* – Magenta Cherry) – 3.7 metre radius from the centre of the tree base.**
 - iv. Tree 7 (*Melaleuca linariifolia* – Snow in Summer) – 2.4 metre radius from the centre of the tree base.**
 - v. Tree 8 (*Cedrus deodara* – Himalayan Cedar) – 5.4 metre radius from the centre of the tree base.**
 - vi. Tree 10 (*Grevillia robusta* – Silky Oak) – 5.1 metre radius from the centre of the tree base.**
 - vii. Tree 13 (*Eucalyptus cephalocarpa* – Silver Stringybark) – 5.8 metre radius from the centre of the tree base.**
 - viii. Tree 14 (*Eucalyptus ovata* – Swamp Gum) – 3.7 metre radius from the centre of the tree base.**
 - ix. Tree 16 (*Eucalyptus ovata* – Swamp Gum) – 5.7 metre radius from the centre of the tree base.**
 - x. Tree 17 (*Eucalyptus ovata* – Swamp Gum) – 5.6 metre radius from the centre of the tree base.**
 - xi. Tree 18 (*Pittosporum undulatum* – Sweet Pittosporum) – 2.0 metre radius from the centre of the tree base.**
 - xii. Tree 21 (*Eucalyptus ovata* – Swamp Gum) – 5.6 metre radius from the centre of the tree base.**
 - xiii. Tree 25 (*Eucalyptus* sp.) – 2.0 metre radius from the centre of the tree base.**
 - xiv. Tree 26 (*Eucalyptus* sp.) – 2.0 metre radius from the centre of the tree base.**
 - xv. Tree 27 (*Melaleuca linariifolia* – Snow in Summer) – 2.8 metre radius from the centre of the tree base.**
 - xvi. Tree 28 (*Eucalyptus botryoides* – Southern Mahogany) – 2.1 metre radius from the centre of the tree base.**
 - xvii. Tree 29 (*Acacia floribunda* – Gossamer White) – 2.0 metre radius from the centre of the tree base.**
 - xviii. Tree 32 (*Corymbia citriodora* – Lemon) – 8.4 metre radius from the centre of the tree base.**
 - b) Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:**
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres 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.**

9.1.2
(cont)

- iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 6. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:**
- a) 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 2.8m of the east boundary fence where within the TPZ of Tree 32.*
 - b) All buildings and works (soft landscaping allowable), including soil level changes, must be setback 2.8m from the east boundary fence where within the TPZ of Tree 32.*
- 7. A Tree Management Plan prepared in accordance with AS4970-2009 must be submitted to Council detailing how Trees 13, 14, 16, 17 and 21 will be protected pre, during and post construction. The Tree Management Plan must also show any level changes (in the form of a diagram and written description) and fence footings and detail how the tree will be managed in association with these changes.**
- Once submitted to and approved by the Responsible Authority, the Tree Management Plan will form part of the documents endorsed as part of this planning permit.**
- The requirements of the Tree 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.**
- 8. Only Trees 1, 4, 6, 12, 15, 19, 20, 22, 23, 24, 30 and 31 are allowed to be removed or destroyed.**
 - 9. No other vegetation on site, shown as an existing tree or shrub on the endorsed plan, is to be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority (other than in accordance with a Notice given pursuant to the Local Government Act or vegetation with a trunk circumference of less than 0.5 metre when measured at a point 1 metre above ground level). The on-going maintenance of the retained and planted trees must be undertaken to the satisfaction of the Responsible Authority. If any planted trees die or are removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.**

9.1.2

(cont)

10. ***Council's Compliance Officer must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that species has been adequately maintained.***
11. ***Prior to the commencement of buildings and works a Traffic Management Plan, and any other relevant approvals, must be submitted and approved to the satisfaction of Council's Transport Team, Engineering and Environmental Services. Once approved, the Traffic Management Plan will be endorsed as part of this planning permit.***
12. ***Prior to the commencement of buildings and works, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority. The Waste Management Plan must provide details in relation to:***
 - a) ***Private collection of all wastes generated on the site,***
 - b) ***On-site waste storage capacity: including justification based on similar uses and developments operating elsewhere that the on-site waste storage capacity will be sufficient for the likely tenants and options to increase capacity if required.***
 - c) ***Bin storage areas: their location, accessibility and number, size and capacity of bins that can be accommodated.***
 - d) ***An on-going commitment to recycling.***
 - e) ***The separation of garbage from recyclables and other wastes (such as green waste): including ease of separation by residents, and separate collections by waste contractors, to ensure that separation of recyclables is facilitated and not hindered by the site layout.***
 - f) ***Delivery of bins to waste collection points and retrieval of bins to nominated storage areas within the building: including access to secure basement areas and management of potential conflicts between vehicles accessing the site and waste collection arrangements.***
 - g) ***Waste collection arrangements: including collection frequency, collection location, collection vehicle access arrangements, including clearance and turning movements, appropriate collection standards including collection cleanliness and spill management, hours of access, noise impacts and other amenity related issues, and any signage required to facilitate these arrangements.***
 - h) ***Litter and green waste management.***

The requirements 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 planning 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.

13. ***Prior to the commencement of any buildings or works, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. In particular, this should address the need to protect the internal amenity of the upper levels from the thermal impacts of the west facing windows.***

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.

9.1.2
(cont)

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.

Prior to the occupation of the development, the development must be constructed in accordance with the approved Sustainable Environmental Management Plan to the satisfaction of the Responsible Authority.

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

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

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

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

15. *The amenity of the area must not be detrimentally affected by the use or development, through:*
- a) *Transportation of materials, goods or commodities to or from the land,*
 - b) *Appearance of any building, works or materials,*
 - c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,*
 - d) *Presence of vermin*
 - e) *In any other way.*
16. *Any alarms must be directly connected to a security service and must not produce noise beyond the premises.*
17. *All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.*
18. *Signage is only to be displayed in accordance with Clause 52.05 – Advertising Signs of the Whitehorse Planning Scheme, unless with the further written consent of the Responsible Authority.*
19. *Not more than 20 staff are to be present on the premises at any one time.*
20. *Not more than 120 children are allowed to be cared for on the site at any one time.*
21. *Except with the prior written consent of the Responsible Authority, the use hereby permitted must only operate between the hours of 6.30am and 6.30pm, Monday to Friday.*
22. *The external playground areas must not be used before 8.00am or after 6.00pm weekdays and at no time during weekends.*

9.1.2
(cont)

- 23. The collection of refuse must not cause disturbance to any nearby residential properties and is to be restricted to between the hours of 7.00am and 6.00pm on weekdays. Refuse must be stored and screened from public view to the satisfaction of the Responsible Authority.**
- 24. Deliveries to the centre hereby approved must be within 9.30am and 4.00pm on the days the centre is open. These hours must not be exceeded without the further written consent of the Responsible Authority.**
- 25. 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). The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.**
- 26. Parking areas, loading bays and access lanes must be kept available for these purposes at all times.**
- 27. No equipment, services and architectural features other than those shown on the endorsed plan are to be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.**
- 28. 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.**
- 29. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- 30. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.**
- 31. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 32. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**
- 33. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.**
- 34. No building or works shall be constructed over any easement without the written consent of Council and the relevant Authorities.**

9.1.2 (cont)

Permit Expiry

- 35. This permit will expire if one of the following circumstances applies:**
- a) The development is not commenced within two (2) years from the date of issue of this permit;**
 - b) The development is not completed within four (4) years from the date of this permit;**
 - c) The use is not commenced within twelve (12) months of the completion of the development.**

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

- 1. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- 2. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- 3. All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings.**
- 4. The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, nature-strip and kerb and channel.**
- 5. The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.**
- 6. There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.**
- 7. No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the Relevant Authority. If approval obtained, the property owner is required to enter into a S173 Agreement with Council that requires the property owner to maintain the fire hydrant.**

9.1.2

(cont)

8. *The applicant must construct a stormwater drain to the legal point of discharge which is external to the site. The stormwater drainage system must be approved by Council prior to any works commencing and be financed by the developer.*
9. *You are advised that a qualified civil engineer must undertake a flood analysis to determine if the property is in an area liable to flooding. The qualified engineer must set floor levels for the development. Any flood analysis must be certified by the qualified engineer.*
10. *No trees are permitted to be planted within the easement.*

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

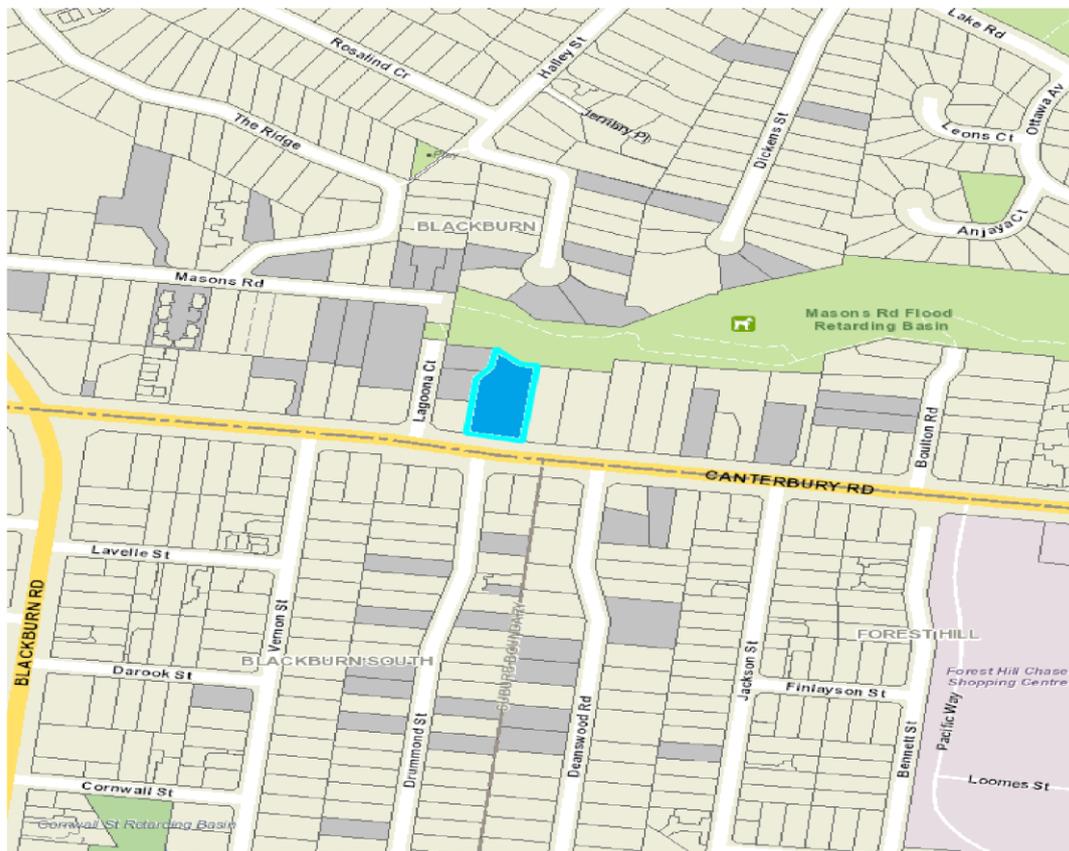
That Council:

- A *Being the Responsible Authority, having caused Application WH/2016/1193 for 199 Canterbury Road, BLACKBURN (LOT 1 LP114506) to be advertised and having received and noted the objections is of the opinion that the proposed use and development of land for a child care centre, associated tree removal and works beneath trees and alterations to access to a road in a Road Zone, Category 1 is unacceptable and should not be supported.*
- B *Has formed a position to oppose the application in relation to the land described as 199 Canterbury Road, BLACKBURN (LOT 1 LP114506) for the use and development of land for a child care centre, associated tree removal and works beneath trees and alterations to access to a road in a Road Zone, Category 1, on the following grounds.*
 1. *The proposal is contrary to policy at Clause 22.05 (Non-residential uses in Residential Areas) as it has not ensured that the landscaping, setbacks and amenity reflects the residential character of the area. In addition, the use has not considered appropriately the role and function of the surrounding road network.*
 2. *The proposal is contrary to the purpose of Clause 32.09 (Neighbourhood Residential Zone) due to the lack of appropriate landscaping and safety, efficiency and amenity effects of traffic to be generated by the proposal.*
 3. *The proposal fails to respond appropriately to the landscape character objectives of Schedule 2 to Clause 42.03 (Significant Landscape Overlay), namely in terms of siting, tree conservation, site coverage, tree planting and compatibility with the local character.*
 4. *The development fails to retain sufficient, or protect appropriately, existing trees on the subject and adjoining sites, contrary to the preferred landscape character of the Significant Landscape Overlay, Schedule 2 and Clause 22.04 (Tree Conservation Policy).*
 5. *The proposed site layout fails to provide sufficient and appropriate landscaping opportunities to conform to the preferred and prevailing Bush Environment character of the site and surrounds.*
 6. *In terms of traffic management treatments in Canterbury Road, the likely requirements of VicRoads will result in adverse traffic impacts, namely congestion, on surrounding streets on the north and south sides of Canterbury Road.*

CARRIED UNANIMOUSLY

9.1.2
 (cont)

Applicant:	Ausco Group
Zoning:	Neighbourhood Residential Zone, Schedule 1
Overlays:	Significant Landscape Overlay, Schedule 2
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 17	Economic Development
Clause 21.05	Environment
Clause 21.06	Housing
Clause 21.07	Economic Development
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 22.05	Non-residential Uses in Residential Areas
Clause 32.09	Neighbourhood Residential Zone
Clause 42.03	Significant Landscape Overlay
Clause 52.06	Car parking
Clause 52.29	Alterations of access to a Road Zone, Category 1
Clause 65	Decision Guidelines
Ward: Central	



	Subject site	78 Objector Properties (Some outside area shown on map)	 North
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9.1.2

(cont)

BACKGROUND

History

Two (2) planning permit applications were previously lodged with Council in relation to the subject site (the site), as summarised below.

- WH/2008/294 proposed the removal of nine trees and the pruning of four trees and was approved subject to conditions. This application was later amended (WH/2008/294/A) to reduce the number of trees to be retained on the site from twelve (12) to eight (8).
- WH/2015/346 proposed the use and construction of a childcare centre, vegetation removal and the alternation of access to a Road Zone, Category 1. Council refused this application and this decision was upheld by VCAT in October, 2015 (VCAT Reference: P2261/2015). The key reasons for this VCAT determination relate to landscaping and character implications and are summarised in the following excerpts from the report / findings of the presiding VCAT member.
 - *"The response may be tempered by the immediate context to a degree, but it should still reasonably provide for the creation of a landscape setting which reflects a bush environment.*
 - *In combination, the building's footprint and the extent of hard pavement associated with the car parking area present as a development outcome which fails to respond acceptably to the area's landscape character. I agree with the submissions that the proposal is too large and too intense for the site.*
 - *The car parking is extensive. It occupies a substantial portion of the site. The outcome is not consistent with policy. In addressing car parking and access, Clause 22.05 discourages parking at the front of sites. The Bush Environment Precinct Guidelines include an objection of minimising the loss of front garden space and the dominance of car parking structures....A related design response is that hard paving for car parking be minimise and substituted with permeable surface where possible. Excessive areas of hard paving and driveways are discouraged.*
 - *...the building's footprint and car parking area do not result in a reasonable proportion of the site being available for planting, landscaping and open space.*
 - *The spaces within which the proposed trees are to be planted do not achieve the area specified in the policy (Clause 22.04). Notwithstanding, the evidence is that the trees will establish and reach their anticipated mature height. Given that I have determined to refuse the application, I do not need to make a finding on whether the non-compliance with this policy (Clause 22.04) is acceptable. However, the inability to provide the nominated area of 'open space' in almost every instance where a new tree is proposed is, perhaps, a further indicator that the development is too intense for this site."* (VCAT Reference: P2261/2015)_

With regard to the subject planning permit application (WH/2016/1193) for the use and development of the site for a childcare centre, tree removal and the alteration of access to a road in a Road Zone, Category, it is noted that it was initially determined that, had a VCAT appeal against Failure to Determine not been lodged, refusal of the application would have been recommended by Council officers. This assessment was based on the amended (Section 57A) development plans submitted just prior to the appeal being lodged. However, during the subsequent VCAT Compulsory Conference, amended 'without prejudice' plans were circulated, which have substantially addressed outstanding officer concerns. As a result, officers are now seeking the support of Council, subject to planning permit conditions and VicRoads approval.

The Site and Surrounds

The subject site is located on the north side of Canterbury Road in Blackburn approximately 260 metres east of the intersection with Blackburn Road and 1.1 metres west of the intersection with Springvale Road. The Forest Hill Chase Shopping Centre is located on Canterbury Road approximately 265 metres to the east of the site.

9.1.2

(cont)

The site has an area of 2537 square metres, a frontage of 36.58 metres to Canterbury Road and a maximum depth of 80 metres. The site has a slope of over 3 metres from south to north (above from the Canterbury Road frontage of the site). A 2.44 metre wide drainage easement runs along the north (rear) boundary of the site and along the east (rear) boundaries of 1A and 3 Lagoona Court to the immediate west of the site.

The site currently contains a double storey brick, detached dwelling along with a number of mature trees. The Mason Road Flood Retarding Basin adjoins the site to the immediate north (rear) comprising a significant open space area running from Lagoona Court on the west to Forest Road. The Mason Road Flood Retarding Basin is heavily vegetated.

The surrounding properties are residential containing a mix of single and double storey dwellings. A number of canopy trees are located on adjoining residential properties.

Planning Controls

The proposal triggers a planning permit under the following clauses within the planning scheme.

Neighbourhood Residential Zone (Clause32.09)

Pursuant to Clause32.09-1, a permit is required for use as a childcare centre. In addition, pursuant to Clause 32.09-7, a permit is required for buildings and works associated within a childcare centre.

Significant Landscape Overlay (Clause42.03)

Pursuant to Clause 42.03-2, a permit is required to remove, destroy or lop a tree and to construct a building or construct or carry out works.

Access to a Road Zone, Category 1 (Clause52.29)

Pursuant to Clause 52.29, a permit is required to create or alter access to a Road Zone, Category1.

PROPOSAL

The proposal, involves the use and development of the site for a childcare centre, tree removal and the alteration of access to a road in a Road Zone, Category 1. In summary, the proposal includes the following.

- A maximum capacity of 130 children.
- A maximum of twenty (20) staff.
- Hours of operation are between 6.30am to 6.30pm, Monday to Friday.
- A basement level car parking area comprising twenty-eight (28) car parking spaces.
- Ground floor level, with an area of 888.1 square metres, includes a waiting area, reception area, staff room, meeting rooms, kitchen, laundry, store room, lift lobby, seven (7) childcare rooms with shared amenities and access to a 918 square metres outdoor play area.

In addition, it is noted that the proposal involves the following.

- A minimum front setback of 13.150 metres to Canterbury Road.
- A maximum building height of 5.334 metres.
- Minimum side setbacks of 6.871 metres to the west, 4.4 metres to the east and 9.055 metres to the north/rear.
- Site coverage of 35 per cent.
- Site permeability of 53.3 per cent.
- A lower roof form than that originally proposed.
- Open style fencing along the Canterbury Road frontage of the site.

9.1.2

(cont)

- Removal of nine (9) trees, three of which require permit approval pursuant to Clause 42.03-2 of the Whitehorse Planning Scheme (Significant Landscape Overlay – Schedule 2).
- Buildings and works within 4 metres of three (3) trees, which trigger a planning under the SLO.
- The planting of six (6) new trees of between eight (8) and eighteen (18) metres in height.

Refer to plans prepared by Point Architects Pty Ltd, Drawing no. TP01 to TP07, dated 8 August, 2017 and a Landscape Planting Plan prepared by Urbis Pty Ltd, dated 2 August, 2017.

CONSULTATION

Public Notice

The original application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices at the Canterbury Road frontage. Following the advertising period, seventy-eight (78) objections were received.

The issues raised are summarised as follows.

Neighbourhood Character

- Appropriateness of commercial development in a residential area
- Overdevelopment
- Bulk and massing

Traffic and Car parking

- Pedestrian and driver safety

Vegetation Removal

- Fauna impacts
- Neighbourhood character impacts
- Non-compliance with the relevant Significant Landscape Overlay and Bush Environment Precinct guidelines.

Amenity impacts

- Noise
- Traffic
- Visual bulk
- Vegetation removal

Other

- Property values
- Number of existing childcare centres in the area

Section 57A Amendment

The following outlines events following the initial public notification of the proposal.

- A Section 57A Amendment request was lodged on 13 July, 2017 to address issues raised by the Council Planning Department and objections raised to the original proposal, as summarised above.
- Council sought further information (namely, revised plans) in association with the proposed Section 57A Amendment and generally found the plans to reflect an adequately improved proposal however, the amended application was not advertised as, just prior to the commencement of the re-notification process, Council was advised that an appeal had been lodged with VCAT (VCAT reference P2428/2017) against the Responsible Authority's failure to determine the application within the required statutory timeframe.

9.1.2

(cont)

- Pursuant to an initial VCAT Order, the applicant (Ausco Investments) was directed by VCAT to undertake public notification. This advertising process was completed and, forty-five (45) Statements of Grounds have been lodged with VCAT by property owners/residents contesting the application.
- Following the Compulsory Conference of 13 February, 2018, four (4) additional objections have been lodged with Council. Council officers have advised these submitters that, as this is now a VCAT matters, all submissions should be made direct to VCAT.

Consultation Forum

A Consultation Forum was not held as the applicant lodged an appeal with VCAT prior to the completion of a second round of public notice, which had been prepared to notify the public of the amendment to the original proposal. Once the appeal had been lodged with VCAT, officers determined that there would be little value in holding a consultation forum, as VCAT runs a separate process. With regard to public consultation throughout the planning process, the following table summarises the extent of community involvement in terms of submitter numbers at various stages of the process.

Public Notice (Initial Proposal)	Registered Parties to VCAT Appeal	Compulsory Conference (Remaining Parties to the Appeal)	Additional Submissions
78	45	10 * (some representing other parties, along with themselves)	4

**Note: In keeping with VCAT procedures, these are the only parties which will continue to be considered official parties to the appeal.*

Referrals

External

Melbourne Water

The application was referred to Melbourne Water, who does not object to the proposed development.

VicRoads

Pursuant to Section 55 of the Planning and Environment Act, 1987, the proposal was referred to VicRoads who raised the following concerns in response to VCAT dated 22 November, 2017.

“The submitted traffic report dated August 2017 does not appear to include data that is relevant in determining the extent of impact the proposal would have on the immediate arterial road network. Given the site’s location, there is a need to assess the proposal’s impact on existing right turn/ u-turn lanes in terms of post-development queue lengths and loss of space for vehicle deceleration. Consequently, VicRoads is unable to identify the extent of improvement works required to mitigate traffic impacts pertaining to the proposal.

In light of the above deficiencies as well as the absence of a formal referral from Council, VicRoads objects to the issue of a Planning Permit and respectfully requests to be joined as parties to the hearing.”

9.1.2

(cont)

Internal

Transport Engineering Department

The application was referred to the Council Transport Engineering Unit, which noted that the proposed parking layout is satisfactory and as such it does not object to the proposal, subject to the condition below being applied to any permit issued.

“The proposed circulation roadway ramp width is to comply with Clause 52-.06-08 of the Planning Scheme and/or Australian Standard AS 2890.1 section 2.5 and figure 2.8.

Sustainability

The Council Waste Engineers have reviewed the proposal and do not object to the application, subject to the inclusion of the recommended waste management conditions.

Assets

The Council Engineering Assets team have assessed the proposal and support the application, subject to the inclusion of conditions.

Planning Arborist

The application was referred to the Council Planning arborist, who does not object to the application, subject to permit conditions.

Parkside Department

Council’s Parkside Department does not object to the potential removal of trees within the Canterbury Road road-reserve, if so required by VicRoads. It is noted that Canterbury Road is a VicRoads road-reserve and, while Council is responsible for maintaining the trees within the subject road reserve, VicRoads owns this asset.

DISCUSSION

As noted above, whilst in the associated Delegate Report, Council officers did not support the proposal as reflected in the Section 57A Amendment, the support of Council is now sought based on subsequent amendments made at the related Compulsory Conference. The previous lack of Council officer support related predominately to inadequate landscaping and therefore an inherently poor response to the requirements of Significant Landscape Overlay, Schedule 2, along with the VicRoads position on the application. At the Compulsory Conference, an indication of how these outstanding matters could be addressed was provided, to the satisfaction of Council officers, who are now requesting that Council support the application, subject to conditions which address these matters.

Consistency with State and Local Planning Policies

The proposal is consistent with State and Local Planning Policies relating to business development, employment generation, access to services, non-residential uses in residential areas and tree conservation of the Whitehorse Planning Scheme, as outlined below.

Clause 21.06-7 (Non-residential uses in residential zones)

Clause 21.06 (Housing) recognises that there is a legitimate need for non-residential uses in residential areas to serve the needs of the local community. It is considered that the proposal will integrate well with and respect the surrounding neighbourhood quality while helping to meet the needs of the local community.

9.1.2

(cont)

At Clause 21.06-7, strategies to achieve good integration of non-residential uses in residential areas include directing “*non-residential uses to appropriate locations, and provide parameters for their operation*”. These parameters include those outlined in the Neighbourhood Character Precinct Guidelines, which aim to “*provide guidance for future non-residential development in residential areas and assessments.*”

An assessment of the proposal against the relevant Neighbourhood Character Precinct Guidelines, being those for the Bush Environment Precinct, is included below.

Clause 22.03-5 (Bush Environment)

In the Bush Environment precinct, which applies to the site, “*buildings and hard surfaces are expected to occupy a very low portion of the site*” and “*be sited to reflect the prevailing front, rear and side setbacks with larger rear setbacks to accommodate substantial vegetation including large canopy trees.*” In addition, it is intended that “*the bushy environs (be) complemented by street trees and a lack of front fencing*”, that “*streetscapes be dominated by vegetation with subservient buildings frequently hidden from view behind vegetation and tall trees.*”

The relevant Bush Environment Precinct Guidelines require consistency with the requirements of the applicable Significant Landscape Overlay with regard to site coverage, site permeability and open space, all matters addressed below (see below ‘Significant Landscape Overlay - Clause 42.03’).

The Bush Environment Guidelines detail the preferred design response with regard to the siting of development and the landscape environs. In this regard, the proposal responds appropriately, including as follows.

- The height of the proposed building will not exceed the dominant tree canopy and is consistent with surrounding residential development, thereby minimising any potential visual impact on surrounding neighbours and the open space to the immediate north.
- The proposed building is setback from the rear boundary an adequate distance to provide a positive interface with the open space to the immediate north of the site.
- A number of established and mature trees are proposed to be retained and the proposed landscape plan includes a good range of canopy and other trees and vegetation.
- Only one vehicle crossing is proposed thereby reducing any potential impacts on vegetation and minimising any potential visual impacts on surrounding properties in terms of neighbourhood character.
- Hard paving areas are minimal in area, largely as a result of the inclusion of the car parking area below the ground level childcare centre facility.

It is considered that the proposed building occupies a relatively low portion of the site in the context of the requirements of the Bush Environment Guidelines and the relevant Significant Landscape Overlay provisions, as addressed below (see below ‘Significant Landscape Overlay – Clause 42.03’).

Clause 22.05 (Non-residential uses in Residential Areas)

In Clause 22.05, it is acknowledged that, in residential areas, non-residential uses have the “*potential to adversely impact upon the amenity of residential areas if they are poorly designed or located*”. Therefore, “*it is important that these non-residential uses provide a net community benefit and are designed to integrate into the residential environment with minimal impact on residential amenity*” (Clause 22.05).

9.1.2

(cont)

It is further stated in Clause 22.05 that non-residential uses “*should be in a highly accessible location and the traffic that they generate needs to be compatible with the role and function of the street and the surrounding area.*” In this regard, it is considered that the subject proposal would have net community benefit and is designed to integrate into the residential environment. It is anticipated that ‘community benefit’ would derive from the additional childcare services, which are currently in high demand in the municipality.

The site is adjacent to a road in a Road Zone, Category 1, which is a major arterial road and near the intersection with Blackburn Road, also a road in a Road Zone, Category 1 and is within close proximity to Forest Chase Shopping Centre and Springvale Road (another significant arterial road). Given this context, the site is considered to be a highly accessible location and therefore meets the requirements of Clause 22.05. In this regard, it is noted that, with regard to the previous application for a childcare centre on the site, VicRoads provided support for that application which was of a very similar size in terms of child and staff numbers.

Further consideration has been given to the objectives outlined at Clause 22.05 and the proposal is found to provide an appropriate response, namely in terms of:

- Making provision for services and facilities demanded by local communities in a way that takes into account the amenity of the area;
- Avoiding a concentration of non-residential uses / “*a de-facto commercial area*” or the isolation of residential properties, which the proposal would not result in;
- Providing non-residential uses adjacent to roads in a Road Zone, Category 1 though it is noted that the subject site is not also on a corner site as is encouraged under Clause 22.05-3;
- Providing a non-residential use within convenient walking distance to shopping centres
- Providing a use for which there is a demonstrable need (see below);
- Ensuring that “*the design, scale and appearance of non-residential premises reflects the residential character and streetscape of the area*”.

Four (4) existing or approved private childcare centres are located within approximately 1 kilometre of the site (or an average walking distance of ten (10) minutes). These centres provide both childcare services and kindergarten programs.

- Holbury Children’s Centre, 29 Raleigh Street, Blackburn South
- Starfish Early Learning Centre, 168 Canterbury Road, Blackburn
- Goodstart Early Learning – 2 Fraser Place, Forest Hill
- Sparrow House Early Learning Centre, 269-271 Canterbury Road, Blackburn

In addition, a childcare centre was recently approved for 50-52 Blackburn Road, Blackburn providing childcare services and kindergarten programs for 104 children.

Discussion by the applicant, with each of the above childcare centres indicates that each is either completely full with a long waiting list or, for newer centres, expecting to be full by the end of 2018. Based on the generally high enrolment levels at the above nearby childcare centres, it is considered that there is a need for the proposed use.

9.1.2

(cont)

In terms of the design of the proposed development and related potential amenity impacts, it is noted that the proposal responds appropriately to Clause 22.05 by providing the following.

- A front setback that would reduce any potential visual impacts of the development.
- Landscaping to help maintain the streetscape character and amenity of abutting residential properties.
- Hours of operation that would be limited to standard Monday to Friday business hours (i.e. not open nights or weekends) and thereby limit impacts on surrounding properties in terms of noise, traffic, lighting etc.
- Adequate car parking and access arrangements in keeping with Clause 52.06 (Car parking) of the Whitehorse Planning Scheme.
- Parking that is not visible from the street, being under the proposed building and not at the front of the site.

Neighbourhood Residential Zone (Clause 32.09)

The purpose of the Neighbourhood Residential Zone includes to:

- *“To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.”*

Within the Neighbourhood Residential Zone, a number of non-residential uses are permissible with Council consent, including child care centres. This provision recognises that some non-residential uses are necessary to serve local community needs. The subject site is, in principle, an appropriate location for the proposed use based on its access to Canterbury Road and other surrounding major roads, proximity to Forest Hill Chase Shopping Centre and the specific design response in the context of the landscape qualities of the site and surrounding area.

Significant Landscape Overlay (Clause 42.03)

In accordance with the relevant Significant Landscape Overlay, buildings and works resulting in site coverage exceeding 33 per cent trigger the need for a planning permit. Given that the proposal would result in site coverage of 35 per cent, a planning permit is required under this provision and matters that must be considered include those detailed in the provision.

It is noted that the 33 per cent site coverage figure is *not* a maximum site coverage requirement but it does trigger the need for a permit, and therefore calls into play the objectives of the SLO. In this regard, the following is noted.

A planning permit is also triggered for the removal of three trees on the site and this tree removal is supported by the Council Planning Arborist. The three trees are as follows, including a summary of the findings of the Council Planning Arborist in regard to their removal.

- Tree 1 (Lophostemon confertus – Brush Box)
“The tree is located within the footprint of the proposed driveway. It cannot be retained under the existing proposal. It has two wounds in the lower trunk, which reduces its worthiness of retention. The removal of this tree and replanting would provide the best outcome long-term.”
- Tree 6 (species unknown)
“This tree is a dead stump.”
- Tree 9 (Eucalyptus ovata – Swamp Gum)
“The tree has suffered multiple failures and is structurally unsound. It is not uncommon for this specie to fall apart at (or even before) maturity. If retained more failures will occur.”

9.1.2
(cont)

It is also noted that the proposal includes the retention of Tree 2 (*Eucalyptus leucoxylon* – Yellow Gum), which is shown to have a minor encroachment (9.8 percent into the TPZ of the tree). The Council Planning Arborist has noted that this level of encroachment is based on the proposed cut starting *outside* the TPZ of the tree. However, the south elevation plans seem to show the cut starting approximately 2.8m from the east boundary fence (Figure 1) and the east elevation plans appear to show the cut starting on the south boundary (Figure 2). Council’s Planning Arborist noted that “if the cut starts at 2.8m from the boundary (which the plans suggests), the level of encroachment will be 36.3%” (shown in yellow on the diagrams below) and that “at 36.3% and with a cut within the trees SRZ, the tree could not be retained.”

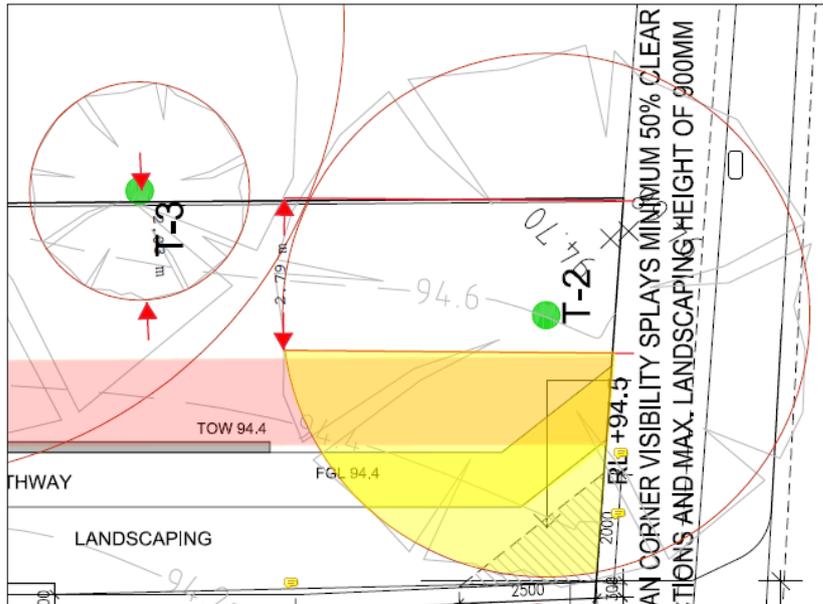


Figure 1. Shows the possible location of the cut in red, and the 36.3% encroachment if the cut starts within the area shaded red.

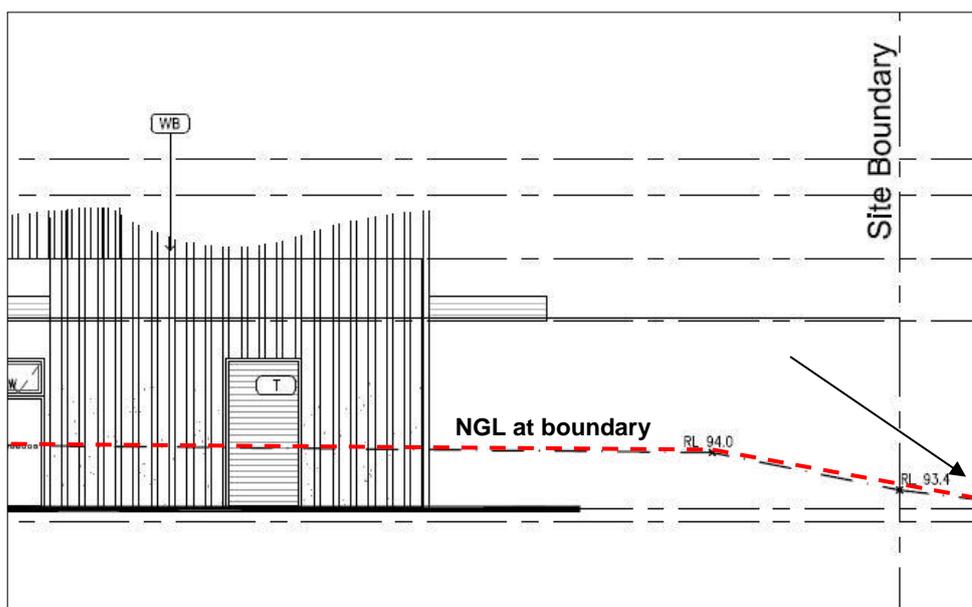


Figure 2. Shows the south end of the east elevation plan, which indicates the possibility of the cut extending to the south boundary.

9.1.2 (cont)

The Planning Arborist commented further:

“Based on Figures 1 and 2, it seems there will be a cut within the TPZ and SRZ. As mentioned above the tree could be retained. However, in order to retain it, the plans must show no encroachment greater than 10% of the TPZ, unless the applicant’s arborist can show it will not be impacted as a result of a 36.3% encroachment.

To determine if the tree will be adversely impacted Council must know the following:

- *Will the cut encroach into the TPZ of this Tree #2?”.*

Based on the above assessment, it is considered that inadequate information is available to assess the potential impact on Tree 2 and that this matter requires further resolution.

It is further noted that the proposal includes the retention of Tree 5 (*Syzygium paniculatum* – Magenta Cherry), Tree 8 (*Cedrus deodara* – Himalayan Cedar) & Tree 10 (*Grevillea robusta* – Silky Oak) with the level of encroachment into the TPZ of each tree being 1.6, 1.4 and 1.0 per cent respectively, which is considered minor. However, the Council Planning Arborist raised the following concerns with regard to the impact on these three trees:

“..., based on the plans there must be more work within the TPZs. The plans show two gates within the fence line in the TPZs of each tree (Figure 3). If there are gates there is likely to be paths and level changes. In addition, the fence is being constructed within the SRZs of trees #5 and #8.

To determine if the trees will be adversely impacted Council must know the following:

- *How will the fence be constructed?*
- *Will pathways be constructed within the TPZs / SRZs?*
- *Will there be level changes within the TPZs / SRZs?”*

9.1.2
(cont)

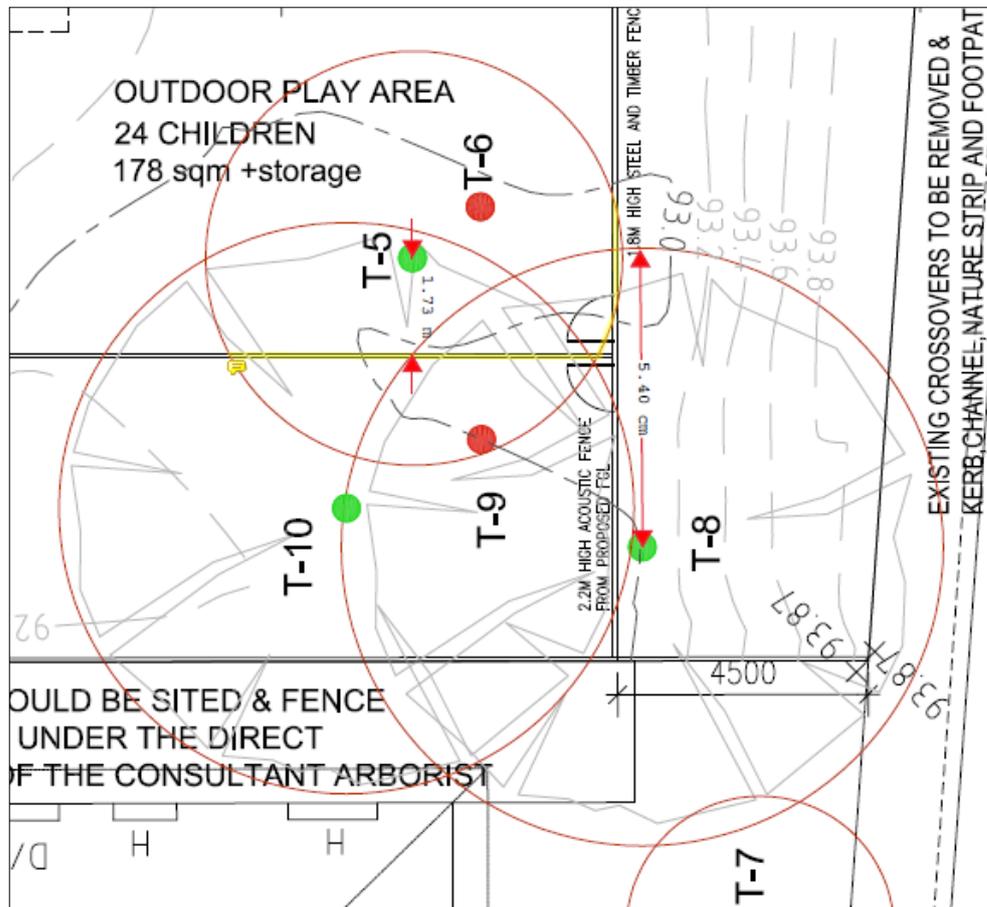


Figure 3. Shows the fence being constructed within the TPZ and SRZ of trees #5 and #8, and TPZ of tree #10. In addition, shows the gates within the fence line.

Based on the above assessment, it is considered that inadequate information is available to assess the potential impact on Trees 5, 8 and 10 and that this matter requires further resolution, which can be achieved via a planning permit.

The relevant Design Guidelines of Schedule 2 to the Significant Landscape Overlay requires Council to consider the following matters against which an assessment of the proposal is provided.

Whether the proposed building is set back a reasonable distance from the property boundaries to provide for landscaping.

The proposed building is setback a minimum of 13.15 metres from the front boundary but generally exceeds 17 metres. Side setbacks of between 8.737 and 9.287 metres are provided to the west boundary where shared with the east boundary of 1A Lagoon Court and the majority of the east boundary of 1 Lagoon Court. Where adjoining the remainder of the east boundary to 1 Lagoon Court, the proposed building is setback a minimum of 6.871 metres. To the rear / north, a minimum setback of 9.055 metres is proposed and a minimum setback of 4.4 metres is proposed to the east boundary of the site.

9.1.2

(cont)

These setbacks provide adequate space for landscaping, including large canopy trees though potentially not to the extent required within under the Significant Landscape Overlay provisions. In order to provide additional trees on the site, in keeping with the Significant Landscape Overlay requirements, it is considered necessary that that building footprint be reduced. As noted above, it was originally intended that the proposal child care centre would cater to 130 children. However, given the recommended requirement for additional canopy tree planting on the site and the necessary related reduction to the building footprint (including the resultant decrease of the car parking area), a reduction to 120 children is considered appropriate.

Whether the proposed building or works retain an inconspicuous profile and do not dominate the landscape.

The proposed building has a maximum height of 5.334 metres, in keeping with the height range of dwellings in the surrounding area. It is noted that a two storey dwelling would generally exceed this maximum height.

The front of the building is well-articulated, which would help to keep the building as inconspicuous as possible. The addition of tree planting around the building would also help to reduce its profile.

In addition, the car parking area previously proposed to the front of the building has been relocated to below the ground floor level of the building allowing for additional landscaping within the front setback. A vehicle accessway / ramp with a width of 5 metres is proposed to provide access to and from the car parking area and a pedestrian accessway is also proposed to lead to / from the building from the Canterbury Road frontage of the site.

No front fence is proposed.

Given the above, it is considered that the dominance of the building and works have been improved from the first proposal submitted, however additional landscaping would help to further reduce the dominance of the building. Should a permit be granted by VCAT, conditions should require a detailed landscape plan that would include this type of planting.

Whether a reasonable proportion of the lot is free of buildings and available for tree planting, landscaping and open space use.

The proposed site coverage of 35 per cent is considered reasonable given that a large portion of the remaining site area is free of hard surfaces and includes landscaping however, additional tree planting would be advantageous from the perspective of further reducing the dominance of the building and the Bush Environment character of the site and surrounds. It is recommended that this additional tree planting be required as a condition of any permit issued and, in order to achieve this additional planting, a reduction of the building footprint will be necessary. As noted above, a resultant reduction in the total number of children using the centre (from 130 to 120 children) would also be required.

The impact of the proposed development on the conservation of trees.

The Council Planning Arborist has carried out an assessment of the proposed development and determined that the trees proposed for removal are of little retention value. The Planning Arborist has also proposed tree protection measures to reduce any potential impact on the trees to be retained on the site and surrounding properties.

The amended design response reflects an attempt to set the development back from portions of the site containing trees that are worthy of retention. For instance, the proposed development is shown to be setback an appropriate distance from trees in the southwest, southeast, western and northern portions of the site and surrounds which are considered of retention value.

9.1.2

(cont)

The impact of the proposed development on natural ground levels and drainage patterns which may have a detrimental impact on the health and viability of surrounding trees.

The Council Planning Arborist has considered the impact of the proposed development on the health and viability of surrounding trees and deemed it necessary that additional information and/or Tree Management Plans be provided, where necessary.

The maintenance of an adequate buffer strip along watercourses, roads, rail lines and other property boundaries.

It is considered that the proposed side and rear setbacks provide reasonable buffer to adjoining properties in terms of allowing additional planting on the site and maintenance of existing planting on adjoining sites. Further to this, Melbourne Water, as a referral authority have reviewed the proposal and have not raised concerns regarding drainage or impacts to existing Melbourne Water watercourses.

The species of vegetation, its age, health and growth characteristics.

As noted above, the Council Planning Arborist is satisfied with the proposed tree retention and removal of the three trees, as outlined above.

The location of the vegetation on the land and its contribution to the lot garden area, neighbourhood and streetscape character.

As noted above, the Council Planning Arborist is satisfied with the proposed tree retention and removal.

Whether the tree is isolated or part of a grouping.

As noted above, the Council Planning Arborist is satisfied with the proposed tree retention and removal.

The potential to achieve an average density of one tree reaching a height of over 15 metres to each 150 square metres of site area.

It would be difficult to achieve a density of 1 tree to each 150 square metres of site area, or sixteen new (16) trees on the site as part of the proposed development. As noted above, the proposal includes the provision of six (6) trees of between eight (8) and eighteen (18) metres in height and it appears possible to include only a few more trees of this height on the site. It is also worth noting that the proposal includes the retention of a number of large canopy trees on the site and, as a result, a good level of vegetation coverage could be maintained on the site. Notwithstanding this, given the Bush Environment character of the site and surrounds, the provision of additional canopy tree planting would improve the response of the proposal to the local context. This matter could be addressed through a permit condition, which will inherently require a reduction to the building footprint in order to provide the required canopy tree planting.

The availability of sufficient unencumbered land to provide for replacement planting.

As noted above, the proposal allows for the retention of a significant number of canopy trees on the site and on adjoining sites and it appears that there is remaining potential for additional canopy tree planting on the site, though not to the extent required to respond appropriately to the Bush Environment character of the site and surrounding area.

Additional unencumbered land could be provided on site to incorporate more canopy tree planting if the footprint of the proposed building was reduced further. It is recommended that a permit condition require additional large canopy tree planting, which, as noted above, will inherently require a reduction to the building footprint.

9.1.2

(cont)

The impact of the tree on the structural integrity of existing buildings including foundations

The Planning Arborist has not raised any concerns relating to the impact of any tree on the structural integrity of existing buildings on adjoining sites.

Other options for further planting on the site.

As noted above, it would be possible to provide further additional planting on the site, though not to the extent required to respond adequately to the Bush Environment character of the area.

Vegetation management requirements to reduce fire hazard, prevent erosion and maintain flood control measures.

There are no specific, relevant vegetation management requirements with regard to the proposal.

Whether works within 4 metres of a tree propose to alter the existing ground level or topography of the land.

The Council Planning Arborist has considered the impact of works within 4 metres of any tree requiring protection under the Significant Landscape Overlay and made recommendations in this regard.

Conclusion – Significant Landscape Overlay

Having consideration of the previous VCAT decision P2261/2015 outlined above, which related primarily to landscape and character considerations it is noted that, the current proposal provides more space for the planting of large canopy trees as a result of a reduced building footprint and significantly less hard surface area. This is achieved mainly as a result of the car parking area being located under the main floor of the building within a basement.

Taking into account the above assessment and considering the landscape character objectives to be achieved in the Blackburn Area, as outlined in the Significant Landscape Overlay, Schedule 2, it is considered that the dominance of vegetation cover on the site would also be enhanced as a result of the proposed development with the addition of the further planting of large, canopy trees, which would help to maintain the tree-dominated landscape, ensure buildings and works retain an inconspicuous profile and do not dominate the landscape and provide wildlife habitat.

Car Parking (Clause 52.06)

The proposal is consistent with the requirement of Clause 52.06 (Car parking) and, as noted above, the Council Transport Engineering Department supports the proposal subject to one condition relating to ramp grades.

The planning scheme requires 28 car parking spaces based on a rate of 0.22 spaces to each child. The proposal provides the required number of spaces.

Objector Concerns not Previously Addressed

Resident/Property Owner Objections

- Property values are not a planning consideration; a matter that has consistently been ruled upon by VCAT. .
- Issues relating to traffic safety will be considered by VicRoads as part of its assessment of the proposal.
- The Bush Environment provisions take into account fauna-related concerns and have therefore been considered in this assessment.

9.1.2

(cont)

VicRoads Objection

As noted outlined above (see 'Referrals/External/VicRoads') VicRoads have objected to the proposal on the basis of the submitted traffic report not including information required by VicRoads in order to determine the extent of impact of the proposal.

VicRoads are party to the subject appeal and therefore their concerns will be worked through as part of the associated process.

Council officers also note concern regarding the potential for traffic exiting the site to travel in a western direction may attempt less than desirable vehicle manoeuvres to the centre right-hand-turn lane. This may also occur for vehicles attempting to enter the site from Drummond Street.

CONCLUSION

The proposal for construction of the use and development of land for a child care centre, associated tree removal and works beneath trees and alterations to access to a road in a Road Zone, Category 1 is generally an acceptable response that satisfies many of the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Neighbourhood Residential Zone and the Significant Landscape Overlay, Schedule 2. There is however, further need to provide an improved response to the Bush Environment character of the site and surrounds and this can be achieved through permit conditions relating to planting of canopy trees.

It is noted that VicRoads have refused the application based on the need for further information and clarification. This matter is currently before VCAT and VicRoads are required to substantiate their concerns in this forum, which may result in additional conditions being imposed on any permit issued at the direction of VCAT.

A total of seventy-eight (78) objections were received to the initial proposal and the matters raised in these objections have been addressed in this report.

ATTACHMENT

- 1 Plans 
- 2 Landscape Plan 
- 3 Notice of Amendment of an Application 
- 4 Schedule of Changes 
- 5 VCAT Amended Plans 

Attendance

Cr Liu left the Chambers at 8.20pm, returning at 8.22pm 

Strategic Planning

9.1.3 Strategic Planning Update

FILE NUMBER: SF10/90

SUMMARY

This report outlines progress with key strategic planning projects from September 2017 to date. The report recommends that this update report be acknowledged.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Carr

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

CARRIED UNANIMOUSLY

BACKGROUND

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

DISCUSSION

The following is a summary of the current status of key projects being undertaken through the Strategic Planning Unit. The last update to Council was provided at its meeting on 18 September 2017.

Key planning scheme amendments and their status include:

Amendment C175 – Box Hill Metropolitan Activity Centre Built Form Guidelines

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

The draft Guidelines and Amendment C175 were exhibited in February / March 2017. At the meeting on 15 May 2017, Council resolved to request the Minister for Planning appoint an independent Planning Panel to consider the Amendment and the submissions received. A Panel Hearing was subsequently held from 24 July 2017 until 4 August 2017.

The Panel Report was received by Council on 6 October 2017 and recommended that the proposed Design and Development Overlay be abandoned. Council is currently reviewing the Panel recommendations and discussing the Amendment with the Department of Environment, Land, Water and Planning (DELWP) and will be presenting a report to a future Council meeting prior to the end of this financial year.

Amendment C191 and C196 –Municipal Wide Significant Landscape Overlay

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

9.1.3

(cont)

Council adopted the Whitehorse Tree Study Final Options Report on 18 July 2016 and sought authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement the recommendations from the Tree Study.

Amendment C196 seeks to extend the Significant Landscape Overlay to all residential land in the municipality on a permanent basis. Amendment C191 seeks to apply the proposed Significant Landscape Overlay on an interim basis while the permanent controls are being pursued. The request for both the interim controls and the permanent controls was lodged with the Minister for Planning in May 2017.

The Minister for Planning approved Amendment C191 on 28 December 2017 and it came in effect when it was gazetted into the Planning Scheme on 8 February 2018. The new tree protection controls will expire after 31 December 2018.

All owners and occupiers of land affected by the new interim tree protection controls have been individually notified by mail and notices have appeared in the Leader Newspaper. Council's web site has been updated, an "on hold" message is in place, and key community groups and local arborists and tree works companies have been advised of the new controls.

Amendment C192 – 119 Surrey Road, Blackburn

Amendment C192 has rezoned the land at 119 Surrey Road and 150-152B Springfield Road, Blackburn from the General Residential Zone Schedule 1 to the Commercial 1 Zone and applied the Design and Development Overlay Schedule 4 to the sites and an Environmental Audit Overlay to 119 Surrey Road. The Amendment was gazetted on 21 December 2017.

Amendment C193 – 289-291 Morack Road, Vermont South

The amendment applies to land at 289-291 Morack Road, Vermont South. The amendment was on exhibition from 2 November until 4 December 2017 and seeks to:

- Rezone a part of the site that is currently designated as Commonwealth Land to the General Residential Zone (Schedule 5);
- Rezone a part of the existing Urban Floodway Zone land to the General Residential Zone – Schedule 5;
- Introduce and apply the Design and Development Overlay- Schedule 10; and
- Apply the Environmental Audit Overlay.

One submission was received objecting to the amendment, but this was later withdrawn. The Amendment was adopted by Council on 29 January 2018 and was subsequently submitted to the Minister for Planning for approval.

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

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

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

9.1.3

(cont)

Having exhibited the Amendment from 27 April until 29 May 2017, at its meeting on 17 July 2017 Council resolved to request that the Minister for Planning appoint an independent Planning Panel to consider the Amendment and the 53 submissions received.

The Panel hearing was held from 2 - 6 October 2017. The Panel report received by Council on 6 December 2017 recommended that the Amendment be adopted subject to minor changes to the Incorporated Document and draft Planning Permit. Council considered the Panel report and adopted the Amendment on 29 January 2018, then submitted the Amendment to the Minister for Planning for approval.

Activity Centres

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

Burwood Heights Activity Centre – Former Burwood East Brickworks Site

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

At its meeting on 18 July 2016, Council considered community comment and resolved to approve a Development Plan for the site, subject to conditions. Council's consideration of the Development Plan was contested at VCAT by Frasers Property during January and February 2018. These VCAT proceedings followed 1.5 years of negotiations with Frasers to satisfy Council's conditions of approval, with the majority addressed before the VCAT proceedings commenced. The subsequent Orders handed down by VCAT on 9 February 2018 directed that the Development Plan be approved by Council with very minor changes.

The Development Plan has now been approved in accordance with the VCAT Orders.

Parallel to this process, several planning permit applications have been lodged with Council for assessment. Applications must be generally in accordance with the approved development plan and are exempt from third party notification. Subject to approval of planning permit applications, Frasers Property will progressively develop the site in stages.

Box Hill Metropolitan Activity Centre (MAC)

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

- Urban design, landscape and strategic planning advice on major developments;
- Engagement with relevant departments across the organisation and external stakeholders to progress the Structure Plan;
- Preparation of planning scheme amendments ; and
- Undertaking further work to support implementation of the Structure Plan. Currently this includes:
 - Investigating a potential developer contribution mechanism;
 - Preparation of Public Realm Treatment Guidelines for Box Hill to provide a strategic vision for treatment of the public realm in response to new development in areas of the MAC that are experiencing rapid change.
 - A review of public open space provision in Box Hill.

The developer contribution feasibility and Public Realm Treatment Guidelines have been funded by the Victorian Planning Authority's *Streamlining for Growth Program*.

9.1.3

(cont)

Tally Ho Activity Centre

The former ATV-0 television studios site at 104 – 168 Hawthorn Road in Forest Hill has been identified as a key redevelopment site in the Whitehorse Planning Scheme for over a decade. The site is located immediately beyond the Tally Ho Activity Centre. The Development Plan Overlay approved for the land in 2015, requires that a Development Plan be prepared for the site before future planning permits can be granted.

The *Forest Ridge Development Plan* was displayed from 17 July – 30 July 2017. An application was subsequently lodged with VCAT on 15 August 2017 on behalf of the property owner (Bazem Pty Ltd) under Section 149 of the *Planning and Environment Act 1987* for review of the Development Plan on the basis that Council has not made a decision within a reasonable period of time.

With the final decision on the Development Plan to be contested at VCAT, Council considered the 101 submissions received from the community at its meeting on 18 September 2017 and resolved to not support the Development Plan.

A mediation meeting was held by VCAT on 19 October 2017. The subsequent VCAT Orders handed down on 13 November 2017 directed that the Development Plan be approved with changes including increasing the amount of public open space, a reduction in the height of some building envelopes and street wall heights, and increases in upper level building setbacks.

An updated Development Plan was initially submitted on 23 January 2018 but has required further correction to meet the VCAT orders. The latest update lodged on 13 March 2018 is currently being assessed against the VCAT Orders. All submitters will be notified once the updated Development Plan is endorsed.

Heritage

Heritage Assistance Fund:

The Fund provides grants up to \$2,000 to eligible owners and occupiers to assist with the ongoing maintenance of their heritage properties. The 63 applications for the 2017/2018 round of funding were considered by the Heritage Steering Committee in October 2017. 21 applications were successful in receiving funding for the maintenance of heritage properties.

Heritage Adviser:

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

Other Major Projects

The Neighbourhood Project

The City of Whitehorse was selected as one of three metropolitan Councils as part of the Neighbourhood Project; a pilot project which is a practical program to make community-led placemaking easier for councils and communities. The Neighbourhood Project is part of the Resilient Melbourne Strategy.

Work is currently being undertaken using the funds from the Neighbourhood Project, to review and refine Council's processes around place activation and community-led placemaking. The project will provide a clear way forward for interested community members to initiate their placemaking ideas and work with Council in an efficient and streamlined way.

9.1.3

(cont)

Residential Corridors Study

Council has included funds in the 2017/2018 budget to undertake the Residential Corridors Built Form Study. Consultants were appointed in late 2017 to undertake the Study.

The study aims to determine appropriate built form guidelines and associated planning scheme controls for those areas in the City of Whitehorse along key road corridors where land in the Residential Growth Zone interfaces with land in the Neighbourhood Residential Zone and the General Residential Zone. Such corridors include Burwood Highway (between Springvale Road and Hanover Road) and Whitehorse Road (between Elgar Road and Hood Street; between Mille Street and Whitehorse Reserve and Middleborough Road and Williams Road).

The appointed consultants have completed Stage 1 of the project, which included background analysis of the study area such as the review of existing strategies and planning controls, planning permit applications and VCAT decisions.

Student Accommodation Review

The City of Whitehorse is home to two key tertiary institutions, the Box Hill Institute and Deakin University. A number of local and international students reside in Whitehorse and require a range of housing needs and resources. Council recognises the need to plan for student accommodation, to ensure it meets the needs of students as well as reducing potential amenity impacts on existing communities. To this end, the Whitehorse Planning Scheme includes a Student Accommodation policy which has been in place since 2009.

Council has included funds in the 2017/2018 budget to undertake a review of student accommodation to gain a better understanding of issues associated with student accommodation, ascertain solutions to these issues and determine methods of implementation.

Consultants have recently been appointed and the review has commenced.

SMART Planning / VC Amendments

In July 2016 DELWP launched Smart Planning, a two-year program to reform Victoria's planning system. Smart Planning's objectives are to:

- Simplify planning regulation to improve the quality consistency and efficiency of planning decision making.
- Develop digital systems that allow citizens, industry and government to more easily access and understand planning rules and processes to boost activity, participation and efficiency.

A major part of this program is updating the Victorian Planning Provisions (VPP), with the aim to increase their effectiveness and efficiency. In October 2017 DEWLP released the *Reforming the Victoria Planning Provisions* discussion paper. Council made a submission to the discussion paper, which was endorsed at the Council Meeting on 20 November 2017.

The phase 1 planning scheme amendment to implement the first round of changes to the VPP was gazetted on 16 January 2018 as Amendment VC142. The Amendment made changes to approximately 40 different clauses in all Victorian planning schemes including expanding permit exemptions, changing definitions and updating outdated policy.

Plan Melbourne Refresh

In March 2017, the Minister for Planning released the 'refreshed' metropolitan planning strategy, *Plan Melbourne 2017 – 2050* and introduced the new strategy to planning schemes in Victoria via Amendment VC134. Plan Melbourne has a separate 5-year Implementation Plan.

9.1.3

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The Implementation Plan identifies that Land Use Framework Plans (LUF) are to be prepared for each of the six metropolitan regions. Whitehorse is located in the Eastern Region and is represented on the region's Economy and Planning Working Group established by the State government to develop work plans to implement *Plan Melbourne* including the preparation of the LUF. Preparation of the LUF has commenced and is to be completed by the end of 2018. Council received a report on the LUF at its meeting on 19 February 2018.

More information about Plan Melbourne can be found on the State Government web site at: <http://www.planmelbourne.vic.gov.au/home>

Fast Track Government Land Service

The Fast Track Government Land (FTGL) Service is project managing two Box Hill Institute sites:

- 1000 Whitehorse Road (west of the Box Hill Town Hall), proposed to be rezoned to Commercial 1 Zone
- 16 – 18 Spring Street (adjoining and including part of the BHI Nelson Campus), proposed to be rezoned to the Mixed Use Zone and to apply a Development Plan Overlay

The FTGL process has been managed by the State Government and has involved:

- A consultation period of 6 weeks (25 September – 3 November 2017) seeking submissions;
- An independent hearing conducted by the Government Land Standing Advisory Committee, held on 28 November 2017.

Council made a submission during the consultation period and also presented to the independent hearing. A report by the Standing Advisory Committee was due to be presented to the Minister for Planning in late December 2017 or early January 2018. Council has not yet been informed about the report or the recommendations by the Advisory Committee.

Bushfire Management Overlay

The current State government has updated bushfire mapping and policy in planning schemes across the State in response to the recommendations of the 2009 Victorian Bushfires Royal Commission. In the Victorian planning system, the Bushfire Management Overlay (BMO) maps areas of Victoria that are at risk of extreme bushfire. Amendment GC13, which came into effect on 3 October 2017, applied the BMO to approximately 270 properties in Mitcham in the vicinity of the Mullum Mullum Creek corridor.

CONSULTATION

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

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

9.1.3

(cont)

FINANCIAL IMPLICATIONS

All of the projects require resources and funding for tasks including consultation, preparation, exhibition and consideration of amendments, consultant advice and investigations, including government processes e.g.: panel hearings etc. Typically, adequate funding for the projects is provided in the recurrent budget.

However, notification to all owners and occupiers affected by Amendment C191 which has applied the SLO on an interim basis to all residential land in Whitehorse (not already covered by an SLO) has posed a significant but necessary cost to Council of approximately \$84,000. In anticipation of the interim tree protection controls, Council has budget in the 2017/2018 year for the resources required to manage and enforce the new planning overlay.

POLICY IMPLICATIONS

The undertaking of strategic planning projects is consistent with the *Council Plan 2017 – 2021* in terms of project outcomes and the consultation involved.

CONCLUSION

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

Engineering and Environmental

9.1.4 Council's Approach to Becoming Carbon Neutral by 2022

FILE NUMBER: 18/33961

SUMMARY

Council set a target to be carbon neutral by 2022 (subject to a detailed review) as part of the Whitehorse Sustainability Strategy 2016-2022.

While Council has taken a number of actions towards achieving carbon neutrality including through various energy efficiency upgrades and the purchase of GreenPower, the review carried out in late 2017 shows significant opportunities including:

- Better utilisation of existing Council finances to further improve energy efficiency and implement more alternative energy options such as cost-effective renewables to reduce risk, increase Council's energy security and protect Council against future utility cost increases.

The purpose of this report is to summarise and discuss the review findings, and provide recommendations on Council's:

- *Approach for becoming carbon neutral by 2022 for corporate emissions*
- *Funding model for future energy savings measures*
- *Actions for the future*

MOTION

Moved by Cr Bennett, Seconded by Cr Liu

That Council:

- 1. Voluntarily becomes carbon neutral for corporate emissions in 2022 rather than pursuing formal accreditation, due to the ongoing cost of accreditation;***
- 2. From July 2018 no longer purchases GreenPower for current purposes and instead purchase accredited carbon offsets to continue to offset the current level of greenhouse gas emissions;***
- 3. Diverts funds currently used to purchase GreenPower to an Energy Management Fund over the next 3 years until 2021/22 for the implementation of an integrated program of additional energy efficiency measures and renewable energy projects to accelerate energy-efficiency in Council facilities. Measures implemented over 3 years using this Fund will place Council in a better position to become carbon neutral in 2022;***
- 4. Develops suitable protocols and guidance for the operation of the proposed Energy Management Fund in 2018/19, including a review of the Fund and the funded project outcomes in 2021/22 before proceeding to carbon neutral status;***
- 5. Implements a Utilities Management project by engaging a suitably qualified and specialist Utilities Management consultant for a period up to 3 years, to identify energy cost savings and implement process improvements in managing Council's electricity, gas and water utilities.***

9.1.4

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AMENDMENT

Moved by Cr Barker, Seconded by Cr Cutts

That Council:

1. ***Confirms its ambition to continue its move towards carbon neutrality rather than pursuing formal accreditation, due to the ongoing cost of accreditation;***
2. ***From July 2018 no longer purchases GreenPower for current purposes and instead:***
 - a) ***Diverts 25% of the funds used to purchase Greenpower to undertake a carbon farming initiative through a municipal tree and bush planting program, for the next three years, enabling Council to apply for Australian Carbon Credit Units (per the Carbon Farming Initiative Amendment Act 2014)***
 - b) ***Diverts 25% of the funds used to purchase GreenPower for the implementation of an integrated program of additional energy efficiency measures and to accelerate energy-efficiency in Council facilities and the implementation of a Utilities Management project by engaging a suitably qualified and specialist Utilities Management consultant for a period up to 3 years, to identify energy cost savings and implement process improvements in managing Council's electricity, gas and water utilities.***
3. ***Develop a framework for the gateway assessment of energy efficiency measures/projects so that an internal rate of return IRR of no less 15% must apply to any project to proceed through the gateway.***

LOST

A Division was called.

Division

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

On the results of the Division the Amendment was declared LOST

The Motion moved by Cr Bennett, Seconded by Cr Liu was then put and CARRIED
A Division was called.

Division

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

On the results of the Division the Motion was declared CARRIED

9.1.4

(cont)

BACKGROUND

The Whitehorse City Council Sustainability Strategy 2016-2022 committed Council to:

- Become Carbon neutral by 2022, subject to a detailed review
- Reduce corporate emissions by 45 percent by 2022
- *Progressively increase the use of renewable energy by Council and the community*

As committed, a detailed carbon neutral review was conducted in late 2017 comparing and assessing different approaches taken from other Victorian Councils. As part of this, telephone interviews were conducted with officers from Councils who have successfully achieved or are striving to achieve carbon neutrality. This highlighted what has worked well and the challenges of different approaches.

Information was also gathered on the methodology of becoming carbon neutral including steps required to gain official certification.

Terminology

Carbon neutral is when net greenhouse gas emissions are equal to zero. To achieve this organisations calculate their emissions, reduce these where possible, and then purchase carbon offsets for any residual emissions that cannot be reduced.

GreenPower is renewable energy sourced from the sun, the wind, water and waste that is purchased by electricity providers to supply to consumers. This enables customers (Council) to voluntarily contribute financially to renewable energy generation from accredited generators.

Carbon offsets are an investment in an accredited project or activity that reduces greenhouse gas emissions or takes carbon from the atmosphere. Accredited offsets can be purchased in the voluntary market and used to compensate for emissions from an organisation's own activities.

Energy efficiency is an energy saving measure which reduces the consumption of energy and production of emissions required to power services delivered by Council.

Renewable energy as defined above is energy sourced from sun, the wind, water and waste.

Federal and State Government policy context

In December 2015 at the Paris Climate Conference (United Nations COP21), Australia was one of 195 independent nations that agreed to keep average global temperatures to well below 2°C pre-Industrial temperatures and to aim to limit increase to 1.5°C. After signing up to this Paris UN Agreement, the Australian parliament ratified a target of 26-28 percent emission reduction (below 2005 levels) by 2030.

In 2016 the Victorian Government announced a commitment for Victoria to become carbon neutral by 2050. An interim target was announced in January 2017, to reduce greenhouse gas emissions for the state by 15 to 20 percent (from 2005 levels) by the year 2020. They also set the target of reducing emissions from the operations of their government departments by 30 percent (from 2005 levels) by 2020.

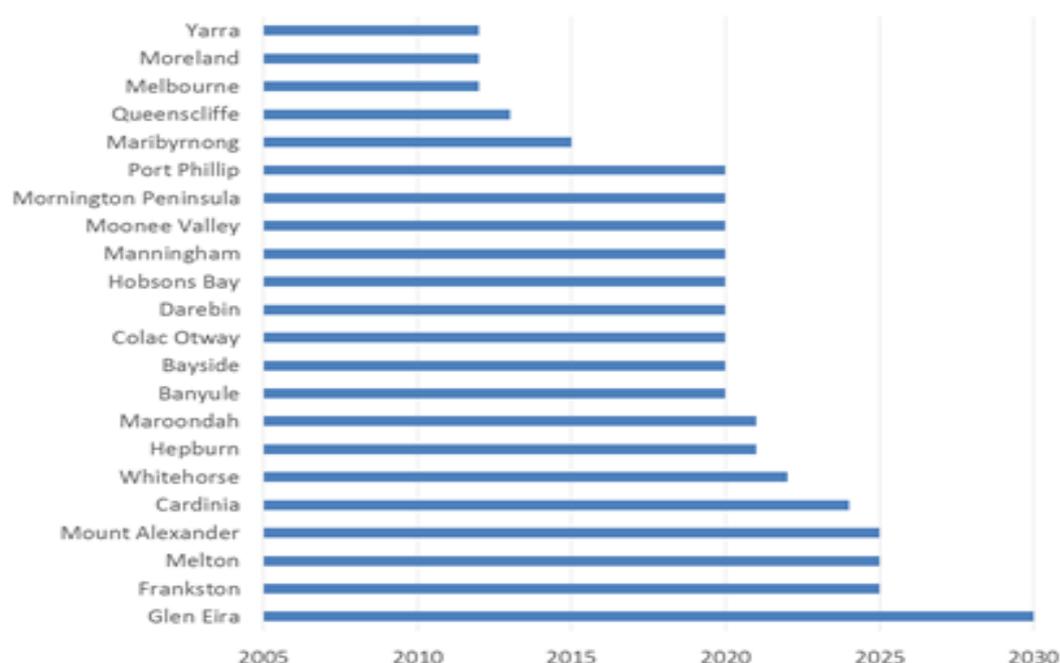
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Corporate emissions vs community emissions

Although Council supports and encourages community emissions reduction through incentives, education and policy regulation, essentially it has no control over overall increases or decreases from community activities. Obtaining baseline emissions figures, benchmarking and tracking progress is also problematic with no perceivable benefit considering the amount of influence Council has in this area. Council does, however, control corporate emissions from organisational operations, services and assets utilised by the community. These emissions can be tracked, analysed and controlled with the appropriate efficiencies and investment made and progress monitored over time.

Where Council is positioned compared to other Councils

In May 2017 the Eastern Alliance for Greenhouse Action (EAGA) completed a 'Review of Victorian Local Government Emissions Reductions Targets'. This identified 22 councils with a corporate carbon neutral target. Represented below is the date by which each Council has committed to become carbon neutral for its corporate emissions.



Contributors to Council's Corporate Emissions

Council's corporate emissions comprise primarily of electricity and gas use, and some transport emissions. Currently electricity and gas consumption is calculated from power bills which Council pays. These are mainly for Council buildings, recreational facilities and street lighting.

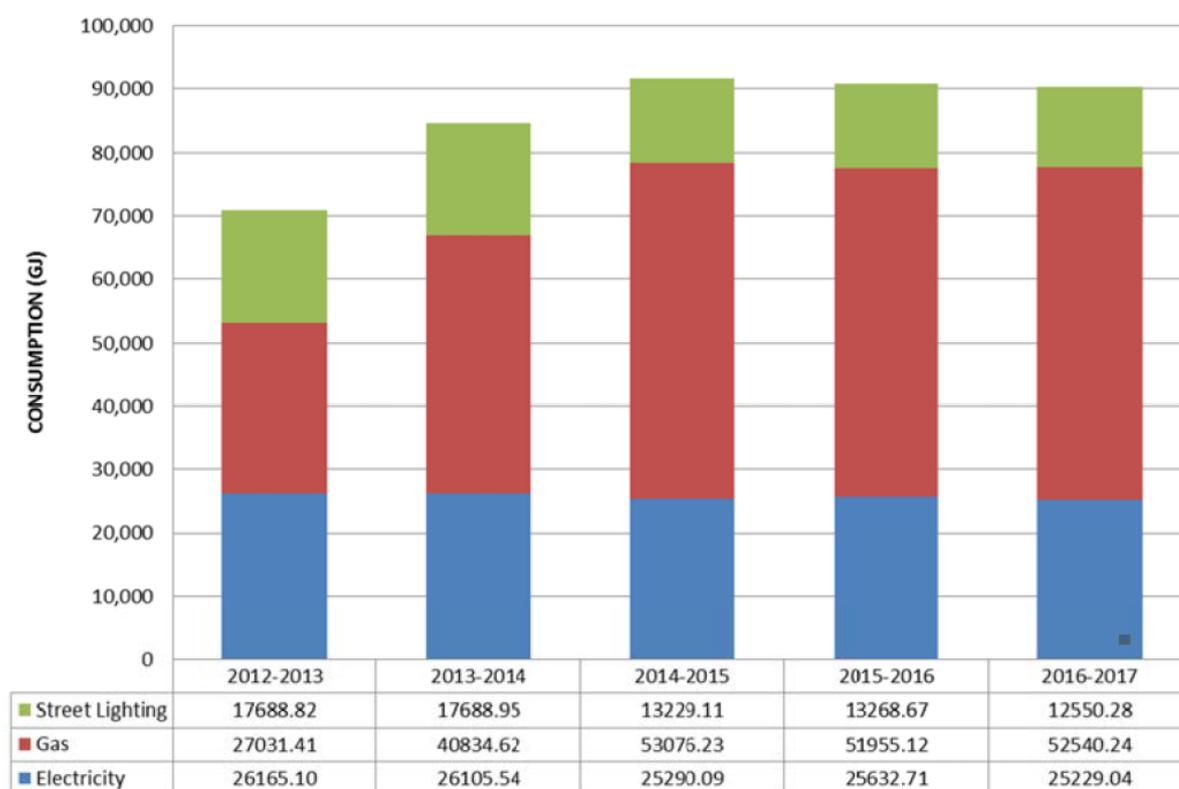
Although some work to mitigate vehicle emissions has been carried out in the past through procurement and operation of 4-cylinder, hybrid and electric vehicles, emissions tracking data is not currently collected.

Works to improve emissions tracking began in July 2017. Council engaged a specialist contractor, Kinesis, to provide an Environmental Data Management System for the next 3 years. This will assist Council to track energy and water consumption in a more comprehensive and accurate manner than has previously been possible. This system also has the capacity for further emissions reporting, however it would require further data capture by Council and improvement to current utility data management processes.

9.1.4
 (cont)

The engagement of a dedicated Utilities Management consultant at other Councils has resulted in major cost savings (in some cases more than \$100k per annum) and improvements to utility management practices that minimised wastage and billing errors. Ensuring that Council’s energy consumption data is managed effectively and the data is accurate will bring Council up-to-date with its emissions reporting and provide a more comprehensive basis for verifying projects and programs that are financially and environmentally beneficial.

From data that is currently available for 2016/2017, corporate electricity and gas consumption was calculated at 90,319.56 GJ. This is a reduction of 1 percent overall from 2015/2016 due to energy efficiencies progressively implemented through Capital Works programs. Below is a summary of data available on Council’s corporate energy consumption.



Increases in gas usage from 2012/13 were mainly to the redevelopment of Box Hill Aqualink and its return to full operation over two financial years. Aquatic centres traditionally are high users of energy for pool heating and large premises that have long operating hours. Although designed with a number of energy-saving features, the expanded facilities and increased usage of the centre by the community have seen an overall increase in energy consumption.

Council’s current emissions reduction efforts

In line with Council’s Sustainability strategies and budget, Council has progressively been installing energy efficient heating, cooling, lighting, office equipment and solar panels in Council owned buildings since 2008. This has tempered a trend in increasing emissions, however, it can be anticipated that emissions might increase in some cases with new or renovated buildings due to population growth in Whitehorse, larger facilities coming online, and increased usage of facilities by the community.

9.1.4 (cont)

The biggest trackable reduction in emissions to date has been the Energy Efficiency Street Lighting Changeover Program which began in 2012/13 to 2017/18. All 80 Watt mercury vapour streetlights on local Council roads were progressively changed over to energy efficient lights, resulting in a 2 percent reduction in energy use since the program start. After the first phase of the changeover of streetlights, Council's electricity bill for streetlighting reduced by more than \$250,000 per annum. The full impact of the second changeover is not yet measurable for a full year, but the electricity bill is already \$100,000 less in the year-to-date than for the same period last year.

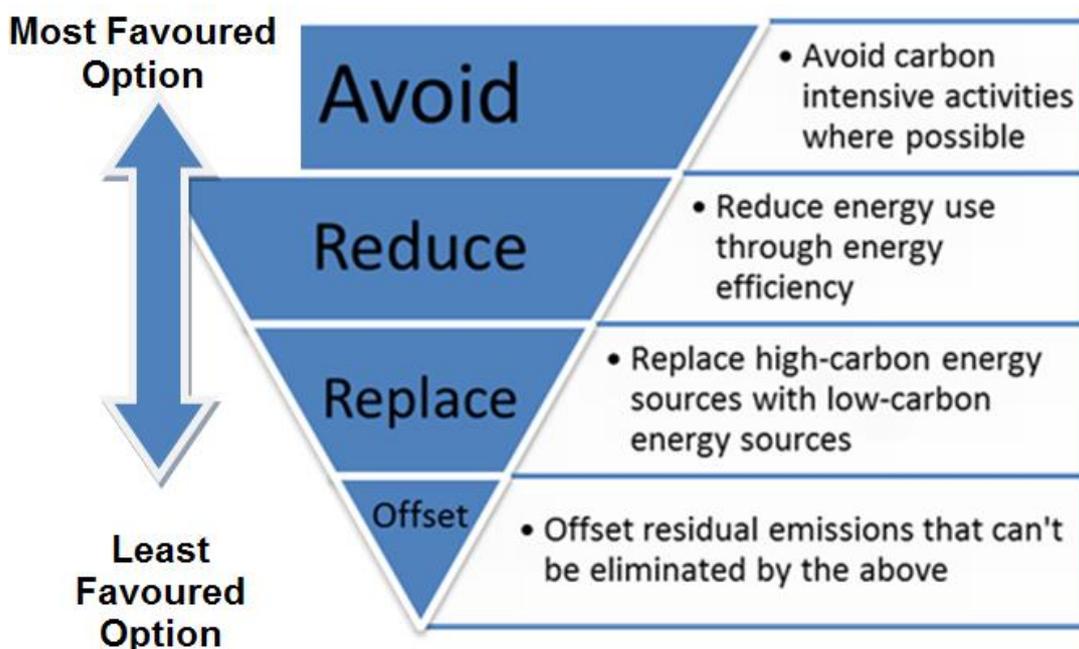
Council resolved in 2009 to reduce corporate emissions by purchasing GreenPower as follows: 100 percent for street lighting, 50 percent from some large market sites (large Council buildings such as Council's Civic Offices, and Aqualinks) and 25 percent for small market sites (such as Council community centres). These GreenPower percentages have not entirely been reflected in the current Procurement Australia Energy Contract, therefore greenhouse gas emissions associated to Council's energy consumption has been higher than anticipated, although Council is currently purchasing a significant proportion of GreenPower.

DISCUSSION

Becoming carbon neutral

To become carbon neutral, Council is required to follow the principles of the Carbon Management Hierarchy, demonstrated in Figure 3 below:

- Avoiding creating emissions where possible
- Reducing emissions through energy efficiencies
- Replacing energy sources to renewables
- Offset residual emissions that can't be eliminated by avoiding, reducing or replacing, through purchasing carbon offsets



9.1.4
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	How it can be achieved	Benefits
Avoid	<p>Behaviour change of staff and facilities users of unnecessary energy consumption</p> <p>Education and incentives for doing the right things</p>	<p>Improved staff morale and retention, and attraction of quality employees</p> <p>Improved perception of Council by the community</p>
Reduce	<p>Energy Sustainable Design (ESD) features implemented in new and existing Council building e.g. natural light in buildings, energy-efficient fittings and appliances.</p> <p>Increased energy efficiency of current Council operations</p>	<p>Better environments for employees and community to be in.</p> <p>Reputational credibility and leadership presented by Council.</p> <p>Investment in better and newer technologies</p> <p>Reduction in cost of Council operations</p>
Replace	<p>Increased investment by Council in on-site renewables such as solar power (directly rather than via GreenPower)</p> <p>Purchase of energy-supply contracts based on renewable power supply that over time will also be financially cheaper than purchasing coal-fired power</p>	<p>Increased energy security for Council and reduced risk</p> <p>Greater controls for Council over costs of the production of GreenPower</p> <p>Greater resilience to impacts of rising energy and fuel costs</p>
Offset	<p>Council purchases Carbon Offsets. As with GreenPower, offsets have an annual financial outlay and no direct return on investment to Council. However offsets are recommended for emissions that can't be addressed through the other three priority areas above.</p>	<p>Investment in and encouraging accredited projects and activities in reducing greenhouse gas emissions</p> <p>Environmental benefits of reduced emissions</p>

9.1.4

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GreenPower and carbon offsets

As electricity consumption is a large portion of Council's emissions, Council will need to purchase either GreenPower or Accredited Carbon Offsets in an effort to be carbon neutral. Offsets will also be needed to nullify the non-electricity emissions including fuel and gas.

Carbon offsets are from activities that reduce greenhouse gas emissions or remove carbon from the atmosphere, such as renewable energy projects or tree planting activities. Australia's National Carbon Offset Standard (NCOS) sets the requirements an offset must meet to be eligible for use as part of a carbon neutral claim. This ensures an accredited offset under NCOS represents a credible emission reduction, which demonstrates additionality, permanency, measurability and transparency. Currently, most NCOS offsets available, and particularly the more cost-effective ones, are generated internationally through projects such as establishing wind or solar farms in China or India. Many carbon offset projects deliver a range of positive outcomes in addition to emission reductions including social, environmental and economic benefits.

Council currently purchases GreenPower, and when doing so, the corresponding amount of Australian renewable energy is purchased through our utility supplier (AGL) which helps to stimulate financial investment in the renewable energy industry. GreenPower however, is more expensive than non-renewable electricity because it involves paying a premium that contributes to increasing the amount of renewable energy in the grid.

To reduce emissions, it is more economical to offset any remaining emissions with Accredited Carbon Offsets than with GreenPower. As of 2017, GreenPower was retailing at approximately \$79 per MWh which is approximately \$74 per tonne of greenhouse gas emissions. This pricing along with all electricity pricing is also expected to increase so may be even more costly to Council. NCOS accredited offsets are around \$1 - \$15 per tonne of greenhouse gas emissions, depending on the chosen offset generating project.

Changing the model for emissions reduction

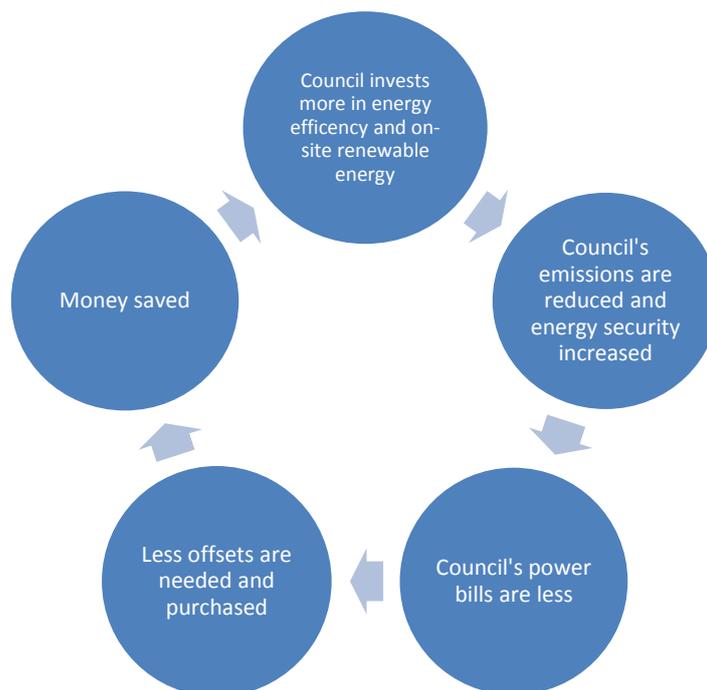
Council could continue to meet its current emissions reduction efforts which are effectively offsetting 100 percent of electricity emissions from streetlights, 50 percent from some large market sites and 25 percent from small market sites by purchasing NCOS Accredited Carbon Offsets instead of using the current purchase of GreenPower. Council can then divert approximately \$385,000 that would otherwise have been spent on GreenPower into direct action to reduce greenhouse emissions, which will consequently reduce the amount of emissions generated in the first place and will reduce the need for purchasing as many offsets in the future.

To maintain Council's net greenhouse gas emissions at current levels, approximately 5,000 tonnes of CO₂ will need to be offset. Assuming an average of \$10 per tonne to purchase accredited offsets, the cost of maintaining current emission levels using accredited offsets instead of purchasing GreenPower would be approximately \$50,000 per annum. This would leave about \$335,000 per annum to invest directly to accelerate the implementation of energy-saving measures in Council's facilities.

If this level of direct investment in energy-saving measures is maintained for the next 3 years until 2020/21, the total of greenhouse emissions that will require offsetting will reduce, as will the cost of purchasing accredited offsets.

In 2021/22, it is recommended that a review be conducted that includes assessing the progress of greenhouse gas emission reduction at Council facilities, to determine the actions and level of accredited carbon offsets that would be required at that time to achieve full carbon neutral status in 2022.

9.1.4
(cont)



This direct action could include installing on-site renewable infrastructure and energy efficient retrofits at Council's larger buildings. These are big energy consumers for Council accounting for approximately 75 percent of Council's total energy consumption.

Large energy efficiency and renewable programs could include Energy Performance Contracts (EPC), which tackle these large energy consumers and 'bundle together' various energy efficiency measures to make them more viable. Investing the GreenPower savings in direct action energy-efficient measures should be considered for assisting Council to retrofit Council owned-buildings and install renewable energy, thereby generating economic and environmental benefits.

Emission reduction measures taken early result in greater savings over time and reduces the impact of rising energy prices. From July 2018 and over the next 2 to 3 years, electricity costs are predicted to increase by 53 percent and gas prices by 42 percent. Council currently spends approximately \$1.36M per annum on electricity and gas bills for its buildings. If these utility costs increase as predicted, Council's annual utility costs will rise to approximately \$2M per annum, adding over \$600k per annum to current costs.

In addition to installing more energy-efficient devices in Council facilities over the next 3 years, it is proposed to implement a Utilities Management project that closely scrutinises every aspect of utility bills, identifies and corrects billing errors, negotiates better tariffs with suppliers, audits utility meters at all Council facilities, and streamlines Council's processes for managing our electricity, gas and water utilities. The aim of this project is to achieve as a minimum a 4% to 5% annual utility cost saving due to improved utility monitoring and correction of billing errors, which would equate to a saving between \$95k to \$120k per annum based on 2016/17 utility prices (even higher once tariff prices increase from 2018/19 onwards).

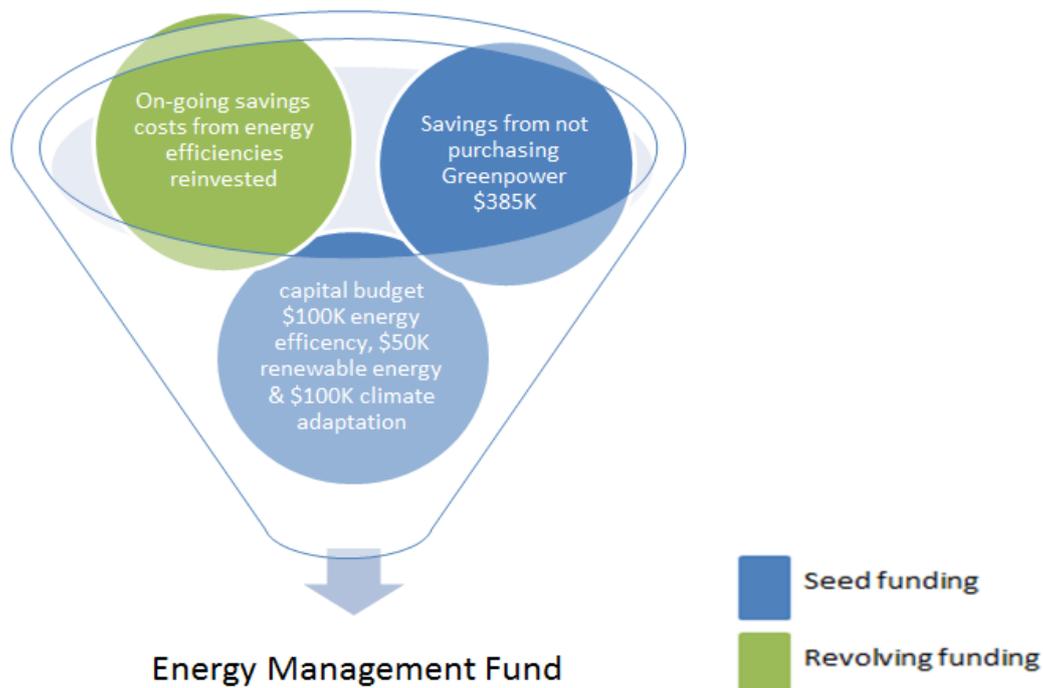
Council is considering future electricity supply contract options that contain a strong mix of renewable energy generation, which is likely to provide electricity at lower costs than coal-fired electricity in future. This would provide both an economic and environmental benefit to Council, and make a positive contribution towards Council becoming carbon neutral.

9.1.4
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It is recommended that Council consider setting up a funding arrangement similar to that undertaken by Maroondah City Council, Darebin City Council and Frankston City Council, where a dedicated Carbon Neutral Fund was established to finance energy efficient and renewable energy projects. Maroondah Council established a 'Revolving Fund' which includes the annual funds previously spent on GreenPower now directed to energy efficiency projects, which could serve as a useful model for Council to follow. Savings from projects that reduce energy and associated costs are also reinvested into the Revolving Fund enabling even more energy efficiency projects to be implemented, accelerating the economic and environmental benefits.

For Whitehorse City Council, a similar approach to Maroondah is recommended, and that an Energy Management Fund be established for the 2018/19 financial year, initially comprising of funds that were previously spent on GreenPower (around \$385k per annum). The Fund could potentially be boosted with capital funding currently used for energy efficiency (\$100K per annum), renewable energy (\$50k every 2 years) and climate adaptation (\$100k every 2 years), if aggregation of funding would achieve a better outcome in any particular year. Investing more overall funding each year towards energy efficiencies and renewables over the next 3 years will assist Council to become carbon neutral in 2022. The redirected GreenPower funding would be the seed funding for initial energy efficiency projects.

In addition to this initial seed funding from ceasing GreenPower, any savings over time arising from energy efficiency projects implemented as a result of this fund should also be invested into this fund. It is estimated that the energy savings from energy efficiency improvements to Council buildings will result in an energy savings of around 30 percent. This is based on estimates from Eastern Alliance for Greenhouse Action and from the results of the Victorian Government Energy Performance Contracts which achieved an average of over 37 percent savings in energy use for the 28 energy efficiency projects they delivered.



9.1.4

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Guidelines establishing the fund criteria and what types of projects should be funded should be established to identify that:

- Projects should be prioritised by the amount of greenhouse gas emissions they abate and their relative cost effectiveness
- Projects must have a maximum of a 10 year payback period i.e. the energy and maintenance savings from the project will financially pay back the full cost of the project within 10 years, and thereafter generate ongoing savings. Note that with spiralling electricity and gas prices, an average return on investment of 7 years is likely;
- Projects such as feasibility studies, energy audits, assessing energy procurement options and evaluating renewable energy projects that are likely to result in significant energy-savings in Council's corporate energy consumption could also be funded from the Energy Management Fund;
- Developing a framework for deciding on which accredited offsets Council should purchase, including (but not limited to) criteria about the source of offsets, location of offset projects, verification levels and potential community benefits.

An Energy Management Fund will help Council to manage and fund a range of projects all dedicated to reducing Council's corporate energy consumption which would subsequently reduce Council's greenhouse gas emissions. The dedicated fund will not be the sole source of funds for every energy-efficiency project or program implemented by Council. Other energy-saving measures that are built into Council's 'business as usual' operational programs and capital works projects will continue to be funded through Council's annual budget process. Rather, the Energy Management Fund will serve as a mechanism to accelerate Council's energy-saving program and achieve more substantial energy reductions, which in turn will reduce Council's exposure to spiralling energy costs.

Carbon Neutral Certification

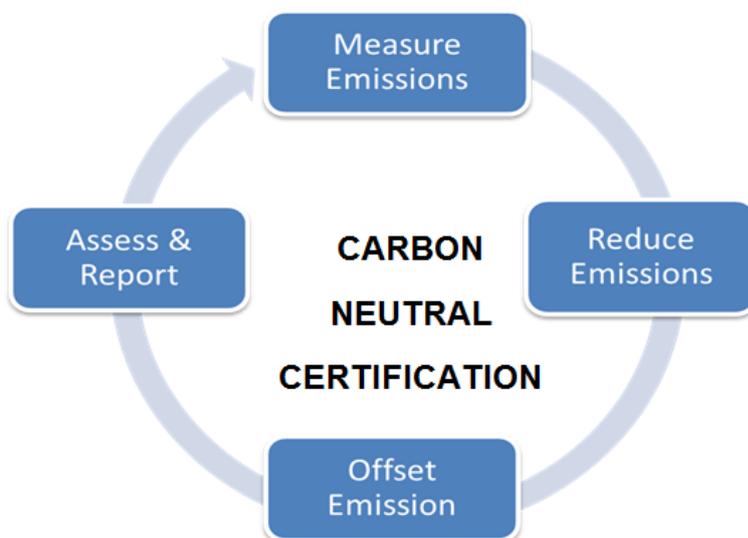
To achieve official carbon neutral certification Council would be required to fulfil criteria under the Australian government's Carbon Neutral program This program provides carbon neutral certification against the National Carbon Offset Standard (NCOS) in addition to an annual licence fee of \$18,000. (fee is based on 2017 prices, which is typically adjusted upwards by 3 percent each year).

The NCOS was introduced in 2010 by the Australian Government to provide a standard on how to account for emissions. NCOS sets minimum requirements for calculating, auditing and offsetting the carbon footprint of an organisation that is voluntarily seeking to be carbon neutral. The main advantage of being certified carbon neutral is that it provides a legitimate and visible stamp of approval on an organisation's carbon neutral claim.

To achieve certification under the NCOS, Council would need to:

- 1) Define Council's emission boundary and calculate corporate greenhouse gas emissions
- 2) Develop and implement an emissions reduction strategy
- 3) Purchase and cancel eligible offset units to offset remaining emissions
- 4) Prepare an annual public report including the Council's annual emissions, emission reduction activities, and the quantity and type of offset units cancelled. This report would need to be independently audited including an audit of the base year carbon account, and once certified this audit is required every second year.

9.1.4
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As mentioned, Council is currently working to improve emissions-tracking however it still requires substantial work in order to meet the requirements of NCOS. This would require significant extra resourcing to what is already available and planned to accelerate the project. This, in addition to overseeing audits of emissions, administering independent audits, developing a strategy and complying with annual reporting, would require significant investment on top of the annual licence fee.

As part of the 2017 review, feedback was sought from the carbon neutral NCOS certified Victorian Councils. The general consensus was certification is a complicated and time consuming process, due to the effort required in collating the data for the comprehensive carbon inventory, as well as the paperwork associated with certification.

Council can however, achieve carbon neutrality following NCOS methodology. This includes having third party certification by an independent auditor, but not be certified under NCOS. Maribyrnong City Council has taken this approach after deciding the ongoing cost of accreditation could be better spent on emission reduction efforts such as energy efficiency projects and investing in on-site renewable energy. This also provides them more flexibility in determining what emissions they could reasonably and accurately measure and make this approach to Carbon Neutrality more manageable and affordable.

Time for action

A variety of factors in the energy market is resulting in steep increases in energy costs over the next two years at least. This presents a real opportunity for Council to increase its efforts to reduce carbon emissions through energy efficiency and renewable energy. Any investment by Council in efficiency upgrades will have a better return on investment than in previous years. Subsequent reduced energy consumption from current Council operations will ultimately decrease Council's overall energy costs. Renewable technology such as solar and energy storage is quickly advancing and becoming more affordable so may more easily allow for better energy storage options for Council.

Volatility in the energy pricing market presents issues for Council budgeting purposes as costs are increasing, but the level of increase can only be speculated. The only way to reduce these issues and the risks associated with them is to increase Council's energy security. This reduces Council's reliance on utilities providers to provide power at a reasonable cost.

9.1.4

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Other Councils are already looking ahead in this space and opportunities for further savings from joint procurement opportunities for energy efficiencies and renewables might be missed if Council fails to act in a timely manner. Council ideally should be responsible for leading the way and role modelling good practices for emissions reduction to the community by addressing corporate emissions. With the current approach Council is at a risk of falling behind other government departments and in our own aspirations as outlined in our Council Vision 2013-2023: To be enhancing our built environment to ensure a sustainable and liveable city (Strategic Direction 2) and providing strategic leadership (Strategic Direction 4).

Continuing commitment to becoming carbon neutral by 2022 provides stability, support and clear strategic direction for energy and cost savings from efficiency improvements and renewables. The new funding arrangement should help accelerate current emissions reductions efforts. This also supports projects to improve Council's emissions tracking.

It is recommended that Council divert funding previously spent on purchasing GreenPower to kick-start an Energy Management Fund, set up the Fund on a revolving basis to provide ongoing funding generated by energy-savings or grant funding, and possibly consolidate energy-efficient capital funds from Council existing capital works funds. Projects and measures to reduce Council's energy consumption and greenhouse emissions would then be implemented from this Fund through Council's normal capital works and operational processes. This includes consideration of future energy-supply contracts consistent with the aim of reducing greenhouse emissions and investing in renewable energy generation projects or programs that help to reduce Council's exposure to spiralling energy supply costs.

Way forward to Carbon Neutrality 2022:

2018 to 2019:

- Council accepts the recommendations of this report
- Council continues to support improvements to emissions tracking.
- GreenPower no longer continues to be purchased and instead equivalent offsets are purchased from July 2018
- Accelerated energy efficiency projects are progressively implemented from 2018/19, initially using funds previously used for purchasing GreenPower.
- Audits to be conducted at a range of Council buildings to identify priority energy efficiencies over the next 3 years from 2018/2019 to 2021/2022, to form the basis of an accelerated capital works program for budget consideration
- Energy Management Fund protocols and guidance are developed in 2018/2019
- Prior to expiry of Council's current energy supply contract, evaluate long term renewable energy supply contracts that provide beneficial financial and environmental as the basis of possible future energy supply contracts
- Continue to use an integrated approach to becoming carbon neutral through a combination of measures such as (but not limited to) installing proven energy-efficient fittings and fixtures in Council facilities, using Environmentally Sustainable Design principles when developing new or upgraded Council and community assets, investing in cost-effective renewables, and procuring energy supply contracts that provide economic and environmental benefits
- Implement a Utilities Management Project including the engagement of a suitably qualified and specialist utilities management consultant for a period up to 3 years, to comprehensively review and improve Council's utilities data management systems and identify cost savings

9.1.4

(cont)

2019 to 2021:

- Energy efficient projects funded from the Fund may require additional funding depending on scale of the project, so consider New Budget Initiatives from 2019/20 onwards based on the outcome of building audits and emerging renewable opportunities to continue to accelerate ongoing (permanent) reductions in Council's energy consumption
- Council to seek external grants and funding to top up the Energy Management Fund where possible
- Council continues to seek best pricing for energy supply contracts including Power Purchase Contracts extending to Renewables and exploring fixed pricing and the new trends of progressive purchasing to mitigate increasing energy costs
- Exploring investment options such as solar and Build/Own/Divest-Operate power stations
- Continue to participate in regional partnerships such as EAGA through cost-effective projects that help to reduce Council's corporate energy consumption and greenhouse emissions
- Undertake a review in 2021/2022 of the Energy Management Fund and Council's approach to becoming carbon neutral, to ensure ongoing funding and energy-efficiency measures continue to align with the Council Plan and Council's Sustainability Strategy.

2022:

- Based on the outcome of the carbon neutral review, purchase sufficient accredited offsets for any remaining carbon emissions to achieve carbon neutral status

Note that details of the type and location of energy-saving or renewable projects to be implemented will be reflected in Council's annual operational and capital works budgets. All projects will be subject to Council's normal budget approval process.

CONSULTATION

Detailed consultation with other Councils on their approach to becoming carbon neutral was sought in order to provide recommendations for this report. This included collecting information via desktop review and phone interviews. Information was sought from, City of Melbourne, Moreland City Council, City of Yarra, Nillumbik Shire Council, Maribyrnong City Council, City of Sydney, Banyule City Council, Bayside City Council, Cardinia Shire Council, Colac Otway Shire, City of Darebin, Frankston City Council, Glen Eira City Council, Hepburn Shire Council, Hobsons Bay City Council, Manningham City Council, Maroondah City Council, Melton City Council, Moonee Valley City Council, Mornington Peninsula Shire, Mount Alexander Shire and City of Port Phillip.

Internal consultation around the further need for funding Council's energy efficiency measures has been discussed at length between Sustainability, Finance, Assets & Capital Works and Major Projects & Buildings.

FINANCIAL IMPLICATIONS

Redirecting the funds currently spent on purchasing GreenPower (approx. \$385,000 per annum) for the next 3 years would result in \$1,155,000 becoming available to transfer to an energy revolving or Energy Management Fund for the implementation of a range of energy-efficient and renewable energy projects. The cost of purchasing equivalent accredited carbon offsets to maintain Council's corporate emissions at current levels over the next 3 years is estimated to be no more than \$150,000, leaving \$1,005,000 in accumulated funding for new energy-efficient and renewable capital works.

9.1.4

(cont)

In 2022, the year by which Council plans to become carbon neutral, the remaining emissions will be lower because of the projects implemented to reduce Council's energy consumption and therefore greenhouse emissions. The lower remaining emission balance could be then offset to zero using accredited offsets. Any additional projects funded if energy savings from the projects implemented in the first 3 years are reinvested into the Energy Management Fund will accelerate the rate of lowering consumption and subsequent greenhouse emissions.

If Council supports the approach to becoming carbon neutral as outlined in this report, more specific modelling of how a revolving fund would work, the savings generated and the costs involved is proposed to be conducted in 2018/19. Based on experience at other Councils who invest heavily in energy-efficient projects, annual cost savings of around \$154,000 can be achieved for an investment of \$1M assuming projects are implemented with an average 7-year payback period. Proportionally, an investment of \$335,000 may achieve annual savings of around \$50,000.

Reduction in energy consumption will reduce Council's electricity and gas bills, and if the price of electricity and gas continues to spiral upwards over the next 3 years, average payback periods will be even shorter than 7 to 10 years that are typically used to guide the prioritisation of energy efficiency and renewable projects.

If Council wished to add the capital works funding currently allocated towards energy efficiency, renewable energy and climate adaptation, energy efficiencies could be implemented at more Council facilities or more substantive works could be undertaken in any given year using aggregated funds. While the current funds are part of Council's existing approach towards becoming carbon neutral, reallocating and committing these funds into a single Energy Management Fund would improve measurement of energy-efficient return on investment, accelerate energy savings, increase Council's energy security and reduce Council's exposure to rising energy prices.

	Reallocated funds (over 3 years to 2021/22)	Expenditure (over 3 years to 2021/22)
Seed funding over 3 years commencing in 2018/19:		
Savings from not purchasing GreenPower	\$1,155,000	
Carbon Offsets for all Council's corporate emissions		\$150,000
Utilities Management Project, including the engagement of a specialist utilities management consultant		\$330,000
Net accumulated funds available to transfer to an Energy Management Fund:	\$675,000	
Possible additional transfer to Energy Management Fund:		
Capital Energy Efficiency budget (\$100k per annum)	\$300,000	
Capital Renewable Energy budget (\$50k per 2 years, starting 2019/20)	\$50,000	
Capital Climate Adaptation budget (\$100k per 2 years, starting 2018/19)	\$200,000	
Subtotal	\$550,000	
Reinvestment of energy savings (2-years, assuming year 1 commencement of projects)	\$100,000	
Savings from the Utilities Management project (assumes \$110k per annum average)	\$330,000	
Energy Management Fund: potential net funding over 3 years from 2018/19 =	\$1,655,000	

9.1.4

(cont)

It is proposed to fund the Utilities Management project from the Energy Management Fund over the next 3 years. The experience at other Councils that have engaged a specialist consultant with a specific focus on achieving savings as a result of better utility billing and process management is that significant savings are able to be identified within the first year, and subsequent years continue to embed further savings. The 4% to 5% savings per annum indicated in the table above is considered to be realistic and achievable at Whitehorse.

Dedicated funding that targets the implementation of more energy-efficient and renewable energy measures to reduce Council's energy consumption over the next 3 years will place Council in a financial position that makes it cheaper to offset any remaining greenhouse emissions in 2022 to become carbon neutral, but also will generate ongoing permanent utility cost savings once the payback period is completed.

As indicated earlier in this report, the dedicated fund will not be the sole source of funds for every energy-efficiency project or program implemented by Council. Other energy-saving measures will continue to be built into Council's 'business as usual' operational programs and capital works projects, funded through Council's annual budget process, to ensure that there is a fully integrated approach and that Council's energy consumption and carbon footprint are reduced as quickly as possible.

POLICY IMPLICATIONS

Council's aspirations to becoming Carbon Neutral by 2022 helps to meet objectives of the *Council Plan 2017-2021* and is outlined in the *Whitehorse Sustainability Strategy 2016-2022* subject to this review.

The approach outlined also relates to *Council's Vision 2013-2023. To be enhancing our built environment to ensure a sustainable and liveable city (Strategic Direction 2) and providing strategic leadership (Strategic Direction 4).*

9.2 CORPORATE REPORTS

9.2.1 Delegated Decisions January 2018

SUMMARY

The following activity was undertaken by officers under delegated authority during January 2018.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That the report of decisions made by officers under Instruments of Delegation for the month of January 2018 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for January 2017	Number for January 2018
Planning and Environment Act 1987	Delegated Decisions	107	87
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		13	12
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	53	86
Liquor Control Reform Act 1998	Objections and Prosecutions	Nil	2
Food Act 1984	Food Act Orders	1	8
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	2	1
Local Government Act 1989	Temporary Road Closures	5	2
Other Delegations	CEO Signed Contracts between \$150,000 - \$500,000	2	Nil
	Property Sales and Leases	12	4
	Documents to which Council seal affixed	2	1
	Vendor Payments	917	1006
	Parking Amendments	17	8
	Parking Infringements written off (not able to be collected)	371	313

9.2.1
(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS JANUARY 2018

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/2016/311/B	12-01-18	Application Lapsed	23 Shady Grove Nunawading Vic 3131	Springfield	Amendment to Planning Permit WH/2016/3011 issued for Construction of two dwellings (comprising of a double storey dwelling to the rear of the existing dwelling, and a carport), to change plans for the rear dwelling	Permit Amendment
WH/2017/720	29-01-18	Application Lapsed	14 Penllyne Avenue Vermont Vic 3133	Morack	Buildings and works for a two storey extension to existing dwelling and removal of 1 tree	Special Landscape Area
WH/2017/826	31-01-18	Application Lapsed	173 Morack Road Vermont South Vic 3133	Morack	The construction of three (3) double storey dwellings	Multiple Dwellings
WH/2017/874	31-01-18	Application Lapsed	141 Eley Road Blackburn South Vic 3130	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/884	12-01-18	Application Lapsed	845-851 Whitehorse Road Box Hill Vic 3128	Elgar	The display of business identification signage	Advertising Sign
WH/2003/13990/D	25-01-18	Delegate Approval - S72 Amendment	Sign 880 Canterbury Road Box Hill South Vic 3128	Riversdale	Amendment To The Permit And Endorsed Plan To: - Amend permit preamble to delete the approval of a dwelling and include approval for a shop (second floor). - Allow for a waiver of additional car parking and loading and unloading requirements resulting from the above change. - Delete Condition 9, which applies to dwellings and is no longer required. - Amend Condition 12 to substitute 15 years for 30 years (extending advertising signage expiry). - Display of business identification signs associated with the shop referred to above and shown on the attached plan.	Permit Amendment

9.2.1
(cont)

WH/2012/440/A	17-01-18	Delegate Approval - S72 Amendment	113/193-195 Springvale Road Nunawading Vic 3131	Springfield	Construction of a six storey building for a supermarket, shop, cafe and 86 dwellings, use of the land for sale of liquor, and reduction in car parking	Permit Amendment
WH/2014/1180/A	08-01-18	Delegate Approval - S72 Amendment	125-135 Rooks Road Nunawading Vic 3131	Springfield	Use and construction of 31 warehouses, reduction in car parking, and reduction in loading bay requirements	Permit Amendment
WH/2014/299/A	22-01-18	Delegate Approval - S72 Amendment	75-79 Terrara Road Vermont South Vic 3133	Morack	Amend Planning Permit WH/2014/299 (Issued for a two lot subdivision, buildings and works, and vegetation removal) to allow Variation of Covenant PS739610B and relocate effluent disposal envelope	Permit Amendment
WH/2014/772/B	08-01-18	Delegate Approval - S72 Amendment	80-80A South Parade Blackburn Vic 3130	Central	Buildings and works to extend existing restaurant, reduction in car parking and waiver of loading bay	Permit Amendment
WH/2015/715/C	09-01-18	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/2015/766/A	05-01-18	Delegate Approval - S72 Amendment	53 Beaver Street Box Hill South Vic 3128	Riversdale	Construction of two (2) double storey dwellings including a front fence	Permit Amendment
WH/2016/833/A	25-01-18	Delegate Approval - S72 Amendment	15 Taldra Street Box Hill North VIC 3129	Elgar	Construction of two (2) double storey dwellings.	Permit Amendment
WH/2016/873/A	25-01-18	Delegate Approval - S72 Amendment	18 Foch Street Box Hill South Vic 3128	Riversdale	Construction of two (2) double storey dwellings	Permit Amendment
WH/2017/464/A	11-01-18	Delegate Approval - S72 Amendment	19 Poplar Street Box Hill Vic 3128	Elgar	80 lot subdivision	Permit Amendment

9.2.1
(cont)

WH/2017/292	08-01-18	Delegate NOD Issued	22 Grange Street Mont Albert Vic 3127	Elgar	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/334	17-01-18	Delegate NOD Issued	396 Elgar Road Box Hill Vic 3128	Elgar	Construction of ten 3-4 storey dwellings above basement and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
WH/2017/341	05-01-18	Delegate NOD Issued	22 Dunlavin Road Nunawading VIC 3131	Springfield	Multi-unit development and waiver of 1 visitor car park	Multiple Dwellings
WH/2017/366	09-01-18	Delegate NOD Issued	9 Hayward Court Vermont Vic 3133	Morack	construction of two dwellings on a lot and removal of trees	Multiple Dwellings
WH/2017/40	08-01-18	Delegate NOD Issued	12 Howard Street Box Hill Vic 3128	Elgar	Construction of four 3- storey dwellings with basement	Multiple Dwellings
WH/2017/420	30-01-18	Delegate NOD Issued	15 Diana Drive Blackburn North Vic 3130	Central	Construction of an extension to the existing building and change of use of the ground floor to educational centre (retain upper floor as an office) and car parking reduction	Education
WH/2017/465	30-01-18	Delegate NOD Issued	37 Rostrevor Parade Mont Albert North Vic 3129	Elgar	Construction of three double storey dwellings	Multiple Dwellings
WH/2017/504	09-01-18	Delegate NOD Issued	276 Elgar Road Box Hill South Vic 3128	Riversdale	Construction of two double storey dwellings & access to a Road Zone Category 1	Multiple Dwellings
WH/2017/516	23-01-18	Delegate NOD Issued	10 Farleigh Avenue Burwood Vic 3125	Riversdale	Construction of 3 double storey dwellings	Multiple Dwellings
WH/2017/526	25-01-18	Delegate NOD Issued	27 Aberdeen Road Blackburn South Vic 3130	Central	Construction of three (3) double storey dwellings	Multiple Dwellings
WH/2017/543	30-01-18	Delegate NOD Issued	36 Wolseley Crescent Blackburn Vic 3130	Central	Demolition of the existing dwelling, construction of a double storey dwelling and an outdoor swimming pool, and removal of trees	Special Landscape Area
WH/2017/595	25-01-18	Delegate NOD Issued	3 Shaun Avenue Blackburn South Vic 3130	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/649	18-01-18	Delegate NOD Issued	9 Esdale Street Blackburn Vic 3130	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/688	11-01-18	Delegate NOD Issued	31 Myrtle Grove Blackburn Vic 3130	Central	Building and Works for a front fence and driveway and removal of one (1) tree	Special Landscape Area

9.2.1
(cont)

WH/2017/698	23-01-18	Delegate NOD Issued	25 Tiller Street Burwood East Vic 3151	Riversdale	Proposal for two new double storey dwelling with associated landscaping, driveways and crossover	Multiple Dwellings
WH/2017/744	04-01-18	Delegate NOD Issued	66 Main Street Blackburn Vic 3130	Central	Removal of trees	Special Landscape Area
WH/2017/752	24-01-18	Delegate NOD Issued	7 Lewis Court Nunawading Vic 3131	Springfield	Development of two, two storey dwellings	Multiple Dwellings
WH/2017/866	22-01-18	Delegate NOD Issued	32 Woodhouse Grove Box Hill North Vic 3129	Elgar	Construction of 2 double storey dwellings	Multiple Dwellings
WH/2014/1067	03-01-18	Delegate Permit Issued	153-155 Rooks Road Vermont Vic 3133	Springfield	20 lot subdivision with removal of easements	Subdivision
WH/2016/1164	22-01-18	Delegate Permit Issued	32 Page Street Mitcham Vic 3132	Springfield	Development of Two (2) Double Storey Dwellings on a Lot	Multiple Dwellings
WH/2016/269	04-01-18	Delegate Permit Issued	2 Alice Street Burwood East Vic 3151	Morack	8 lot subdivision	Subdivision
WH/2017/1032	09-01-18	Delegate Permit Issued	1 Murray Drive Burwood Vic 3125	Riversdale	To build a pergola over an existing deck on a lot under 300sqm	VicSmart General Application
WH/2017/377	10-01-18	Delegate Permit Issued	53 Broughton Road Surrey Hills Vic 3127	Riversdale	Construction of Two Double Storey Dwellings	Multiple Dwellings
WH/2017/422	08-01-18	Delegate Permit Issued	12 Stanhope Street Mont Albert Vic 3127	Elgar	Partial demolition, addition and alteration to house and outbuilding, associated fencing.	Heritage
WH/2017/431	09-01-18	Delegate Permit Issued	Opposite 219 Blackburn Road Burwood Hwy, Burwood east Vic 3151	Riversdale	Display of two dual sided internally illuminated promotion signs on existing tram shelters (Tram Stop 710)	Advertising Sign
WH/2017/446	31-01-18	Delegate Permit Issued	13 Lexton Road Box Hill North Vic 3129	Elgar	Construction of five (5) double storey dwellings	Multiple Dwellings
WH/2017/494	10-01-18	Delegate Permit Issued	290 Springfield Road Nunawading Vic 3131	Springfield	Two (2) lot subdivision	Subdivision
WH/2017/508	24-01-18	Delegate Permit Issued	18 Winfield Road Balwyn North Vic 3104	Elgar	Extension to an existing dwelling on a lot less than 500m2	Vegetation Protection Overlay
WH/2017/521	23-01-18	Delegate Permit Issued	15 Joyhill Avenue Box Hill South VIC 3128	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/533	24-01-18	Delegate Permit Issued	9 Ronald Street Box Hill North Vic 3129	Elgar	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/560	23-01-18	Delegate Permit Issued	21 Kildare Street Burwood Vic 3125	Riversdale	Construction of 2 double storey dwellings	Multiple Dwellings
WH/2017/617	05-01-18	Delegate Permit Issued	23 Paul Avenue Box Hill North Vic 3129	Elgar	Construction of Two (2) Double Storey Dwellings	Multiple Dwellings

9.2.1
(cont)

WH/2017/622	08-01-18	Delegate Permit Issued	948 Whitehorse Road Box Hill Vic 3128	Elgar	Buildings and works in the form of external alterations to an existing shop front and display a sign in the Heritage Overlay	Heritage
WH/2017/634	02-01-18	Delegate Permit Issued	710 Whitehorse Road Mitcham Vic 3132	Springfield	Construction of two (2) double storey dwellings (including the modification of the existing crossover).	Multiple Dwellings
WH/2017/671	29-01-18	Delegate Permit Issued	1/2 Owen Street Mitcham Vic 3132	Springfield	Construction of a verandah associated with an existing dwelling on a lot less than 500 square metres	Single Dwelling < 300m2
WH/2017/725	02-01-18	Delegate Permit Issued	18 Bass Street Box Hill Vic 3128	Elgar	Demolition of existing building and construction of an extension to existing dwelling	Neighbourhood Character Overlay
WH/2017/746	05-01-18	Delegate Permit Issued	15 Hughes Street Burwood Vic 3125	Riversdale	Construction of Two (2) Double Storey Dwellings	Multiple Dwellings
WH/2017/770	23-01-18	Delegate Permit Issued	Shop 9/477-479 Burwood Highway Vermont South Vic 3133	Morack	Use of the land for a licensed premises (packaged liquor sales for consumption elsewhere issued after 2011)	Liquor Licence
WH/2017/807	08-01-18	Delegate Permit Issued	108-110 Canterbury Road Blackburn South Vic 3130	Central	Business identification signage and reduction in car parking requirements for use of the land as a supermarket	Business
WH/2017/809	23-01-18	Delegate Permit Issued	160 Springvale Road Nunawading Vic 3131	Springfield	Use of the land for a licensed premises (packaged liquor sales for consumption elsewhere issued after 2011)	Liquor Licence
WH/2017/818	06-01-18	Delegate Permit Issued	58 Quarry Road Mitcham Vic 3132	Springfield	Extension to existing dwelling	Special Landscape Area
WH/2017/846	05-01-18	Delegate Permit Issued	7 Athol Court Blackburn Vic 3130	Central	Buildings and works associated with an existing dwelling.	Other
WH/2017/865	16-01-18	Delegate Permit Issued	41 Fuller Street Mitcham Vic 3132	Springfield	Construction of an outbuilding (shed)	Special Landscape Area
WH/2017/870	24-01-18	Delegate Permit Issued	22 Miniata Walk Vermont South Vic 3133	Morack	Proposed awning/canopy attached to the existing residence in a Heritage Overlay.	Heritage
WH/2017/903	05-01-18	Delegate Permit Issued	406 Canterbury Road Forest Hill Vic 3131	Morack	Three (3) lot subdivision	Subdivision
WH/2017/918	10-01-18	Delegate Permit Issued	12 Peacock Street Burwood Vic 3125	Riversdale	2 lot subdivision (separate titles required prior to construction)	Subdivision

9.2.1
(cont)

WH/2017/928	10-01-18	Delegate Permit Issued	56 Hedge End Road Nunawading Vic 3131	Springfield	2 lot subdivision	Subdivision
WH/2017/930	19-01-18	Delegate Permit Issued	1 Hampshire Road Forest Hill Vic 3131	Morack	2 Lot Subdivision	Subdivision
WH/2017/931	19-01-18	Delegate Permit Issued	17 Middlefield Drive Blackburn North Vic 3130	Central	2 Lot Subdivision	Subdivision
WH/2017/942	22-01-18	Delegate Permit Issued	7 Skene Street Burwood East Vic 3151	Riversdale	Three lot subdivision	Subdivision
WH/2017/946	24-01-18	Delegate Permit Issued	31 Great Western Drive Vermont South Vic 3133	Morack	2 lot subdivision to coincide with development permit	Subdivision
WH/2017/954	24-01-18	Delegate Permit Issued	28 Glenmore Street Box Hill Vic 3128	Elgar	13 lot subdivision	Subdivision
WH/2017/962	22-01-18	Delegate Permit Issued	14 Esta Street Blackburn North Vic 3130	Central	2 lot subdivision	Subdivision
WH/2017/971	24-01-18	Delegate Permit Issued	18 Davison Street Mitcham Vic 3132	Springfield	2 lot subdivision	Subdivision
WH/2017/976	23-01-18	Delegate Permit Issued	4 Fankhauser Drive Vermont South Vic 3133	Morack	Two lot subdivision	Subdivision
WH/2017/981	29-01-18	Delegate Permit Issued	111 Junction Road Nunawading Vic 3131	Springfield	To remove part of the Drainage & Sewerage Easement E-1 encumbering the western boundary of Lot 42 on LP66347	Subdivision
WH/2017/992	29-01-18	Delegate Permit Issued	11 Irvine Street Mitcham Vic 3132	Springfield	Two lot subdivision	Subdivision
WH/2018/12	22-01-18	Delegate Permit Issued	Shop 1/1A Charles Street Nunawading Vic 3131	Springfield	Reduction in Statutory Car Parking Rate in association with use of land as a Medical Centre	VicSmart General Application -
WH/2018/2	10-01-18	Delegate Permit Issued	1 Spencer Street Nunawading Vic 3131	Springfield	2 Lot subdivision	VicSmart Subdivision -
WH/2018/29	24-01-18	Delegate Permit Issued	5 Swinborne Street Box Hill South Vic 3128	Riversdale	2 lot subdivision	VicSmart Subdivision -
WH/2018/35	31-01-18	Delegate Permit Issued	30 Junction Road Blackburn North Vic 3130	Central	Removal of one protected tree in the Vegetation Protection Overlay	VicSmart General Application -
WH/2014/402/B	02-01-18	Delegate Refusal Issued	481 Middleborough Road Box Hill North Vic 3129	Elgar	Construction three double storey dwellings	Permit Amendment

9.2.1
(cont)

WH/2016/1137	04-01-18	Delegate Refusal Issued	26-32 McDowall Street Mitcham Vic 3132	Springfield	Construction of 30 dwellings including 28 triple storey dwellings and 2 double storey dwellings and reduction in the statutory car parking requirement	Multiple Dwellings
WH/2017/109	08-01-18	Delegate Refusal Issued	55 Andrews Street Burwood Vic 3125	Riversdale	Construction of Four (4) Double Storey Dwellings	Multiple Dwellings
WH/2017/357	31-01-18	Delegate Refusal Issued	33 Tyne Street Box Hill North Vic 3129	Elgar	Construction of four (4) double storey dwellings	Multiple Dwellings
WH/2017/641	18-01-18	Delegate Refusal Issued	4/20 Harrison Street Mitcham Vic 3132	Springfield	Construction of twenty-four (24) dwellings and a basement car park.	Multiple Dwellings
WH/2017/648	31-01-18	Delegate Refusal Issued	103 Nelson Road Box Hill North Vic 3129	Elgar	Construction of Three (3) Double Storey Dwellings	Multiple Dwellings
WH/2017/708	19-01-18	Delegate Refusal Issued	26 Newton Street Surrey Hills Vic 3127	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/959	18-01-18	No Permit Required	1/21-25 Redland Drive Mitcham Vic 3132	Springfield	Retrospective permit to operate a grocery sales business associated with the existing warehouse use	Industrial
WH/2016/743	15-01-18	Withdrawn	210 Burwood Highway Burwood Vic 3125	Riversdale	Removal of easement and development of land for a 4 storey building comprising of 13 dwellings with basement car park	Multiple Dwellings
WH/2017/473	16-01-18	Withdrawn	9 Tucker Road Vermont Vic 3133	Morack	Construction of two double storey semi-detached dwellings	Multiple Dwellings
WH/2017/805	30-01-18	Withdrawn	89 Highbury Road Burwood Vic 3125	Riversdale	Use of the land for a food and drink premises, buildings & works and signage	Industrial
WH/2017/887	08-01-18	Withdrawn	23 Dalmor Avenue Mitcham Vic 3132	Springfield	Removal of 4 trees in a SLO	Special Landscape Area

9.2.1
 (cont)

BUILDING DISPENSATIONS/APPLICATIONS JANUARY 2018

Address	Date	Ward	Result
1/12 Donald Street, Blackburn South	02-01-18	Central	Consent Granted R424
1/24 Tyrrell Avenue, Blackburn	08-01-18	Central	Consent Granted R414
29 Boyd Street, Blackburn South	12-01-18	Central	Consent Granted R409
41 Slater Avenue, Blackburn North	24-01-18	Central	Consent Granted R414
5 Peter Avenue, Blackburn North	15-01-18	Central	Consent Granted R415
66 Laurel Grove South, Blackburn	29-01-18	Central	Consent Granted R411, R414
7 Elder Street, Blackburn	11-01-18	Central	Consent Granted R414
8 Norfolk Street, Blackburn North	23-01-18	Central	Consent Granted R410, R414, R411, R415, R417, R409
9 Goodwin Street, Blackburn	23-01-18	Central	Consent Granted R415, R410
5 Peter Avenue, Blackburn North	15-01-18	Central	Consent Refused R410
65 Bindy Street, Forest Hill	16-01-18	Central	Consent Refused R424
66 Laurel Grove South, Blackburn	29-01-18	Central	Consent Refused R409, R417
22 Sussex Street, Blackburn North	22-01-18	Central	Plans mailed R424
5 Duckham Street, Blackburn	22-01-18	Central	Withdrawn R409, R414
109 Carrington Road, Box Hill	15-01-18	Elgar	Consent Granted R604
11 Toogoods Rise, Box Hill North	29-01-18	Elgar	Consent Granted R409, R410, R411
111 Carrington Road, Box Hill	15-01-18	Elgar	Consent Granted R604
13 Box Hill Crescent, Mont Albert North	30-01-18	Elgar	Consent Granted R414
13 Cunningham Street, Box Hill	11-01-18	Elgar	Consent Granted R420
4 Birkby Street, Box Hill North	12-01-18	Elgar	Consent Granted R425
6 Grenville Street, Box Hill North	24-01-18	Elgar	Consent Granted R409, R414
68 Boondara Road, Mont Albert North	05-01-18	Elgar	Consent Granted R414
9 Morris Avenue, Mont Albert North	29-01-18	Elgar	Consent Granted R409
17 Cameron Road, Box Hill North	16-01-18	Elgar	Consent Refused R409
826-828 Whitehorse Road, BOX HILL	08-01-18	Elgar	Expired R424
830-834 Whitehorse Road, BOX HILL	08-01-18	Elgar	Expired R424
13 Hawkins Avenue, Mont Albert North	19-01-18	Elgar	Plans emailed R424
27A Kenmare Street, Mont Albert North	22-01-18	Elgar	Plans emailed R426, R412, R431, R424
10 Catherine Street, Box Hill	17-01-18	Elgar	Plans mailed R415
8 Albion Road, Box Hill	19-01-18	Elgar	Plans mailed R409
40 Main Street, Box Hill	22-01-18	Elgar	Withdrawn R412
1-3 Mahoneys Road, FOREST HILL	11-01-18	Morack	Consent Granted R604
16 Cohuna Court, BURWOOD EAST	25-01-18	Morack	Consent Granted R409
25 Thornhill Drive, FOREST HILL	09-01-18	Morack	Consent Granted R426, R430
28 Marleigh Street, VERMONT	12-01-18	Morack	Consent Granted R418
31 Woodcrest Road, VERMONT	31-01-18	Morack	Consent Granted R410
34 Beddoe Road, VERMONT	23-01-18	Morack	Consent Granted R409, R414
39 Winswood Close, VERMONT SOUTH	29-01-18	Morack	Consent Granted R414
78 Terrara Road, VERMONT	17-01-18	Morack	Consent Granted R415
81 Sevenoaks Road, BURWOOD EAST	30-01-18	Morack	Consent Granted R409
17 Tarno Avenue, VERMONT SOUTH	17-01-18	Morack	Consent Refused R415
24 Marleigh Street, VERMONT	22-01-18	Morack	Consent Refused R424
26 Longbrae Avenue, FOREST HILL	05-01-18	Morack	Consent Refused R409
30 Newhaven Road, BURWOOD EAST	29-01-18	Morack	Consent Refused R417
1 Carver Street, BURWOOD EAST	16-01-18	Riversdale	Consent Granted R409

9.2.1

(cont)

Address	Date	Ward	Result
19 Grange Road, BLACKBURN SOUTH	24-01-18	Riversdale	Consent Granted R414
32 Hill Street, BOX HILL SOUTH	04-01-18	Riversdale	Consent Granted R424
43 Beaver Street, BOX HILL SOUTH	12-01-18	Riversdale	Consent Granted R414, R415
51 Samuel Road, BLACKBURN SOUTH	11-01-18	Riversdale	Consent Granted R418
3 Joyhill Avenue, BOX HILL SOUTH	31-01-18	Riversdale	Consent Refused R416
58 Russell Street, SURREY HILLS	09-01-18	Riversdale	Expired R424
10 Inga Street, BURWOOD EAST	19-01-18	Riversdale	Plans emailed R409
1 Carter Avenue, NUNAWADING	29-01-18	Springfield	Consent Granted R409
11 Owen Street, MITCHAM	29-01-18	Springfield	Consent Granted R414
11 Trenham Court, MITCHAM	10-01-18	Springfield	Consent Granted R409
117 Rooks Road, NUNAWADING	29-01-18	Springfield	Consent Granted R427
19 Alwyn Street, MITCHAM	12-01-18	Springfield	Consent Granted R414, R411
20 Reserve Avenue, MITCHAM	19-01-18	Springfield	Consent Granted R414
30 Winifred Street, NUNAWADING	24-01-18	Springfield	Consent Granted R409
9 Haslemere Road, MITCHAM	08-01-18	Springfield	Consent Granted R411, R414
20 Reserve Avenue, MITCHAM	22-01-18	Springfield	Consent Refused R415
22 Sunshine Avenue, MITCHAM	19-01-18	Springfield	Plans emailed R414, R411
6 Forster Street, MITCHAM	22-01-18	Springfield	Plans emailed R411, R414, R409

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – JANUARY 2018

Under the Planning and Environment Act 1987 - Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION JANUARY 2018

Nil

REGISTER OF PROPERTY DOCUMENTS EXECUTED JANUARY 2018

Property Address	Document Type	Document Detail
Land Transfers		
91 Kenmare Street, Mont Albert North	Client Authorisation for Transfer of Land	Transfer of Land Act 1958 Section 189 Local Government Act 1989
91 Kenmare Street, Mont Albert North	Section 173 agreement	Section 173 Planning & Environment Act 1987
91 Kenmare Street, Mont Albert North	Goods Statutory Declaration	Duties Act 2000
Subdivision		
526 Station Street, Box Hill	Client Authorisation for lodgement of Removal of Easement	Section 23 Subdivision Act 1988

9.2.1

(cont)

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – JANUARY 2018

Instrument of Appointment of Authorised Officer under the planning & Environment Act 1987
(Council Resolution 29.01.18)

PARKING RESTRICTIONS APPROVED BY DELEGATION JANUARY 2018

Address: **Blackburn Road, Burwood East:** from 245m north of Burwood Highway to 270m north of Burwood Highway – west side

Previously: 2 'Unrestricted' parking spaces

Now: 2 'No Stopping' parking spaces

Address: **Purches Street, Mitcham:** from western boundary of 55 Purches Street to eastern boundary of 55 Purches Street – north side

Previously: 2 'Unrestricted' parking spaces

Now: 2 'Works Zone, 7am to 5pm, Monday to Saturday (nature-strip only)' parking spaces

Address: **Lakeside Drive, Burwood East:** from 9m west of the western boundary of 5a Lakeside Drive to 19m west of the western boundary of 5a Lakeside Drive – south side

Previously: 2 'Unrestricted' parking spaces

Now: 2 'No Stopping' parking spaces

Address: **Lakeside Drive, Burwood East:** from the western boundary of 4 Lakeside Drive to 10m east of the eastern boundary of 4 Lakeside Drive – north side

Previously: 2 'Unrestricted' parking spaces

Now: 2 'No Stopping' parking spaces

Address: **Beatrice Avenue, Surrey Hills:** from Sydenham Lane to 30m north of Sydenham Lane – west side

Previously: 2 'No Stopping, 8.30am to 9am, School Days' parking spaces

Now: 2 'No Stopping' parking spaces

Address: **Beatrice Avenue, Surrey Hills:** from 10m north of Sydenham Lane to 30m north of Sydenham Lane – east side

Previously: 4 'No Stopping, 8.30am to 9am, School Days' parking spaces

Now: 4 'No Stopping, 8.15am to 9.15am, School Days' parking spaces

Address: **Citrus Street, Vermont South:** from 10m west of Hartland Road to 25m west of Hartland Road – north side

Previously: 1 'Unrestricted' parking space

Now: 1 'No Stopping' parking space

Address: **Young Street, Box Hill:** from 10m north of Prospect Street to 10m south of Fairbank Lane – east side

Previously: 2 'Disabled' parking bay' parking spaces

Now: 2 'Loading Zone, 15 minute, 7am to 6pm, Monday to Saturday' parking spaces

9.2.1
 (cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING JANUARY 2018

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
04/01/2018	\$1,834.20	6	EFC
04/01/2018	\$5,699.00	30	CHQ
04/01/2018	\$448,702.90	41	EFT
09/01/2018	\$720.00	1	CHQ
11/01/2018	\$5,888.15	5	EFC
11/01/2018	\$44,713.17	64	CHQ
11/01/2018	\$2,873,264.99	368	EFT
18/01/2018	\$9,832.78	5	EFC
18/01/2018	\$8,601.14	32	CHQ
18/01/2018	\$261,879.82	30	EFT
18/01/2018	\$401,784.39	43	EFT
25/01/2018	\$15,086.28	20	EFC
25/01/2018	\$41,422.77	41	CHQ
25/01/2018	\$696,287.68	41	EFT
25/01/2018	\$9,029.11	3	EFT
25/01/2018	\$3,024,446.26	276	EFT
GROSS	\$7,849,192.64	1006	
Monthly Lease Payments	\$36,371.68		
Direct Debit Payments	\$102,330.84		
CANCELLED PAYMENTS	-\$282,505.26	-54	
NETT	\$7,705,389.90	952	

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

10.1 Reports by Delegates

(NB: Reports only from Councillors appointed by Council as delegates to community organisations/committees/groups)

10.1.1 Cr Ellis reported on her attendance at the Eastern Region Affordable Housing Alliance meeting held on 1 March 2018.

10.1.2 Cr Liu reported on her attendance at the:

- Whitehorse Business Group meeting held on the 15 March 2018.
- Whitehorse Manningham Regional Corporation meeting held on the 21 February 2018.

10.1.3 Cr Barker reported on his attendance at the Visual Arts Committee meeting held on the 21 February 2018.

10.1.4 Cr Bennett reported on his attendance at the:

- Eastern Region Group of Councils meeting held on 2 March 2018.
- Eastern Transport Coalition meeting held on the 15 March 2018.

10.1.5 Cr Carr reported on her attendance at the Visual Arts Committee meeting held on the 21 February 2018.

10.1.6 Cr Stennett reported on his attendance at the Audit Advisory Committee meeting held on the 19 March 2018.

10.1.7 Cr Cutts reported on her attendance at the:

- Whitehorse Manningham Regional Corporation meeting held on the 21 February 2018.
- Whitehorse Business Group meeting held on the 15 March 2018.

10.1.8 Cr Massoud reported on her attendance at the Audit Advisory Committee meeting held on the 19 March 2018.

10.1.9 Cr Munroe reported on his attendance at the Metropolitan Transport Forum meeting held on the 7 March 2018 where Jeremy Hanlin from Active Transport Victoria, presented on the Victorian Bicycle Strategy 2018 – 2028 and Mina Nada, General Manager SE Asia and ANZ, mobike, presented on The Spectrum of Bike Share.

10.1.10 Cr Davenport reported on his attendance at Eastern Region Group of Councils meeting held on the 2 March 2018.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendations from the Special Committee of Council Meeting of 13 March 2018

10.2.1 Whitehorse Matsudo Sister City Relationship

SPECIAL COMMITTEE OF COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Ellis

That Council:

- 1. Acknowledges our long standing sister city relationship with Matsudo Japan.***
- 2. Investigate producing a written publication of the 50 years of the relationship, to mark the occasion in May 2021.***
- 3. Refer the matter to the 2018/19 Council Budget for consideration.***

CARRIED UNANIMOUSLY

10.2.2 North East Link Option A – Public Forum

SPECIAL COMMITTEE OF COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Munroe

That Council

- 1. Having opposed the north east link option A, organise a public forum to be held prior to the next Victorian State Election, at a time and date and venue to be determined.***
- 2. Ensure that the forum be chaired by the Mayor of the City of Whitehorse, and include a panel of speakers including representatives of the North East Link Association, local State Government MPs and preselected candidates from the major parties, and other expert speakers on the topic.***
- 3. Request the advice and support of the Residents United Against North East Link Option A to assist organising the forum.***
- 4. Advertise the forum in the Whitehorse News, Whitehorse Leader Council page and our website, in a timely manner to the public, in particular local Whitehorse residents that may be affected. Any further advertising would require Council support.***
- 5. Advise all major media outlets of the forum by media release ahead of the forum.***

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Massoud

That the recommendations from the Special Committee of Council Meeting of 13 March 2018 Items 10.2.1 and 10.2.2 (inclusive) be received and adopted.

CARRIED UNANIMOUSLY

10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
15-02-18 7.00-8.30pm	2018 Mayoral Community Budget Briefing <ul style="list-style-type: none"> Know your Council Website Budget Community Grants Program 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff P Smith S Cann J Blythe S Smith D Hastas R Hillis	Nil	Nil
19-02-18 6.30-7.00pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> 9.1.1 2 Ferguson Street Mitcham (Lot 71 LP 8807) Budget Meeting 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett Cr Bennett arrived at 6.40pm	N Duff J Green P Warner P Smith A De Fazio J Russell H Rowlands	Cr Cutts declared an indirect conflict of interest based on residential amenity relating to Item 9.1.1 2 Ferguson Street Mitcham (Lot 71 LP 8807).	Cr Cutts having declared an indirect conflict of interest based on residential amenity relating to Item 9.1.1 2 Ferguson Street Mitcham (Lot 71 LP 8807) left the meeting at 6.35pm, returning at 6.40pm
26-02-18 6.30-	Council Budget Direction Meeting 4 <ul style="list-style-type: none"> Review of Fees & Charges 2018/19 Draft Budget Weekend Agenda 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett arrived at 6.40pm	N Duff J Green P Warner P Smith S Freud A De Fazio S Cann J Blythe	Nil	Nil
05-03-18 5.00- 5.50pm	Census Data	Cr Davenport (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Ellis arrived at 5.22pm Cr Liu Cr Massoud arrived at 5.25pm	N Duff J Green T Wilkinson P Smith A De Fazio D Seddon R Hood	Nil	Nil

10.3
 (cont)

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
05-03-18 6.30 –11.00pm	Strategic Planning Session <ul style="list-style-type: none"> Residential Corridor Built Form Study Health & Family Service Startegic Review Whitehorse Community Facilities Project Finance report as at 31 January 2018 Capital Works Update Facilities North East Link-Community Liaison Group 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio K Marriott A Egan V McLean K Sinclair D Seddon T Johnson S Adamson S Hewett S Cann	Nil	Nil
13-03-18 5.30-6.30pm	Waste Management Strategy	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett arrived at 5.40pm Cr Carr Cr Cutts Cr Ellis Cr Massoud arrived at 5.41pm Cr Munroe	N Duff J Green P Warner P Smith A De Fazio H Rowlands I Kostopoulos I Barnes M Kerr	Nil	Nil
13-03-18 7.00 – 10.40pm	Councillor Briefing Session <ul style="list-style-type: none"> Special Committee Agenda/other Business Draft Council Agenda 19 March 2018 State Wide Cladding Audit 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio H Rowlands J Russell R Anania K Marriott J Hansen I Kostopoulos I Barnes	Nil	Nil

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Ellis

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

CARRIED UNANIMOUSLY

Attendance

Cr Barker left the Chambers at 9.18pm, returning at 9.19pm.

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Massoud reported on her attendance at the VLGA Local Government Bill 2018 Exposure Draft- Debrief Session held on the 2 March 2018.
- 11.2 Cr Bennett reported on his attendance at the:
- Eastern Climate Change Solar Savers Information night held on the 7 March 2018.
 - City of Matsudo Students Visitation held on the 15 March 2018.
- 11.3 Cr Liu reported on her attendance at the MAV Power to the People Workshop held on the 27 February 2018.
- 11.4 Cr Ellis reported on her attendance at the VLGA Leading the Agenda Masterclass held on the 15 March 2018.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Cutts

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

CARRIED UNANIMOUSLY

PRESENTATION LETTERS

Cr Bennett presented the Mayor with letters of acknowledgement from the Mayor of Matsudo and the President of the Matsudo International Exchange Association on the occasion of the 35th Youth Delegation from Matsudo with the Koonung Secondary College.

12 CLOSE MEETING

Meeting closed at 9.23pm

Confirmed this 23th day of April 2018

CHAIRPERSON