



# City of Whitehorse

## MINUTES

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### Ordinary Council Meeting

Held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 25 February 2019**

at 7:00pm

**Members:** Cr Bill Bennett (Mayor), Cr Blair Barker, Cr Raylene Carr,  
Cr Prue Cutts, Cr Andrew Davenport, 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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## TABLE OF CONTENTS

<b>1</b>	<b>PRAYER</b> .....	<b>2</b>
<b>2</b>	<b>WELCOME AND APOLOGIES</b> .....	<b>2</b>
<b>3</b>	<b>DISCLOSURE OF CONFLICT OF INTERESTS</b> .....	<b>2</b>
<b>4</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b> .....	<b>2</b>
<b>5</b>	<b>RESPONSES TO QUESTIONS</b> .....	<b>3</b>
<b>6</b>	<b>NOTICES OF MOTION</b> .....	<b>3</b>
6.1	NOTICE OF MOTION NO 121 - CR CUTTS.....	3
<b>7</b>	<b>PETITIONS</b> .....	<b>4</b>
<b>8</b>	<b>URGENT BUSINESS</b> .....	<b>4</b>
<b>9</b>	<b>COUNCIL REPORTS</b> .....	<b>5</b>
<b>9.1</b>	<b>CITY DEVELOPMENT</b> .....	<b>5</b>
	<b>STATUTORY PLANNING</b>	
9.1.1	2-4 BRUCE STREET, BOX HILL (LOT 1 LP 9063 16, LOT 2 LP 9063, LOT 1 TP 551888, LOT 1 TP 954306)– BUILDINGS AND WORKS TO CONSTRUCT TWO TOWERS (10 STOREY AND 19 STOREY) TO PROVIDE 235 DWELLINGS AND PART USE OF THE LAND FOR THE PURPOSE OF OFFICE .....	5
9.1.2	26 SALISBURY AVENUE, BLACKBURN (LOT 48 LP 9968): CONSTRUCTION OF TWO (2), PART DOUBLE STOREY, PART TRIPLE STOREY, DWELLINGS AND ASSOCIATED VEGETATION REMOVAL.....	53
	<b>ENGINEERING AND ENVIRONMENTAL</b>	
9.1.3	EXTENSION OF COUNCIL'S KERBSIDE WASTE AND RECYCLING COLLECTION CONTRACTS .....	70
<b>9.2</b>	<b>CORPORATE</b> .....	<b>79</b>
9.2.1	QUARTERLY PERFORMANCE FOR QUARTER ENDING 31 DECEMBER 2018 .....	79
9.2.2	SUPPLEMENTARY VALUATION QUARTERLY REPORT- 1 OCTOBER 2018 TO 31 DECEMBER 2018 ...	81
9.2.3	CHIEF EXECUTIVE OFFICER RECRUITMENT.....	83
9.2.4	PROPOSAL TO CHANGE/CONSOLIDATE STREET NAME TO BRENDA COURT, NUNAWADING .....	85
9.2.5	COUNCILLOR APPOINTMENTS TO ORGANISATIONS AND COMMUNITY BODIES.....	88
9.2.6	DELEGATED DECISIONS DECEMBER 2018.....	89
<b>10</b>	<b>REPORTS FROM DELEGATES, SPECIAL COMMITTEE RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS RECORDS</b> .....	<b>110</b>
10.1	REPORTS BY DELEGATES .....	110
10.2	RECOMMENDATION FROM THE SPECIAL COMMITTEE OF COUNCIL MEETING OF 11 FEBRUARY 2019 .....	110
10.3	RECORD OF ASSEMBLY OF COUNCILLORS .....	111
<b>11</b>	<b>REPORTS ON CONFERENCES/SEMINARS ATTENDANCE</b> .....	<b>112</b>
<b>12</b>	<b>CONFIDENTIAL REPORTS</b> .....	<b>112</b>
12.1	PROPOSED DEVELOPMENT 1.....	112
12.2	PROPOSED DEVELOPMENT 2.....	112
<b>13</b>	<b>CLOSE MEETING</b> .....	<b>112</b>

Meeting opened at 7.00pm

Present: Cr Bennett (Mayor), Cr Barker, Cr Carr, Cr Cutts, Cr Davenport  
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 29 January 2019, Special Council Meeting 11 February 2019 and Confidential Special Council Meeting 11 February 2019.

### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Cutts

***That the minutes of the Ordinary Council Meeting 29 January 2019, Special Council Meeting 11 February 2019 and Confidential Special Council Meeting 11 February 2019 having been circulated now be confirmed.***

**CARRIED UNANIMOUSLY**

## 5 RESPONSES TO QUESTIONS

- 5.1 Ms A Salmon from Mitcham, submitted two questions relating to the Nunawading Mega Mile and the Mitcham Neighbourhood Activity Centre rezoning.

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

- 5.2 Mr W Orange from Box Hill North, submitted two questions relating to retention of existing trees and foot traffic around 2-4 Bruce Street, Box Hill.

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 121 - Cr Cutts

### MOTION

Moved by Cr Cutts, Seconded by Cr Liu

#### *That Council:*

1. *Conducts the inaugural "Whitehorse Walk for Community Connection" on Sunday 8th September this year in recognition of RU OK? Day, and allocates \$10,000 for this project. The Walk will be a largescale community bonding event, raising awareness about mental health issues and suicide.*
2. *Refers the initiative to the 2019/20 budget, and endorses the event for inclusion in its annual calendar of events on the second Sunday in September each year.*

### AMENDMENT

Moved by Cr Davenport, Seconded by Cr Munroe

#### *That Council:*

1. *Conducts the inaugural "Whitehorse Walk for Community Connection" on Sunday 8th September this year in recognition of RU Ok? Day, and allocates \$10,000 for this project. The walk will be a largescale community bonding event, raising awareness about mental health issues and suicide.*
2. *Refers the initiative to the 2019/20 budget, and endorses the event for inclusion in its annual calendar of events on the second Sunday in September.*

The Amendment was put and CARRIED and became the MOTION

**FURTHER AMENDMENT**

Moved by Cr Massoud, Seconded by Cr Davenport

***That Council:***

1. ***Conducts the inaugural “Whitehorse Walk for Community Connection” on Sunday 8th September this year in recognition of RU Ok? Day, and allocates \$10,000 for this project. The Walk will be a largescale community bonding event, raising awareness about mental health issues and suicide.***
2. ***Refers the initiative to the 2019/20 budget, and endorses the event for inclusion in its annual calendar of events on the second Sunday in September.***
3. ***Be subject to an annual review of the event and issues recognition for the following year.***

**LOST**

The Motion moved by Cr Cutts, seconded by Cr Liu as Amended was then put and **CARRIED UNANIMOUSLY**

**7 PETITIONS**

Nil

**8 URGENT BUSINESS**

Nil

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 2-4 Bruce Street, Box Hill (Lot 1 LP 9063 16, Lot 2 LP 9063, Lot 1 TP 551888, Lot 1 TP 954306)– Buildings and works to construct two towers (10 storey and 19 storey) to provide 235 dwellings and part use of the land for the purpose of office**

FILE NUMBER: WH/2018/193  
ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 13 objections were received. The objections raise issues with overdevelopment, excessive building height, loss of public car parking, traffic congestion, insufficient on site car parking, deficient landscaping and amenity impacts. A Consultation Forum was held on 30<sup>th</sup> January 2019 chaired by Councillor Barker, at which the issues were explored, however no resolution was reached between the parties.*

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

#### **RECOMMENDATION**

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

- A** *Being the Responsible Authority, having caused Application WH/2018/193 for 2-4 Bruce Street, BOX HILL (Lot 1 LP 9063 16, Lot 2 LP 9063, Lot 1 TP 551888K, Lot 1 TP 954306) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for buildings and works to construct two towers (10 storey and 19 storey) to provide 235 dwellings and part use of the land for the purpose of office 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 2-4 Bruce Street, BOX HILL (Lot 1 LP 9063 16, Lot 2 LP 9063, Lot 1 TP 551888K, Lot 1 TP 954306) for buildings and works to construct two towers (10 storey and 19 storey) to provide 235 dwellings and part use of the land for the purpose of office, subject to the following conditions:*
- 1.** *Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Hayball Pty Ltd received by Council on 17<sup>th</sup> August 2018 but modified to show:*
    - a)** *Screening measures to prevent overlooking of the secluded private open space for the property immediately to the east (5 Elland Road) in accordance with Standard B22 at Clause 55.04-6 of the Whitehorse Planning Scheme.*
    - b)** *Roof plan illustrating all plant and equipment with screening provided ensuring views from all street frontages are obscured;*
    - c)** *A materials sample board of external materials and finishes of key elements of the facade system at the ground, middle and upper levels including details of the proposed metal cladding;*

**9.1.1**  
(cont)

- d) *Details regarding the proposed Mural Art Work to wall, west of the accessway, north of the residential entry lobby (eastern building);*
- e) *Specifications of the vehicular entry door;*
- f) *Transport requirements of:*
  - i. *Varying the numbering of car parking spaces at each basement level, spaces for easy identification (and in accordance with condition 5);*
  - ii. *Lengths of each ramp grade and gradient ratio for level 3 basement;*
  - iii. *Provision for end of trip services/ facilities for the office tenancies;*
- g) *All relevant requirements of the Lighting Strategy, public realm treatments and signage details;*
- h) *All modifications to the plans as specified in Condition 14, amendment to the Wind Impact Assessment Report;*
- i) *All modifications to plans as required by Condition 18, Drainage and Assets;*
- j) *All of the relevant requirements of the Sustainable Management Plan as detailed in Condition 5 of this report;*
- k) *Landscape Plan in accordance with Condition 6, including the following:*
  - i. *Provision for screen planting along the eastern boundary (shared boundary with 5 Elland Avenue);*
- l) *All modifications to plans in accordance with Condition 16 (Waste Management Plan);*
- m) *All modifications to plans in accordance with Condition 12 (Acoustic Report);*
- n) *A detailed design plan for the pedestrian-links between Bruce Street and Elland Avenue and Elland Avenue and Hilton Lane, (Condition 11) (where relevant to show on plans).*

*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 use and development as shown on the endorsed plans must not be altered (unless the Whitehorse Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.*

**Affordable Housing**

- 3. *All dwellings nominated for 'affordable housing' must be used for affordable housing only, to the satisfaction of the Responsible Authority.*

**Car Parking Management Plan**

- 4. *Prior to the commencement of any buildings or demolition works, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and waste collection bays will be allocated and managed, must be submitted to and approved by Council.*

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

- i. *Allocation of all parking spaces (except visitor spaces) to individual dwellings and procedures to allocate disabled car spaces to residents/visitors as required.*
- ii. *Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, direction signs and/or physical barriers.*
- iii. *Allocation of bicycle spaces to tenancies and visitors.*

**9.1.1**  
(cont)

- iv. Directional signs to car and bicycle parking spaces and facilities.*
- v. Location of bicycle parking signs in accordance with Clause 52.34-5*
- vi. Line marking of parking spaces.*
- vii. How parking will be secured and details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors and delivery vehicles as required (via an intercom).*
- viii. Details of how access to the waste collection areas will be achieved by waste collection vehicles and how these areas will be secured.*
- ix. Advise where delivery vehicles and moving vans serving the dwellings will park. These vehicles must be able to park for a reasonable period of time in convenient locations.*
- x. How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*

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

*The requirements of the Parking Management Plan must be implemented by the building manager, owners and occupiers of the site for the life of the building, to the satisfaction of the Responsible Authority.*

**Sustainable Management Plan**

- 5. 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:**
  - i. A STORM Rating Report with a score of at least 100% or equivalent.*
  - ii. 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 Indoor Environment Quality (IEQ).*
  - iii. Provide Preliminary NatHERS Assessments for 10% of the total amount of dwellings a part of the development. Ensure that the energy efficiency provisions of the Apartment Design Guidelines for Victoria 2017 are satisfied.*
  - iv. Provide a Preliminary BCA Section J Energy Efficiency Assessment which details indicative commitments towards thermal performance (i.e. R-values), artificial lighting, ventilation and glazing (utilisation of BCA Glazing Calculator indicating U- and SHGC- values) for non-residential areas.*
  - v. Provide glazing specifications including SHGC, VLT and U-values and ensure that such values are consistent with Daylight Modelling, Preliminary NatHERS, Section J / JV3 Energy Efficiency Modelling inputs, as well as, Development Plans.*
  - vi. Room Depth, Window and Natural Ventilation provisions of the Apartments Design Guidelines for Victoria 2017 are satisfied to ensure acceptable Indoor Environmental Quality.*
  - vii. Control car park ventilation with CO sensors.*
  - viii. Control car park lighting (at least 75% of lighting fixtures) with motion sensors.*
  - ix. Commit to controlling all common, service and lift area lighting with sensors/timers.*
  - x. Commit to controlling common, service and lift area ventilation with sensors/timers.*
  - xi. Commit to the inclusion of energy efficient heating and cooling systems indicating the associated COP and EER values and/or star ratings.*

**9.1.1**  
(cont)

- xii. Commit to the inclusion of renewable energy technologies having specified energy efficient solar hot water heaters.*
- xiii. Commit to the inclusion of water efficient fixtures and appliances indicating the associated WELS ratings.*
- xiv. Connect the rainwater tanks to a sufficient amount of toilet flushing systems, irrigation and bin wash-down areas.*
- xv. Commit to diverting at least 80% of construction/demolition waste from landfill.*
- xvi. 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 AS/NZS 6400:2016 of 1 full- and 4 half-flushes per person per day (providing 17.5 L/person/day for a 4 star WELS rated toilet). A rainwater tank size should be selected based on calculations, ensuring adequate reliability of supply is maintained with respect to managing potential overflow and considering the development's potable water demand. The rainwater should cater for all non-residential and a sufficient amount of residential toilets, as well as, facilitate irrigative and bin wash-down areas.*

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

*The requirements of the SMP 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 building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.*

**Landscape Plan**

- 6. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:**
  - a) Notate the type, location, quantity, height at maturity and botanical names of all proposed plants. Shade tolerant species are recommended for the ground floor;*
  - b) Nomination of all proposed services.*
  - c) Details of all containerised planting infrastructure.*
  - d) Demonstration that the garden areas on Level 10 and level 11 are capable of holding the deep root zone of the tree sizes shown.*
  - e) Notate reticulated irrigation (recycled) water systems for planter boxes in accordance with condition 6XIV and 6XVI.*
  - f) Play equipment or playable elements such as sculptures for children residing or visiting the building.*
  - g) Cross section of proposed spa pool located on Level 11.*
  - h) Confirm any green façade elements;*
  - i) Show the materiality of the proposed pedestrian link spaces;*
  - j) Detail the design (including the provision of sections) and layout of the common area, planters and ground level planting areas;*
  - k) Provide a specification of works to be undertaken prior to planting;*
  - l) Further detail on any sustainable treatments and water harvesting methods ;and*

**9.1.1**  
(cont)

- m) Detail plant/planting maintenance schedules and requirements to the satisfaction of the Responsible Authority.*
- 7. Prior to the occupation of the approved building, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:**
  - a) Irrigation system/program for street trees and street level garden beds, including details of frequency and water delivery method.*
  - b) Details of the ongoing maintenance procedures to ensure that the garden areas at Level 6 healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
  - c) Irrigation frequency and delivery method.*
  - d) Drainage.*
- 8. Before the building is occupied, or by a specified later date, as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must achieve at all times:**
  - a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;*
  - b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and*
  - c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.*
- 9. Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along all site's frontages must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. Pavement areas, lighting, landscaping, signage and materials must be consistent with the Box Hill Urban Realm Treatment Guidelines, to the satisfaction of the Responsible Authority.**
- 10. No street tree may be removed without the prior written consent of the Responsible Authority.**
- 11. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a detailed design plan for the through-links, between Bruce Street and Elland Avenue and Elland Avenue and Hilton Lane (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed design plan will be endorsed and will form part of this permit and must then be maintained to the satisfaction of the Responsible Authority. The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24 hour public access for the through-link, between Bruce Street and Elland Avenue and Elland Avenue and Hilton Lane.**

### **9.1.1** (cont)

#### **Acoustic Report**

**12. Prior to the commencement of any buildings or demolition works, an amended Acoustic Report must be submitted to and approved by the Responsible Authority. This report must be generally in accordance with the acoustic report submitted with the application but amended to include the following changes:**

- a) A revised noise impact assessment against the assessed plans dated 28<sup>th</sup> July 2018, Revision 2, prepared by Hayball Pty Ltd.**

**The requirements/recommendations of Acoustic report must be illustrated (as appropriate) on the plans and elevations submitted for endorsement and be implemented to the satisfaction of the Responsible Authority.**

#### **Wind Impact Assessment Report**

**13. Prior to the commencement of the development, a Wind Impact Assessment Report, prepared by a suitably qualified professional, must be submitted to and endorsed by the Responsible Authority. The Wind Impact Assessment Report must be amended to include an Executive Summary to address the following:**

- a) The wind impact assessment was undertaken in accordance with the Australian Wind Engineering Society Quality Assurance Manual (AWES-QAM-2001) with mitigation measures/ features incorporated;**

- b) Achievement of the following outcomes indicating:**

- i. Walking comfort along in the streetscapes surrounding the Development demonstrating that peak gust wind speeds shall not be exceeded for greater than 1% of the number of hours per year;**
- ii. Standing comfort at main building entrances/exits demonstrating that peak gust wind speeds shall not be exceeded for greater than 1% of the number of hours per year;**
- iii. Sitting comfort within outdoor seating areas of the café demonstrating that peak gust wind speeds shall not be exceeded for greater than 1% of the number of hours per year;**
- iv. A minimum of walking comfort on communal terraces demonstrating that peak gust wind speeds shall not be exceeded for greater than 5% of the number of hours per year;**
- v. A minimum of standing and sitting comfort on communal terraces with areas intended for stationary activities (e.g. seating, BBQ, etc.) demonstrating that peak gust wind speeds shall not be exceeded for greater than 10% (standing) and 15% (sitting) of the number of hours per year; and**
- vi. A minimum of standing comfort on private balconies demonstrating that peak gust wind speeds shall not be exceeded for greater than 10% of the number of hours per year.**

- c) Wind tunnel measurements, when modelling utilising local data, at areas specified under (b) to provide estimates on which dwellings, number of days and number hours per year that relevant comfort criteria specified (i.e. walking/standing/sitting) shall be exceeded.**

- d) Where existing wind conditions in the surrounding streetscapes already exceed the walking comfort criterion, the Development must not make these conditions worse.**

**The requirements and outcomes of the Wind Impact Assessment Report must be demonstrated on the plans and elevations submitted for endorsement.**

**9.1.1**  
(cont)

***Once submitted to and approved by the Responsible Authority, the Wind Impact Assessment Report will form part of the documents endorsed as part of this planning permit.***

***The requirements of the Wind Impact Assessment Report 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.***

- 14. The recommendations within the Wind Impact Assessment Report must be implemented such that:**
- a) There is no cost to the Responsible Authority.**
  - b) There is no reliance on the provision of street trees for wind mitigation.**
  - c) There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.**
  - d) Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over relevant property boundaries.**

**Construction Management Plan (CMP)**

- 15. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Construction Management Plan (CMP), detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by Council.**

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

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

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

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

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

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

### **9.1.1** (cont)

#### **Waste Management Plan**

- 16. The requirements of the endorsed Waste Management Plan, forming part of this permit, 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.**

#### **Drainage and assets**

- 17. 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.**
- 18. 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.**
- 19. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 20. 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.**
- 21. 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.**
- 22. The sketch amendments and levels to the ground floor shown on the plan submitted with the Report by Afflux Consulting must be adhered to. The issue date of this ground floor plan was the 30/10/2018. All plans submitted by the Architect must reflect this plan.**
- 23. An impermeable wall for flood protection must be constructed within the subject site adjacent to the café proposed for the north - west corner of the site. The walls must be constructed at least 300mm above the 1% Annual Exceedance Probability (AEP) flood level within Bruce Street.**
- 24. Location and design of electrical substation, not to be located along any street frontages, and to the satisfaction of the Responsible Authority.**
- 25. The floodway from Hiltons Lane to Elland Avenue proposed for the eastern boundary of the development must be impermeable and the top of the channels wall must be constructed at least 300mm above the 1% Annual Exceedance Probability (AEP) flood level shown in Afflux Consulting's Report. A drainage easement/floodway in favour of Whitehorse City Council must be created over the full width and length of the channel.**
- 26. The main switchboard and substation must be constructed at least 300mm above the 1% AEP flood level. Any variations to this floor level must be approved by a Registered Building Surveyor.**

### **9.1.1**

(cont)

- 27. The wall on the southern boundary of the building adjacent to the office (south-west corner) and the store (numbered 21) and wall hung (numbered 31) must be flood proofed/tanked to at least 300mm above the 1% AEP top water level in the adjacent channel.**
- 28. All fences must not impede overland flow/floodwaters.**
- 29. The floodway/channel on the southern boundary of the property must be impermeable and the top of the channels walls must be constructed at least 300mm above the 1% Annual Exceedance Probability (AEP) flood level shown in Afflux Consulting's Report. A drainage easement/floodway in favour of Whitehorse City Council must be created over the full width and length of the channel.**
- 30. The wall on Bruce Street and adjacent to the channel for the office on south west boundary of the site must be impervious and be constructed at least 300mm above the 1% AEP flood level in Bruce Street and the adjacent proposed floodway/channel.**
- 31. Landscaping is not permitted within either of the floodway/channels.**

#### **Amenity**

- 32. 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,
  - d) In any other way.**
- 33. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**
- 34. Where a residential area will be impacted by noise from deliveries to the commercial tenancies, the deliveries must be inaudible in a habitable room of any residential premises (regardless of whether any door or window giving access to the room is open).**
- 35. The deliveries to the commercial tenancies shall occur between the following hours:
  - a) 7.00am to 10.00pm Monday to Saturday.
  - b) 9.00am to 10.00pm Sundays and Public Holidays**
- 36. Noise from any fixed domestic plant must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open) during prohibited hours prescribed by the Environment Protection (Residential Noise) Regulations 2008 and the Public Health and Wellbeing Act 2008.**

#### **Building Services**

- 37. The development must provide the capacity for television signal distribution to each dwelling unit and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.**
- 38. Noise emissions from the proposed development must not exceed the limits set out in the Environmental Protection Authority's State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No-N1. (Sepp N1).**

## **9.1.1**

(cont)

39. *All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.*
40. *All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.*

### **Acoustic Treatment**

41. *Prior to the commencement of the development, an updated Acoustics Assessment prepared by Acoustic Logic referencing the approved plans must be submitted to, and be to, the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards – AS1191.*
42. *Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development has been constructed in accordance with the updated Acoustics Assessment.*

### **Yarra Valley Water**

#### **Water**

43. *The owner of the subject land must enter into an Agreement with Yarra Valley Water for the provision of water services.*

#### **Sewerage**

44. *The owner of the land must enter into an Agreement with Yarra Valley Water for the provision of sewerage services.*

#### **Expiry**

45. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within three (3) years from the date of issue of this permit;*
  - b) *The development is not completed within three (3) years from the commencement of the development.*
  - c) *The office use has not commenced within one year of the completion of the development.*

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

## 9.1.1

(cont)

### COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Davenport

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

- A Being the Responsible Authority, having caused Application WH/2018/193 for 2-4 Bruce Street, BOX HILL (Lot 1 LP 9063 16, Lot 2 LP 9063, Lot 1 TP 551888K, Lot 1 TP 954306) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for buildings and works to construct two towers (10 storey and 19 storey) to provide 235 dwellings and part use of the land for the purpose of office 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 2-4 Bruce Street, BOX HILL (Lot 1 LP 9063 16, Lot 2 LP 9063, Lot 1 TP 551888K, Lot 1 TP 954306) for buildings and works to construct two towers (10 storey and 19 storey) to provide 235 dwellings and part use of the land for the purpose of office, subject to the following conditions:***
- 1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Hayball Pty Ltd received by Council on 17<sup>th</sup> August 2018 but modified to show:***
    - a) Incorporation of green walls into the buildings external design and function. This design treatment is to achieve increased ESD outcomes and improved visual interest, and be designed to reflect and articulate a harmonious design outcome that reflects the landscape values of the surrounding areas, to the satisfaction of the Responsible Authority. These green wall elements are to be designed having regard to the requirements contained in Conditions 6 and 7 as they relate to the provision of a Landscape Plan and Landscape Maintenance Plan.***
    - b) Screening measures to prevent overlooking of the secluded private open space for the property immediately to the east (5 Elland Road) in accordance with Standard B22 at Clause 55.04-6 of the Whitehorse Planning Scheme.***
    - c) Roof plan illustrating all plant and equipment with screening provided ensuring views from all street frontages are obscured;***
    - d) A materials sample board of external materials and finishes of key elements of the facade system at the ground, middle and upper levels including details of the proposed metal cladding;***
    - e) Details regarding the proposed Mural Art Work to wall, west of the accessway, north of the residential entry lobby (eastern building);***
    - f) Specifications of the vehicular entry door;***
    - g) Transport requirements of:***
      - i. Varying the numbering of car parking spaces at each basement level, spaces for easy identification (and in accordance with condition 5);***
      - ii. Lengths of each ramp grade and gradient ratio for level 3 basement;***
      - iii. Provision for end of trip services/ facilities for the office tenancies;***
    - h) All relevant requirements of the Lighting Strategy, public realm treatments and signage details;***

**9.1.1**  
(cont)

- i) All modification to the plans as specified in Condition 32, Green Travel Plan, including the following:
  - i. Provision for the inclusion of solar photovoltaic systems, to be located at the rooftop of the western building, and be connected to power the electric vehicles (EVs) charging station specified under Condition 32.*
  - ii. Provision of electric car sharing facilities for the use by residents of the buildings.**
- j) All modifications to the plans as specified in Condition 14, amendment to the Wind Impact Assessment Report;*
- k) All modifications to plans as required by Condition 18, Drainage and Assets;*
- l) Landscape Plan in accordance with Condition 6, including the following:
  - i. Provision for screen planting along the eastern boundary (shared boundary with 5 Elland Avenue);*
  - ii. Provision for upper level, vertical landscape planting along the northern and western elevations, via the proposed rooftop communal gardens at level 10 and 11 respectively.**
- m) Landscape Plan in accordance with Condition 6, including the following:
  - i. Provision for screen planting along the eastern boundary (shared boundary with 5 Elland Avenue);**
- n) All modifications to plans in accordance with Condition 16 (Waste Management Plan);*
- o) All modifications to plans in accordance with Condition 12 (Acoustic Report);*
- p) A detailed design plan for the pedestrian-links between Bruce Street and Elland Avenue and Elland Avenue and Hilton Lane, (Condition 11) (where relevant to show on plans).*

*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 use and development as shown on the endorsed plans must not be altered (unless the Whitehorse Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.*

**Affordable Housing**

- 3. All dwellings nominated for 'affordable housing' must be used for affordable housing only, to the satisfaction of the Responsible Authority.*

**Car Parking Management Plan**

- 4. Prior to the commencement of any buildings or demolition works, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and waste collection bays will be allocated and managed, must be submitted to and approved by Council.*

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

- i. Allocation of all parking spaces (except visitor spaces) to individual dwellings and procedures to allocate disabled car spaces to residents/visitors as required.*
- ii. Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, direction signs and/or physical barriers.*

### **9.1.1** (cont)

- iii. Allocation of bicycle spaces to tenancies and visitors.*
- iv. Directional signs to car and bicycle parking spaces and facilities.*
- v. Location of bicycle parking signs in accordance with Clause 52.34-5*
- vi. Line marking of parking spaces.*
- vii. How parking will be secured and details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors and delivery vehicles as required (via an intercom).*
- viii. Details of how access to the waste collection areas will be achieved by waste collection vehicles and how these areas will be secured.*
- ix. Advise where delivery vehicles and moving vans serving the dwellings will park. These vehicles must be able to park for a reasonable period of time in convenient locations.*
- x. How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*

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

*The requirements of the Parking Management Plan must be implemented by the building manager, owners and occupiers of the site for the life of the building, to the satisfaction of the Responsible Authority.*

#### **Sustainable Management Plan**

- 5. 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:**
  - i. A STORM Rating Report with a score of at least 100% or equivalent.*
  - ii. 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 Indoor Environment Quality (IEQ).*
  - iii. Provide Preliminary NatHERS Assessments for 10% of the total amount of dwellings a part of the development. Ensure that the energy efficiency provisions of the Apartment Design Guidelines for Victoria 2017 are satisfied.*
  - iv. Provide a Preliminary BCA Section J Energy Efficiency Assessment which details indicative commitments towards thermal performance (i.e. R-values), artificial lighting, ventilation and glazing (utilisation of BCA Glazing Calculator indicating U- and SHGC- values) for non-residential areas.*
  - v. Provide glazing specifications including SHGC, VLT and U-values and ensure that such values are consistent with Daylight Modelling, Preliminary NatHERS, Section J / JV3 Energy Efficiency Modelling inputs, as well as, Development Plans.*
  - vi. Room Depth, Window and Natural Ventilation provisions of the Apartments Design Guidelines for Victoria 2017 are satisfied to ensure acceptable Indoor Environmental Quality.*
  - vii. Control car park ventilation with CO sensors.*
  - viii. Control car park lighting (at least 75% of lighting fixtures) with motion sensors.*
  - ix. Commit to controlling all common, service and lift area lighting with sensors/timers.*
  - x. Commit to controlling common, service and lift area ventilation with sensors/timers.*

### **9.1.1**

(cont)

- xi. Commit to the inclusion of energy efficient heating and cooling systems indicating the associated COP and EER values and/or star ratings.*
- xii. Commit to the inclusion of renewable energy technologies having specified energy efficient solar hot water heaters.*
- xiii. Commit to the inclusion of water efficient fixtures and appliances indicating the associated WELS ratings.*
- xiv. Connect the rainwater tanks to a sufficient amount of toilet flushing systems, irrigation and bin wash-down areas.*
- xv. Commit to diverting at least 80% of construction/demolition waste from landfill.*
- xvi. 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 AS/NZS 6400:2016 of 1 full- and 4 half-flushes per person per day (providing 17.5 L/person/day for a 4 star WELS rated toilet). A rainwater tank size should be selected based on calculations, ensuring adequate reliability of supply is maintained with respect to managing potential overflow and considering the development's potable water demand. The rainwater should cater for all non-residential and a sufficient amount of residential toilets, as well as, facilitate irrigative and bin wash-down areas.*

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

*The requirements of the SMP 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 building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.*

#### **Landscape Plan**

- 6. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:*
  - a) Notate the type, location, quantity, height at maturity and botanical names of all proposed plants. Shade tolerant species are recommended for the ground floor;*
  - b) Nomination of all proposed services.*
  - c) Details of all containerised planting infrastructure.*
  - d) Demonstration that the garden areas on Level 10 and level 11 are capable of holding the deep root zone of the tree sizes shown.*
  - e) Notate reticulated irrigation (recycled) water systems for planter boxes in accordance with condition 6XIV and 6XVI.*
  - f) Play equipment or playable elements such as sculptures for children residing or visiting the building.*
  - g) Cross section of proposed spa pool located on Level 11.*
  - h) Confirm any green façade elements;*
  - i) Show the materiality of the proposed pedestrian link spaces;*
  - j) Detail the design (including the provision of sections) and layout of the common area, planters and ground level planting areas;*
  - k) Provide a specification of works to be undertaken prior to planting;*
  - l) Further detail on any sustainable treatments and water harvesting methods ;and*

**9.1.1**  
(cont)

- m) Detail plant/planting maintenance schedules and requirements to the satisfaction of the Responsible Authority.*
  - n) For green walls and above ground containerised planting, include:*
    - i. Plans and cross-sections of planting containers, and calculated soil volume per container.*
    - ii. Structural engineering report and weight loading allowing for mature plant growth and potential flooding of containers.*
    - iii. Irrigation frequency and delivery method.*
    - iv. Drainage of planting containers.*
    - v. Substrate: suitability for species selection in relation to nutrients and irrigation requirements.*
    - vi. Mulch type, depth and weight.*
    - vii. Anchoring of all containers and containerised plants above ground level to resist high winds.*
    - viii. Microclimate and effect on plant health.*
    - ix. Maintenance procedures, including access for staff and equipment, and safety/anchoring measures required to access landscaping above ground level.*
- 7. Prior to the occupation of the approved building, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:**
- a) Irrigation system/program for street trees and street level garden beds, including details of frequency and water delivery method.*
  - b) Details of the ongoing maintenance procedures to ensure that the garden areas at Level 6 healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
  - c) Irrigation frequency and delivery method.*
  - d) Drainage.*
  - e) Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method.*
  - f) Details of the ongoing maintenance procedures to ensure that the green walls remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
    - i. Irrigation frequency and delivery method.*
    - ii. Drainage.*
    - iii. Maintenance frequency and procedures including how access will be achieved to the green wall, including scaffolding and/or access and parking location of a scissor lift or cherry picker or other access method as required.*
- 8. Before the building is occupied, or by a specified later date, as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must achieve at all times:**
- a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;*
  - b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and*
  - c) Replacing any dead, diseased, dying or damaged plants,*

**9.1.1**  
(cont)

*to the satisfaction of the Responsible Authority.*

9. *Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along all site's frontages must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. Pavement areas, lighting, landscaping, signage and materials must be consistent with the Box Hill Urban Realm Treatment Guidelines, to the satisfaction of the Responsible Authority.*
10. *No street tree may be removed without the prior written consent of the Responsible Authority.*
11. *Before the development commences, or by such later date as approved in writing by the Responsible Authority, a detailed design plan for the through-links, between Bruce Street and Elland Avenue and Elland Avenue and Hilton Lane (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed design plan will be endorsed and will form part of this permit and must then be maintained to the satisfaction of the Responsible Authority. The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24 hour public access for the through-link, between Bruce Street and Elland Avenue and Elland Avenue and Hilton Lane.*

**Acoustic Report**

12. *Prior to the commencement of any buildings or demolition works, an amended Acoustic Report must be submitted to and approved by the Responsible Authority. This report must be generally in accordance with the acoustic report submitted with the application but amended to include the following changes:*

- a) *A revised noise impact assessment against the assessed plans dated 28<sup>th</sup> July 2018, Revision 2, prepared by Hayball Pty Ltd.*

*The requirements/recommendations of Acoustic report must be illustrated (as appropriate) on the plans and elevations submitted for endorsement and be implemented to the satisfaction of the Responsible Authority.*

**Wind Impact Assessment Report**

13. *Prior to the commencement of the development, a Wind Impact Assessment Report, prepared by a suitably qualified professional, must be submitted to and endorsed by the Responsible Authority. The Wind Impact Assessment Report must be amended to include an Executive Summary to address the following:*
  - b) *The wind impact assessment was undertaken in accordance with the Australian Wind Engineering Society Quality Assurance Manual (AWES-QAM-2001) with mitigation measures/ features incorporated;*
  - c) *Achievement of the following outcomes indicating:*
    - i. *Walking comfort along in the streetscapes surrounding the Development demonstrating that peak gust wind speeds shall not be exceeded for greater than 1% of the number of hours per year;*
    - ii. *Standing comfort at main building entrances/exits demonstrating that peak gust wind speeds shall not be exceeded for greater than 1% of the number of hours per year;*
    - iii. *Sitting comfort within outdoor seating areas of the café demonstrating that peak gust wind speeds shall not be exceeded for greater than 1% of the number of hours per year;*

**9.1.1**  
(cont)

- iv. A minimum of walking comfort on communal terraces demonstrating that peak gust wind speeds shall not be exceeded for greater than 5% of the number of hours per year;*
- v. A minimum of standing and sitting comfort on communal terraces with areas intended for stationary activities (e.g. seating, BBQ, etc.) demonstrating that peak gust wind speeds shall not be exceeded for greater than 10% (standing) and 15% (sitting) of the number of hours per year; and*
- vi. A minimum of standing comfort on private balconies demonstrating that peak gust wind speeds shall not be exceeded for greater than 10% of the number of hours per year.*
- d) Wind tunnel measurements, when modelling utilising local data, at areas specified under (b) to provide estimates on which dwellings, number of days and number hours per year that relevant comfort criteria specified (i.e. walking/standing/sitting) shall be exceeded.*
- e) Where existing wind conditions in the surrounding streetscapes already exceed the walking comfort criterion, the Development must not make these conditions worse.*

*The requirements and outcomes of the Wind Impact Assessment Report must be demonstrated on the plans and elevations submitted for endorsement.*

*Once submitted to and approved by the Responsible Authority, the Wind Impact Assessment Report will form part of the documents endorsed as part of this planning permit.*

*The requirements of the Wind Impact Assessment Report 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.*

- 14. The recommendations within the Wind Impact Assessment Report must be implemented such that:**
- a) There is no cost to the Responsible Authority.*
  - b) There is no reliance on the provision of street trees for wind mitigation.*
  - c) There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.*
  - d) Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over relevant property boundaries.*

**Construction Management Plan (CMP)**

- 15. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Construction Management Plan (CMP), detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by Council.**

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

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

### **9.1.1** (cont)

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

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

*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.*

#### **Waste Management Plan**

- 16. The requirements of the endorsed Waste Management Plan, forming part of this permit, 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.*

#### **Drainage and assets**

- 17. 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.*
- 18. 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.*
- 19. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
- 20. 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.*
- 21. 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.*

### **9.1.1**

(cont)

- 22. The sketch amendments and levels to the ground floor shown on the plan submitted with the Report by Afflux Consulting must be adhered to. The issue date of this ground floor plan was the 30/10/2018. All plans submitted by the Architect must reflect this plan.**
- 23. An impermeable wall for flood protection must be constructed within the subject site adjacent to the café proposed for the north - west corner of the site. The walls must be constructed at least 300mm above the 1% Annual Exceedance Probability (AEP) flood level within Bruce Street.**
- 24. Location and design of electrical substation, not to be located along any street frontages, and to the satisfaction of the Responsible Authority.**
- 25. The floodway from Hiltons Lane to Elland Avenue proposed for the eastern boundary of the development must be impermeable and the top of the channels wall must be constructed at least 300mm above the 1% Annual Exceedance Probability (AEP) flood level shown in Afflux Consulting's Report. A drainage easement/floodway in favour of Whitehorse City Council must be created over the full width and length of the channel.**
- 26. The main switchboard and substation must be constructed at least 300mm above the 1% AEP flood level. Any variations to this floor level must be approved by a Registered Building Surveyor.**
- 27. The wall on the southern boundary of the building adjacent to the office (south-west corner) and the store (numbered 21) and wall hung (numbered 31) must be flood proofed/tanked to at least 300mm above the 1% AEP top water level in the adjacent channel.**
- 28. All fences must not impede overland flow/floodwaters.**
- 29. The floodway/channel on the southern boundary of the property must be impermeable and the top of the channels walls must be constructed at least 300mm above the 1% Annual Exceedance Probability (AEP) flood level shown in Afflux Consulting's Report. A drainage easement/floodway in favour of Whitehorse City Council must be created over the full width and length of the channel.**
- 30. The wall on Bruce Street and adjacent to the channel for the office on south west boundary of the site must be impervious and be constructed at least 300mm above the 1% AEP flood level in Bruce Street and the adjacent proposed floodway/channel.**
- 31. Landscaping is not permitted within either of the floodway/channels.**

#### **Green Travel Plan**

- 32. Prior to occupation of the development, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Green Travel Plan is to include details of design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport and car pooling) available to residents and visitors. The Green Travel Plan must include, but not be limited to the following:**
  - a) Education and awareness initiatives and incentives for residents and visitors to encourage more sustainable modes of travel to/from the site.**
  - b) Management practices identifying sustainable transport alternatives, to include but not be limited to, electric car sharing facilities for resident use.**
  - c) Provision for two (2) electric vehicle (EV) charging facilities, located within the basement parking, and powered if not solely, predominantly through solar power generated through the solar PV panels on the building rooftop.**

### **9.1.1**

(cont)

- d) *Lobby areas of building to include real time information of train, tram and bus services.*
- e) *Details of bicycle spaces for visitors and residents.*
- f) *Allocation of parking for food and drink premises and restaurant tenancies to be provided within the on-site car park.*
- g) *Employee and resident packs (e.g. myki cards for new residents/workers);*
- h) *Any other relevant matters.*

*When approved to the satisfaction of the Responsible Authority, the plan will be part of the documents endorsed as part of this planning permit. The Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.*

#### **Amenity**

- 33. *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,*
  - d) *In any other way.*
- 34. *The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.*
- 35. *Where a residential area will be impacted by noise from deliveries to the commercial tenancies, the deliveries must be inaudible in a habitable room of any residential premises (regardless of whether any door or window giving access to the room is open).*
- 36. *The deliveries to the commercial tenancies shall occur between the following hours:*
  - a) *7.00am to 10.00pm Monday to Saturday.*
  - b) *9.00am to 10.00pm Sundays and Public Holidays*
- 37. *Noise from any fixed domestic plant must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open) during prohibited hours prescribed by the Environment Protection (Residential Noise) Regulations 2008 and the Public Health and Wellbeing Act 2008.*

#### **Building Services**

- 38. *The development must provide the capacity for television signal distribution to each dwelling unit and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.*
- 39. *Noise emissions from the proposed development must not exceed the limits set out in the Environmental Protection Authority's State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No-N1. (Sepp N1).*

## **9.1.1**

(cont)

40. *All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.*
41. *All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.*

### Acoustic Treatment

42. *Prior to the commencement of the development, an updated Acoustics Assessment prepared by Acoustic Logic referencing the approved plans must be submitted to, and be to, the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards – AS1191.*
43. *Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development has been constructed in accordance with the updated Acoustics Assessment.*

### Yarra Valley Water

#### Water

44. *The owner of the subject land must enter into an Agreement with Yarra Valley Water for the provision of water services.*

#### Sewerage

45. *The owner of the land must enter into an Agreement with Yarra Valley Water for the provision of sewerage services.*

#### Expiry

46. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within three (3) years from the date of issue of this permit;*
  - b) *The development is not completed within three (3) years from the commencement of the development.*
  - c) *The office use has not commenced within one year of the completion of the development.*

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

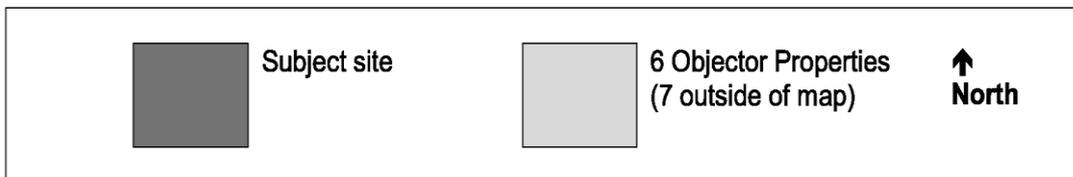
**CARRIED UNANIMOUSLY**

**9.1.1**  
(cont)

MELWAYS REFERENCE 47-C9

Applicant:	Contour Consultants Aust Pty Ltd
Zoning:	Mixed Use Zone (MUZ) Residential Growth Zone (RGZ)
Overlays:	Parking Overlay (PO)
Relevant Clauses:	
Clause 11	Settlement
Clause 11.03-01S	Activity centres
Clause 15	Built Environment and Heritage
Clause 15.01-2S	Building Design
Clause 15.01-4R	Healthy Neighbourhoods – Metropolitan Melbourne
Clause 15.01-5S	Neighbourhood character
Clause 16	Housing
Clause 16.01	Residential Development
Clause 16.01-1S	Integrated housing
Clause 16.01-03S	Housing diversity
Clause 16.01-2S	Location of residential development
Clause 16.01-4S	Housing affordability
Clause 17	Economic development
Clause 17.01-1R	Diversified economy – Metropolitan Melbourne
Clause 18	Transport
Clause 18.01-01S	Land use and transport planning
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 22.07	Box Hill Metropolitan Activity Centre
Clause 22.10	Environmentally Sustainable Development
Clause 32.04	Mixed use Zone
Clause 32.07	Residential Growth Zone
Clause 52.06	Car Parking
Clause 52.34	Bicycle Facilities
Clause 58	Apartment Developments
Clause 65	Decision Guidelines
Ward:	Elgar

**9.1.1**  
(cont)



### 9.1.1 (cont)

## BACKGROUND

### History

The land was previously in the Public Use Zone, and Council undertook Amendment C185 which rezoned the land to the Mixed Use Zone. This Amendment was gazetted in December, 2016.

The City of Whitehorse is the current owner of the land and has entered into a contract of sale with the permit applicant to sell the land subject to conditions, in accordance with requirements of the Local Government Act 1989.

The contract of sale refers to a set of agreed "concept plans" which depict the proposed site layout, land use composition and development envelope. In addition, the proposed development is required to comply with the 'Bruce Street Box Hill Affordable Built Form and Urban Design Form Guidelines', as prepared by Council.

### The Site and Surrounds

The subject site (site) is located with frontages to Bruce Street, Elland Avenue and Hiltons Lane in Box Hill. The site is known as 2 -4 Bruce Street and is derived from four titles, comprising of a total land area of approximately 2,504sqm (Lot 1 LP 9063, Lot 2 LP 9063; Lot 1 TP 954306 and Lot 1 TP551888K).

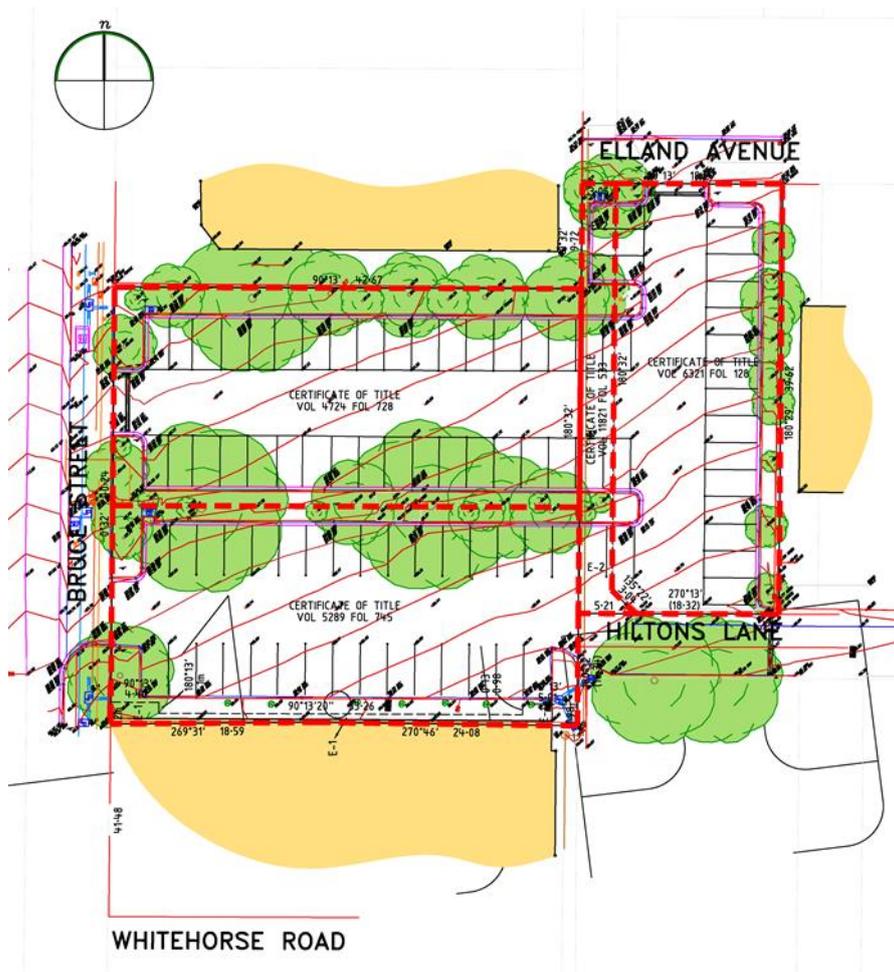


Figure 1 – Survey Plan, showing title boundaries and lot numbers

### **9.1.1** (cont)

An at-grade public car park currently occupies the subject site. The site has a gradual fall of approximately 2.5 metres from the south-east to the north-west. The site is currently benefited from two double crossovers, located along Bruce Street frontage, one double crossover providing access to and from Elland Avenue and Hilton Lane providing the third access point, offering the site direct access to Station Street. There are a number of existing trees located along the perimeter of the site and within the central island divider.

Bruce Street spans the western boundary of the land and is currently a two way street, becoming one way beyond the south side of the site.

The site is located within the Major Development Precinct designated by the Box Hill Activity Centre Transit City Structure Plan 2007 (Box Hill Structure Plan). The Box Hill Metropolitan Activity Centre provides retail, education, office, civic, medical, community service, entertainment, dining and recreational opportunities for the regional population, as well as a hub for local community activities.

The subject land is strategically located along the Melbourne to Lilydale and Belgrave rail lines, Whitehorse Road and the 109 tram route, which jointly form the spine of an area of intensive economic activity that extends through Melbourne's eastern suburbs. The Box Hill Train Station and Bus Interchange are located approximately 200 metres to the south of the subject site. Box Hill Gardens are located 100 metres to the north of the subject site, and Kingsley Gardens are located 700 metres to the west. Surrey Park, located 900 metres to the south of the site, includes both formal and informal recreation activities.

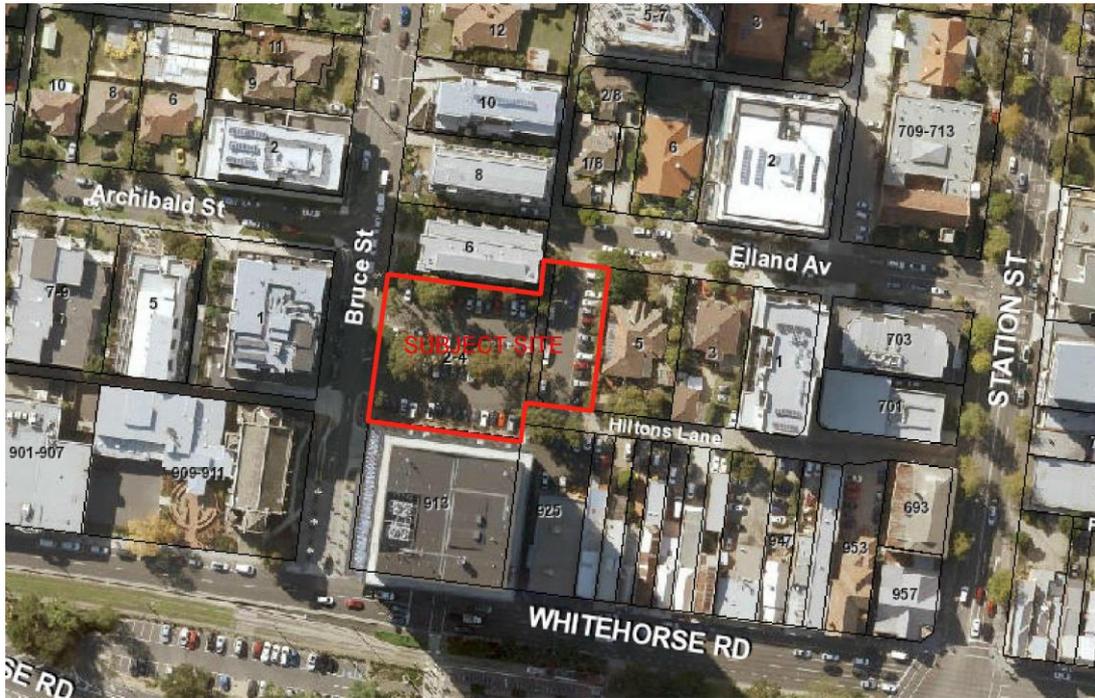
Within this context, the site has the following interfaces:

- North: 6 Bruce Street, occupied by a four level student accommodation building.
- South: 913 Whitehorse Road, occupied by the Australian Taxation Office building ("ATO Building") at 20 levels in height.
- East: 5 Elland Avenue, which is occupied by a single-storey dwelling but included in the 'Substantial Change' area in the Residential Growth Zone with no mandatory height limit.
- West: 1 Archibald Street, which is occupied by a part nine and part 10 storey apartment building with associated car parking.

Within the surrounding area, there are examples of higher-scale development either existing or under construction or approved, including:

- 9 -11 Bruce Street - nine storey apartment building
- 2 Archibald Street (corner of Bruce Street) -nine storey apartment building
- 8 Bruce Street -five storey apartment building
- 10 Bruce Street -four storey apartment building
- 1 Elland Avenue - nine storey apartment building
- 2 Elland Avenue - nine storey apartment building
- 5 Irving Avenue -part eight and part nine storey apartment building

**9.1.1**  
(cont)



**Figure 2 – Aerial photograph**

**Planning Controls**

The subject site is largely zoned Mixed Use (MUZ), with the exception of a small triangle section, north-west corner of the site, abutting 6 Bruce Street zoned Residential Growth – Schedule 3 (RGZ3). Refer to Figure 3, below.



**Figure 3 – Zoning Map**

## 9.1.1

(cont)

### Mixed Use Zone

The purpose of the Mixed Use Zone (MUZ) encourages a *range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality*. In addition to *provide for housing at higher densities and to encourage development that responds to the existing or preferred neighbourhood character of the area*.

### Residential Growth Zone – Schedule 3 (RGZ3)

The purpose of the Residential Growth Zone is includes:

- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- To ensure residential development achieves design objectives specified in a schedule to this zone.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

According to the requirement of the RGZ3, a planning permit is required for the use of the land for Office and Food and drink premises. A planning permit is also required for, buildings works associated with a Section 2 use and for the construction of a residential building.

For the components of 'use' and 'buildings and works' within the portion of land zoned RGZ3. It is noted that the works are limited to the construction of the at grade pedestrian access link together with the proposed landscaping.

Insofar as the proposed Office and Food and drink premises uses, these will not be occurring over this portion of the site. Therefore, there is no 'use' permit trigger under the RGZ3.

Therefore, the proposed development and uses trigger permission as follows:

- As the total proposed floor area for office use is approximately 630 square metres, a permit is required for this use, pursuant to the MUZ.
- Use of the land for a 'Food and Drink Premises' is a section 1 use provided the leasable floor area does not exceed 150 square metres. As the proposed café within the development has a total floor area of approximately 84 square metres, no planning permission is required for this use.
- 'Dwelling' is included in section 1, no permit is required to use the land for the purpose of dwelling, pursuant to both the MUZ and RGZ3.
- A permit is required for the construction of two or more dwellings on a lot and residential buildings, pursuant to both zones.

The land is included in the Parking Overlay (Schedule 1), Clause 45.09.

The car parking overlay varies the car parking rates set out in Clause 52.06 (Car Parking). Applying the car parking overlay rate, the development would generate a car parking requirement of 202 car parking spaces.

The proposed development seeks to provide 210 car parking spaces. The proposed car parking provided exceeds the requirement of the car parking requirements, pursuant to Clause 45.09 – Parking Overlay. No permit is triggered under the overlay.

## 9.1.1

(cont)

### PROPOSAL

It is proposed to construct a mixed-use development comprising two attached towers of 10 and 19 storeys. The proposed towers are arranged in an L shape configuration. The proposed towers incorporate a podium of between approximately 11-16 metres (part 3-4 storeys). The key features of the proposal, as included in the revised plans (submitted on 17<sup>th</sup> August 2018), include:

- The development is arranged with two buildings above the common basement. The eastern building, with a height of 10 storeys, faces Elland Avenue and contains the affordable housing units. The western building, with a height of 19 levels, faces Bruce Street and contains a food and drink premises (café), offices and apartments. The proposed use will comprise of the following specifics:
  - A total of 235 dwellings, of which 73 dwellings are allocated for the purpose of affordable housing, comprising of a mixture of one and two bedrooms.
  - One office tenancy at ground floor level (Bruce Street frontage) and two at first-floor level, with a combined total floor area of approximately 630 square metres.
  - A food and drink premises (café) area, with direct access off Bruce Street and will comprise a total floor area of approximately 84 square metres.
- The eastern building includes a four storey street wall facing Elland Avenue and a further six levels above, set back from the boundary by approximately 3.1 metres. To the east, the building is set back from the Title boundary by approximately 4.6 metres, with encroachments for balcony spaces. To the south, the setback varies up to 1.6 metres, excluding the width of Hiltons Lane.
- The eleventh floor level includes a communal garden area.
- The western building has its primary frontage to Bruce Street. The development is set back by 1 metre from the frontage to allow for a wider footpath area and grade transition into the site. The frontage contains a café, office tenancy and residential and commercial lobbies.
- The development includes a podium of three to four storeys (height varying between 11-16 metres), with further levels set back from the street by typically 3.32 metres, and setback a minimum of 1 metre across the western façade.
- To the north, the building is set back from the boundary by at least 3.5 metres to accommodate a pedestrian walkway which provides access between Elland Avenue and Bruce Street. This setback increases at the upper levels, typically being 5 -10 metres up to Level 11 , and a minimum of 10 metres for Levels 12 -19.
- To the south, there is a 2.2 metre setback to allow for bicycle access to secure storage areas which is applied to the ground, first and second floor levels. Above the second floor, the setback ranges from 7 -12 metres.
- The ground floor includes two side access areas which is to be used as pedestrian linkage between Bruce Street and Elland Avenue and Elland Avenue to Hilton Lane.
- The overall maximum building height is:
  - Eastern Building: 34.94 metres
  - Western Building: 63.37 metres
- The proposed car parking provision is 210 spaces, which will be distributed as follows:
  - 173 x resident spaces
  - 21 x residential visitor spaces
  - 13 x office spaces
  - 3 (food and drink premises) x café spaces
- There are 84 bicycle parking spaces provided within the development provided in both publicly accessible locations and secure storage areas for residents and building occupants.

## 9.1.1

(cont)

- The hours of operation for the office and café are as follows:
  - Office: 7am to 8pm, seven days per week: and
  - Café: 6am to 7pm, seven days per week (noting that the café use does not need a permit).

### CONSULTATION

#### Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting three (3) notices, one at each of the street frontage, being Bruce Street, Elland Avenue and Hiltons Lane. Following the advertising period thirteen (13) objections were received.

The issues raised are summarised as follows:

1. Overdevelopment:
  - a) Overall height and position of development
  - b) Over supply of apartments in the area
2. Amenity impacts:
  - a) Overlooking/ loss of privacy
  - b) Overshadowing
  - c) Blocking daylight and sunlight (solar panels)
  - d) Increase noise
  - e) Building cladding is reflective
  - f) Pollution - increase dust and noise during construction
  - g) Impact on existing single storey dwelling in 5 Elland Avenue
  - h) Loss of quality of life and health
  - i) Increase risk to pedestrians:
    - i. Increase traffic
    - ii. Creating wind tunnel/wind impact
    - iii. Hazard to bicycle riders
    - iv. Security/ lack of lighting along laneway
3. Traffic/Parking:
  - a) Increase traffic problems in area
  - b) Increase traffic with additional movements on Elland Avenue
  - c) Loss of Council's public car park
  - d) Parking congestions
  - e) Lack of car parking for visitors (development and other uses in the area)
  - f) Reduction in car parking
  - g) Loss of through road access (with the closure of the existing carpark)
4. Vegetation and Landscaping:
  - a) Loss of vegetation/removal of trees and habitat for birds
  - b) Insufficient landscaping
  - c) Reduction in open space

### 9.1.1

(cont)

#### 5. Other concerns:

- a) Set precedents for height and development scale
- b) Devaluation of property
- c) Affordable housing attracts “unsuitable” people to the area.
- d) Damage during construction
- e) Difficulty of access for emergency services
  - i. Concern relating to fire service access
- f) Poor quality high-rise:
  - i. Low environmental performance
  - ii. Social isolation and diminish public amenity

#### **Consultation Forum**

A consultation forum was held on the 30<sup>th</sup> January 2018. The meeting was chaired by Cr Blair Barker; attendees included Cr Tina Liu, the applicant together with representatives of the applicant, six (6) objectors and Council planning officers. No resolution was achieved at this meeting.

#### **Referrals**

##### **External**

##### Integrated Public Transport Planning

Pursuant to Clause 66.02, an application to *construct a building or to construct or carry out works for a residential development comprising 60 or more dwellings* must be referred to the department of Public Transport for Victoria. However, Clause 66.02-11, outlines exemptions from the referral requirement, which include:

- A development consistent with an adopted Structure Plan that has been prepared in consultation with and endorsed by the Head, Transport for Victoria

The subject site is located within the Box Hill Transit City Activity Centre Structure Plan (Box Hill Structure Plan), which is a referenced document within the Whitehorse Planning Scheme. It is submitted that the proposed development meets the exemption, outlined above, as the Box Hill Transit City Activity Centre Structure Plan has been *prepared in consultation with and endorsed by the Head, Transport for Victoria*.

##### Yarra Valley Water

The proposal was referred to Yarra Valley Water, as a Section 55 referral authority, who do not object subject to the inclusion of conditions on any approval issued.

##### **Internal**

##### Engineering and Environmental Services Department

##### Transport Engineer

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

##### Waste Engineer

The proposal was referred to Council's Waste Services Engineers who has raised concerns relating to the size and number of bins provided within the proposed waste room of the western building. Council's Waste Engineer has further recommended the area to be increased in size and to include additional bins (3 X 1100L MGB's bins). This can be incorporated through a permit condition on any approval issued.

##### Assets Engineer

### **9.1.1**

(cont)

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

#### ESD Advisor

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

#### Landscape Architecture

The proposal Landscape plans were reviewed by Council's Landscape Architect who does not object subject to the inclusion of conditions on any approval issued.

#### Strategic Planning

The proposal was reviewed by Council's Strategic Planners who do not object to the proposal.

#### Property and Rates

The proposal was referred to Council's Property and Rates Department who do not object subject to the inclusion of a note on any approval issued.

#### ParksWide

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

### **DISCUSSION**

The following key topics will be used to frame the assessment of this planning permit application:

- a) Consistency with State and Local Policy and physical context;
- b) Use;
- c) Affordable housing
- d) Built form;
- e) Clause 58, Apartment developments and Apartment Design Guidelines for Victoria
- f) Environmentally Sustainable Development (ESD)
- g) Off-site amenity impacts;
- h) Car parking, traffic, access and bicycle provision;
- i) Drainage and assets; and
- j) Objector concerns.

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

The subject site is zoned part Mixed Use Zone and Residential Growth Zone – Schedule 3. The surrounding areas to the south are zoned Commercial 1 Zone and land to the immediate north, east and west are zoned Residential Growth Zone. The Mixed Use Zone seeks to encourage *a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality and provide for housing at higher densities*. The proposal complies with this strategic direction by continuing to provide a range of residential and commercial uses for the site in a more intensive form to facilitate greater residential density and employment opportunities in the area.

The site is directly connected to the public transport systems and road network supporting cars, walking and cycling. State policy encourages the intensification of employment generating uses in areas with these locational characteristics close to where people live (clause 11.03-1S Activity Centres and clause 15.01-4R Healthy Neighbourhoods – Metropolitan Melbourne).

### **9.1.1**

(cont)

By reference to State planning policy in general, the subject site represents a significant strategic redevelopment opportunity to deliver higher density residential uses and complementary commercial activity given its location within the Box Hill Metropolitan Activity Centre, its frontages to Bruce Street, with direct access to Whitehorse Road to the south and its proximity to a broad range of urban infrastructure including public transport services, employment opportunities and commercial facilities.

Similarly, local planning policy identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contribute to the adaptation, redevelopment and economic growth. Clause 21.07, Economic Development, also seeks to increase the number and diversity of employment opportunities, specifically identifying retail and office activities as an area where opportunities have been created, particularly in redevelopment sites. The proposal complies with this policy and achieves these goals.

The proposed density of the development is consistent with both State and Local Policies such as clauses 16.01-1S Integrated Housing, 17.01-1R Diversified Economy – Metropolitan Melbourne, 18.01-1S Land Use and Transport Planning which encourages concentration of development and employment opportunities in and around activity centres and intensifying development on sites well connected to public transport. This enables more efficient use of existing infrastructure.

Overall, the proposed re-development of the site for a mixed use building of this scale is considered to have strategic planning support.

#### **Use**

Given that 'dwelling', as a use, does not need a planning permit, consideration of the land use is limited under the zone.

The office use can be considered appropriate where it can be demonstrated that the scale of operation would not result in unreasonable impacts to the surrounding area or erosion of the primary purpose of the Mixed Use Zone. This consideration is relevant in terms of the objectives of the Mixed Use Zone:

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.

The site is located within a Metropolitan Activity Centre (MAC) which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other Activity Centres, residential areas and transport. The area supports a growing employment base, and the office tenancies will support this by providing employment opportunities for local residents. The proposed office tenancies will contribute to the mixed use nature of the location which includes other commercial entities.

The proposed food and drink premises tenancy at ground level does not trigger a planning permit. There is support for this use on several grounds. On weekends, there is an expectation that buildings are serviced and facilities provide for visitors and local residents alike. In addition, the food and drink premises use will play a legitimate role in meeting the needs of the area in this respect and providing seven days a week activation of the street/ground level area whereas offices are generally closed on weekends. This will also assist in ensuring the ground floor through-link feels safe as the café opens out onto it.

### **9.1.1**

(cont)

In respect of amenity impacts, Clause 22.05, Non Residential Uses in Residential Areas, seeks to ensure that new non-residential uses do not detrimentally effect the residential amenity of surrounding dwellings. Also relevant is the appropriateness of the use's intensity and design and built form. The site abuts residential growth zoned land to the north, east and west. The proposed office tenancies are largely located within the first floor level of the western building and will have direct access from Bruce Street frontage, via a separate commercial lobby.

The applicant has confirmed office tenancies would be open from 7am to 8pm, seven days per week. There is limited guidance in the Scheme as to what appropriate opening hours are in the Mixed Use Zone. The proposed operating hours are typical office buildings within close proximity to the subject site. This use is not expected to have unreasonable impacts on the surrounding dwellings due to the nature of the office use.

#### **Affordable housing**

One of the key element of this proposal is the inclusion 73 dwellings to be provided for the purpose of affordable housing. The following comments are provided:

- The Planning and Environment Act 1987 was amended on 1st June 2018 to include a new objective, which seeks '*to facilitate the provision of affordable housing in Victoria*'.
- The Whitehorse Planning Scheme recognises the critical need to increase the supply of affordable housing as outlined in clause 16.01-4S, Housing Affordability. This is further reflected in Council's local policies, highlighted at clause 21.06 (Housing), and is one of the key policy basis informing the Box Hill Metropolitan Activity Centre, outlined at Clause 22.07, Box Hill Metropolitan Activity Centre.
- As proposed, the eastern ten storey building will provide 73 apartments comprising a mix of one and two bedrooms, to use for the purpose of affordable housing. Council's Strategic Planning Unit has commented that the proposed number of affordable housing apartments will provide for an increase to the total number of affordable dwellings across the municipality and furthermore will address the housing challenges in the City of Whitehorse.
- There is strong strategic support as detailed in Clauses 16.01-1, Integrated Housing, and Clause 16.01-3S, Housing Diversity for further intensification of such a large site in an existing Metropolitan Activity Centre, particularly where the site is well serviced with local services.
- Considering the current need for a mixture of housing choices (including aged care/retirement living and affordable housing) in the existing MAC, the proposal satisfies a number of the previously discussed State and Local policies regarding intensification.
- It is considered that the affordable housing component of the development would strengthen the site's long term viability, by adding more diversity to the housing stock and will result in net community benefit.

#### **Built Form**

The Whitehorse Planning Scheme offers limited assessment tools to consider the built form for development within the Box Hill Activity Centre. In assessing the appropriateness of the proposed built form, planning officers refer to the decision guidelines of the Mixed Use Zone, the objectives and strategies outlined under Clause 15.01-1S, Urban Design and Clause 15.01-2S, Building Design and where relevant the policy documents relating to *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017) and *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017) are applicable.

### 9.1.1

(cont)

The objective of Clause 15.01-2S – Building Design is *‘to achieve building design outcomes that contribute positively to the local context and enhance the public realm’*. To achieve the objective, this clause further outlines design strategies which include:

- *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
- *Encourage development to retain existing vegetation.*

The proposal is considered to adequately comply with the objective of Clause 15.01-2S, Building design as discussed below:

#### 1. Site Analysis/Character

The proposal is considered an appropriate response to the site's strategic context. Strategically, the subject site is appropriately located for a higher-density development. The surrounding neighbourhood character is mixed. The northern and west side of Bruce Street comprise mainly residential buildings (of 9 and 10 storey height), whilst land to the immediate east (Elland Avenue) is a mixture of smaller scale residential dwellings. To the south of the site is a large office building, currently occupied by the ATO. The remaining properties further along this portion of Whitehorse Road comprise of a mixture of finer grain commercial buildings. These areas have, and will continue to experience, an intensification of use and development.

In review of the streetscape impacts, the proposal is an improvement on the existing streetscape interface through the removal of at-grade car parking spaces which do not activate the street frontage for the construction of a modern building. The proposal incorporates a four-storey podium built with a minimum setback to all boundaries, with the exception of Elland Avenue frontage. This is acceptable as this will respond to both the existing and emerging street wall heights. As is clearly evident in the north elevation (the eastern building), the podium is at its highest. At this location, the proposed height is generally in line with the existing four storey building located at 6 Bruce Street, abutting the approved development to the west to match its street wall height, before scaling down to the east. Additionally, the approved development to the north includes a five storey street wall. The proposed street wall height is complementary to the already approved building scale.

## 9.1.1

(cont)

Above podium level, the proposal includes various setbacks which comprise:

### Eastern Building

- 3.1 metres setback from Elland Avenue
- 3.5 metres to 4.5 metres along the eastern common boundary
- 3.3 metres from the shared common boundary with 6 Bruce Street and,
- 1.6 metres from Hilton Lane (south)

### Western Building

- 4.9 metres to 10.0 metres from the shared boundary with 6 Bruce Street (north),
- 1.9 metres to 3.3 metres along the western boundary (Bruce Street frontage), and,
- 6.9 metres to 12.0 metres along the southern boundary (abutting ATO building).

It is considered that the proposed setbacks have ensured that the podium facades will not visually dominate the existing streetscape.

## 2. Height and Massing

### Height

The development comprises a part 19 storey (western building) and part 10 storey (eastern building) in height which equates to 63.4 metres and 34.9 metres respectively. It is noted that the proposed building services on the rooftop of each respective building will extend above this building height approximately 2-3 metres. However, the location of the building services are centrally located, well set back from the building edge and will not be visible at the street level.

Whilst it is acknowledged that the building will be taller than adjoining developments to the north, east and west, it should be acknowledged that the proposed eastern building (10 storey) is generally consistent with other recently completed developments in this area which includes properties further east, Elland Avenue and north, along Irving Avenue. Concerning the western building (19 storey), the proposal has incorporated a four-level podium structure, along the Bruce Street interface. Furthermore, the higher part of the building will be setback from this frontage and the northern common property boundary. This is considered an appropriate response and will provide for an appropriate transition in height from the ATO building to the south and the 10 storey buildings further north and east of the site.

Within the Box Hill Structure Plan, the site is located in Built Form Precinct F (Major Development Precinct). In this precinct taller buildings are permitted, enabling increased density. Building heights must not cause overshadowing of Key Open Spaces, Residential Precincts A or B or residential areas beyond the study area. Transitional heights are to be provided at edges of the precinct to respect the scale of neighbouring precincts. There is currently no preferred maximum building height indicated in Built Form Precinct F.

The submitted Urban Design Report, considered the proposed building heights to be of an appropriate level. In addition officer comment is provided in regard to the building height transition between the development (eastern building) and the sensitive interface along the east (5 Elland Avenue – single storey dwelling) and north (6 Bruce Street – 4 storey residential building) of the subject site as follows:

- The proposed eastern 10 storey building facing Elland Avenue is consistent with the development of nine storey buildings further to the east in Elland Avenue, in particular the approved development at 2-4 Elland Avenue, comprising of a part 9 and part 10 storey mixed use buildings.
- To Elland Avenue (eastern building), the building has a four level podium above which a 3.1 metre setback is provided up to Level 10. This setback is consistent with those which have been used on existing apartment buildings further east in Elland Avenue.

### 9.1.1

(cont)

- The proposal has allowed for adequate setback to the east, enabling equitable development opportunity for future redevelopment of this site, with the current proposed setbacks varying between 3.5 metres and 4.5 metres.
- The varying side setbacks, along the eastern interface reduces the visual scale of the building mass.
- While the proposed height of the podium (eastern building) is higher than the existing building at 6 Bruce Street, given the adequate setback/separation proposed, in comparison the extra height is not considered excessive.
- Concerning the northern interface, the western building has adopted varying recesses for a substantial part of its mass to allow for a podium level terrace and apartment separation distance of up to 11 metres to 6 Bruce Street to manage overlooking and take advantage of the northerly aspect. The inclusion of this setback area creates a sense of openness at the site and for the south-facing units at 6 Bruce Street.
- To the south, the proposal will abut a higher building form. The existing ATO building is 20 storeys high, measuring approximately 81 metre in height. It is considered the proposed maximum building height of 63.4 metres provides for an appropriate transition in height the ATO building.

Overall the proposed height of the development is considered to be acceptable due to its location, abutting a taller structure to the south, adequate setbacks from sensitive interfaces, and responds to the emerging character of the area and strategic redevelopment potential.

As noted, Precinct F is the only precinct within the Box Hill Structure Plan where no specific preferred or maximum height limit applies. This area therefore represents a significant opportunity to deliver the proposed mixed-use development without unreasonably impacting on the amenity of the surrounding residential neighbourhood or identified key public open spaces.

Based on the above, the site is located within an area undergoing transition which has resulted in a mixture of heights approved ranging up to 80m (ATO building) in the immediate surrounds. As such, the proposed height of 19 and 10 storeys is considered an appropriate design response, enabling a suitable building height response to the surrounding context. Due to the site's location, within the Box Hill Activity Centre, it is expected that over time, the area will increasingly become developed with multi-level mixed use buildings contributing to the economic viability of the centre. Whilst initially, this development will be prominent, this will lessen over time as surrounding sites are developed, such as the approval further east, along Elland Avenue.

### 9.1.1

(cont)

#### Massing

The submitted Urban Design report has raised some concerns in relation the stepping back of the building form and height, and provided some recommendations, as follows:

- a) *Generally speaking the interface with Bruce Street albeit tall is well considered and an interesting program of interlocking two storey loft and one level units provides an engaging modulated elevation response that blurs the perceived scale of built form.*
- b) *Similarly the stepping back from the north and reduction of footprint at level 12 further served to assist to moderate the impact of the new scale within the street and occurred in my view at an appropriate height in the building. I recommended that the design response make a more purposeful break in the built form at Level 12 by way of a rebated interface with the open space and street interface for the north and south apartments at least i.e. a 5m setback from the street for the north and south street facing apartments with a similar additional setback of 1 +m to the north to create a visual break in form.*
- c) *Further moderation of the scale to the Bruce Street frontage should be pursued and I recommend the following:*
  - i. *Alterations at Level 17 to provide to enhance the legibility of setbacks from street level and appropriate stepping of the form.*
  - ii. *At Level 18 I suggested removal of the north western most bedroom and south western most bedroom for inclusion in lieu of balconies in these locations of indented elements to provide further erosion of the skyline and street form at this interface.*

Planning officers agree with the above recommendation and it is noted that the applicant has adopted all recommendations and these are reflected in the current decision plans.

Overall, the development is in an area where it is appropriate and practicable to provide a building of this height and massing in order to achieve planning objectives, with the scale of the building aligning with all relevant policies and objectives.

### 3. Public Realm

These strategies require the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents an improvement in the streetscape, public space quality and perceived safety. The current public carpark while offering passive surveillance, through the nature of its use (short term, high movement turn over), however the, surrounding building form offers no active interface to the site, except the terrace/balconies of the adjoining properties to the north.

The construction of a modern mixed building with large glazed ground floor lobbies, active tenancies and outdoor spaces is a significant improvement and provides an opportunity for improved surveillance and activation at both the Bruce Street streetscape, but also to the land to the north and east of the site. Through the activation of the ground floor, the building will provide interaction at street level where there currently is none. The proposal includes active frontages to Bruce Street and in part along the northern pedestrian path at the lower levels as well as incorporating balconies along the eastern elevation, thus ensuring perceived safety for users of the pedestrian link, along the eastern setback.

### 9.1.1

(cont)

The inclusion of activities at ground and first floors is supported, as this entices the general public into the development and creates a destination for the local residents and workforce. The through-link and the location of a major entry, mid-block (Bruce Street frontage – commercial lobby) adds to the general vibrancy. It is however recommended that the inclusion of ‘safety by design response’ be provided demonstrating how the pedestrian links will be enhanced by appropriate landscaping, lighting, public realm treatments and signage. A condition will require a detailed design plan to be provided for the pedestrian links and this will include details of the proposed materials, landscaping, lighting and safety measures in support of 24-hour public access.

In terms of light and shade to the public realm, due to the orientation of the site, the proposal will result in shadows to the south over Whitehorse Road and in part over the public space within the road reservation. Further assessment below will show that the shadow effect will not reach the southern side of Whitehorse Road and that the overall impact will be at an acceptable level.

Clause 22.07 seeks to protect key open spaces from overshadowing. The Box Hill Structure Plan expands on this further:

- *Avoid overshadowing of Key Public Spaces, Peripheral Residential Precincts or residential areas outside the Activity Centre between 11 am and 2pm on 22 June, beyond what would result from an 11 m building over the full extent of the site.*

The applicant provided shadow diagrams which shows additional shadows created by the building to part of Whitehorse Road between 9am and 3pm. The key hours are between 11am and 2pm. The applicant has provided the following summary of shadow effect during these hours and includes:

- *At 11 am, the additional shadow will largely fall on the public car park and traffic lanes;*
- *At 12pm, the additional shadow will fall on the eastern end of the tram terminus and the associated buildings;*
- *At 1 pm, the shadow affects the eastern end of the tram terminus and the garden space; and*
- *At 2pm, the shadow will fall primarily onto the road and garden areas.*

Whilst additional overshadowing of public spaces are not recommended, the additional overshadowing in this instance is considered acceptable. Planning officers accept the argument that redevelopment in a “Major Development Precinct” will result in some additional overshadowing.

In relation to overshadowing of the adjoining property to the east and west of the site, it is acknowledged that additional shadow will be cast upon both properties to the east and west. However, given the location of the site and the proposed building, it is considered that the existing residential dwellings to the east and west would still receive adequate sunlight throughout the day.

Overall, the development will provide for significant public realm improvements, notably to the accessibility and walkability of the surrounding area, in turn benefiting the community as a whole. This is an important consideration to the acceptability of the proposed development.

#### 4. Landscaping and existing vegetation

The proposed development seeks to remove all trees within the existing car parking area. An inspection of the site by Council’s Arborist has identified 10 mature trees, which are deemed as having a medium to high retention value. However, it is noted that these trees are situated within the central dividing island, located centrally to the site, rendering them not possible be retained for any development to occur on the site.

**9.1.1**  
(cont)

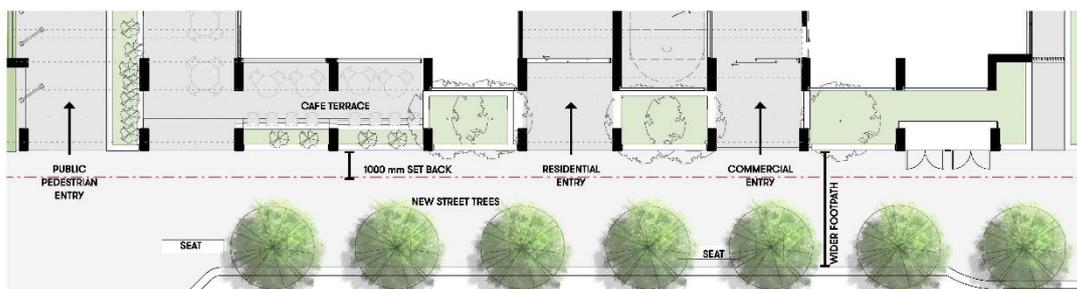
In addressing the loss of these trees, the applicant has provided smaller scale landscape replanting. The submitted landscape plan at ground floor, within the side setbacks and pedestrian walkways, provides for an appropriate landscaping response at the pedestrian level and will be an improvement compared to the existing conditions. However, it is noted that there is limited detail relating to the landscaping area along the eastern side setback area (pedestrian path). It is noted the objector at 5 Elland Avenue has raised amenity concerns, relating to overlooking and bulk and scale of the proposal. It is recommended that a condition be included requiring screen planting along this interface, to the satisfaction of the Responsible Authority.

Concerning vertical garden elements, the proposed development has strategically incorporated structural frames along Bruce Street frontage, particularly at the podium levels to provide additional vertical planting. This is proposed through the use of climbers and low shrubs planting (refer to figure 3 and 4, below). Overall, it is considered that the proposed landscaping is adequate and appropriate, given the constraint of this interface being west facing.



**Figure 3 – Artist Impression – vertical gardens – Bruce Street frontage**

### 9.1.1 (cont)



**Figure 4 – Artist Impression – Pedestrian level planting – Bruce Street frontage**

#### **Clause 58, Apartment developments and Apartment Design Guidelines for Victoria**

Planning officers have assessed the proposal against the requirements of Clause 58, Apartment Developments and the Apartment Design Guidelines for Victoria. The proposed apartments are considered to deliver high quality, functional and efficient accommodation and associated open space. A summary of key assessments includes:

- Appropriate daylight access has been provided to key areas of the buildings and in particular all habitable spaces of the proposed dwellings.
- The proposed setbacks of the buildings has enabled dwellings to have, where possible, a dual aspect outlook.
- Most dwellings optimise a northern, eastern and western outlook and single aspect south facing dwellings are limited to two dwellings on each level for the western building and just one dwelling per level on the eastern building.
- A minimum eight square metres private open space is provided for each dwelling.
- All corridors have natural ventilation and daylight access.
- Communal open space is provided in locations that will achieve good daylight access.
- The outlook from the proposed south facing apartments, in the western building at levels 2-18, that have a single aspect orientation to the ATO building is considered acceptable. This is due to the varying setback distance of between 6.9 metres to 9.1 metres from the ATO building, which will enable adequate daylight access and ventilation to these dwellings.

It is considered that the proposal complies with the requirement of Clause 58 Apartment Developments. Similarly, officers' assessed the proposal against the requirements in the Apartment Design Guidelines for Victoria and concluded that the proposed development largely complies subject to standard conditions relating to wind criterion for "sitting" and "standing" comfort to be applied to all private balconies, which is discussed below.

### **9.1.1**

(cont)

#### **Clause 55, Two or more Dwellings on a lot and Residential Buildings**

Pursuant to Clause 32.04-10 (Buildings on lots that abut another residential zone) of the Mixed Use Zone, *any buildings and works constructed on a lot that abuts land which is in Residential Growth Zone (RGZ) must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.*

The site abuts RGZ land to the north and east. Therefore an assessment of the proposal against the requirements of Clause 55 is required and can be summarised as follows:

- Clause 55.04-1 (side and rear setbacks – Standard B17) – A variation is necessary to the side setbacks along the northern and southern boundaries. It is noted that lower scale buildings currently exist along both of these interface with the site. However, these sites have been identified for higher density development as they are situated/identified within Precinct F – Major Development Precinct under Clause 22.07 of the Whitehorse Planning Scheme.
- Clause 55.04-2 (walls on boundaries – Standard B18) – Not applicable as there are no walls proposed along the northern and eastern boundaries.
- Clause 55.04-3 (daylight to existing windows – Standard B19) – The proposal complies with this standard as the proposal will achieve a minimum setback of at least 3.5 metres from the abutting property to the east (5 Elland Avenue), ensuring that a minimum light court area of 3 square metres is achieved for the existing west-facing windows of the adjoining property at 5 Elland Avenue.
- Clause 55.04-5 (overshadowing of open spaces – Standard B21) – A variation is required. Shadow plans provided by the applicant shows an increase in shadowing to the abutting property to the east (5 Elland Avenue), after the 1 pm. While it is acknowledged that there will be direct overshadowing impacts on the existing private open space area, located at 5 Elland Avenue. The proposed building design and setbacks still ensures a minimum of 4 hours of sunlight access between the hours of 9 am to 1 pm, this is considered reasonable given the built form context of the site.

The only alternative to achieve full compliance is to reduce the height of the eastern building substantially from 35 metres to approximately 7 metres (double storey height). However, this would result in a significant under-utilisation of a key site and would be unreasonable from a strategic policy perspective. This is in essence, the challenge presented by an abuttal of a MUZ to the RGZ in the context of a MAC.

- Clause 55.04-6 (overlooking – Standard B22) – The owner/occupier of the adjoining property at 5 Elland Avenue (east) has raised concerns relating to the issues of potential overlooking from the proposed east facing balconies. An assessment of the proposed plans and elevations suggest that, while there are some screening measures intended to limit views into the rear secluded private open space area at 5 Elland Avenue, this is considered insufficient. This can be addressed by way of permit conditions, should one be issued, requiring compliance with Standard B22.

#### **Environmentally Sustainable Development (ESD)**

Redevelopment of the site, located in an existing mixed use area, makes more efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce employees and visitors from relying on private vehicles. Policy at clauses 15.02, Sustainable Development, 15.02-1S, Energy and Resource Efficiency, 21.05, Environment and 22.10, Environmentally Sustainable Development of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

## 9.1.1

(cont)

Council's ESD Advisor has identified a number of omissions to be addressed including energy efficiency ratings, air conditioning details, ventilation, water tank sizes, recycled water for landscaping and cladding finishes. These matters are all considered reasonable and conditions are recommended in an amended SMP and annotated on the plans.

### **Off-site amenity impacts**

#### Policy Guidance

The policy framework for amenity considerations is contained within Clause 65 (Decision Guidelines). Clause 22.05 (Non-residential Development in Residential Area) of the Scheme is not strictly applicable but provides some useful guidance.

The objectives at *Clause 22.05-2* aims to limit the impact of new development on the amenity of surrounding land, particularly residential land. The following objectives are applicable:

- *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 ensure that the design, scale and appearance of non-residential premises reflects the residential character and streetscape of the area.*
- *To ensure that the location of the use is appropriate to the role and function of the road network and that adequate provision is made for onsite car parking.*

This application must consider both the off-site amenity impacts for residential land as well as any potential impacts to existing commercial uses in the context of the area. Clause 22.05 acknowledges that there is a need for non-residential uses in residential areas to serve the needs of the local community, particularly well located sites with redevelopment opportunities such as the current application site. With this in mind, residences which abut a non-residential zone should not have unrealistic expectations of the level of amenity which can be achieved. The appropriateness of amenity impacts including setbacks, walls on boundaries, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Mixed Use Zone. In addition, surrounding character shows a high level of building site coverage and boundary-to-boundary for those developments currently surrounding the site, in particular along Whitehorse Road frontage.

As previously outlined, the subject site does directly abut residential zoned land to the north, east, west and commercial land to the south. To address potential amenity considerations to the north and east, the proposal has incorporated the following setbacks:

- North – ground level – 3.5 metres
- North – first floor (communal terrace) – varying between 4.9 metres and 6.9 metres
- North – above first floor – varying between 4.9 metres and 10.8 metres
- East – ground floor – approximately 2.3 metres
- East – above ground floor – varying between 3.5 metres and 4.5 metres

### 9.1.1

(cont)

Whilst the existing building to the north includes terraces/balconies along the shared boundary which directly have the potential to overlook into the development site, the proposal is setback beyond 9 metres above the ground level along this interface, with all secluded private open space area (balconies) located beyond 9 metres. Furthermore, the proposal includes a terrace at first floor which directly abuts these areas. This terrace area for the most part will have a 1.1m high planter which combined with the terrace widths provides a visual buffer both in terms of height and width. Occupants of this communal terrace are not able to stand against the podium edge and are setback at least 6.9m from the shared boundary, so there are no direct overlooking sightlines.

The proposal has also considered equitable development to its east through the incorporation of varying setbacks of at least 3.5 metres in in part up to 4.5 metres for all levels above the ground floor. Any new development to the east would be expected to provide a recessed setback which would result in acceptable building separation.

#### Noise and light spill

The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for residential and offices. Due to the nature of the residential and office use, there will be minimal noise generated by the pedestrian activity. The pedestrian movement will be concentrated towards Bruce Street frontage and the pedestrian path to the north. Therefore, it is not considered to be detrimental to the amenity of the adjacent properties. The use also ensures that deliveries to the site can be managed via Hilton Lane, which is an existing collection and delivery point for the commercial building fronting Whitehorse Road. Regardless, a condition of any approval is recommended, requiring that the noise and emissions from plant equipment must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1) and the Health and Wellbeing Act 2008.

The proposed food and drink premise does not require a planning permit and no further control can be imposed in this application.

#### Wind

The proposal has provided a Wind Impact Assessment (pedestrian level winds & wind tunnels). There are three relevant criteria, described as follows:

- 1) Sitting comfort,
- 2) Standing comfort, and
- 3) Walking comfort

It is noted there are no industry wide standards and no measurable specification in the planning scheme. Direction is provided by anecdotal evidence of CBD wind assessments. Planning officers have required assurances that at least these standards must be met.

The Wind Impact Assessment has concluded that the proposed design of the building would fulfil the recommended criterion for safety at all test locations (ground, podium terrace, and rooftop terrace). The proposal would meet requirements for “walking” along all footpath locations and “standing” at the main entrances. “Standing” and in part “sitting” criteria would be met at the Level 1 communal terrace area and rooftop communal terraces. Similarly, “standing” and “sitting” criteria would be met for the private balcony spaces.

The report recommends educating occupants about wind conditions at high-level terraces/balconies during high-wind events and tying down lightweight furniture is highly recommended.

Council’s ESD Advisor has also recommended conditions in relation to the comfort level for the relevant public and private outdoor spaces. These requirements are included in conditions for any approval granted.

## 9.1.1

(cont)

### **Car parking, traffic, access and bicycle provision**

Car parking in the Box Hill Activity Centre is managed by the Schedule 1 to the Parking Overlay, including the following objectives:

- *Manage car parking demand and supply to satisfy user needs (with a focus on maintaining/increasing the viability of Box Hill).*
- *Locate and manage car parking so as to minimise traffic generated by the search for a parking space.*
- *Encourage the use of active and sustainable travel modes rather than increased private vehicle travel.*
- *Improve general amenity for pedestrians within Box Hill to increase the willingness for visitors and staff to walk to and within the Centre to their destination.*

Council's Transport team have reviewed the proposed car parking provision and in summary have provided the following comments:

#### Car Parking Assessment

- a) The land is included in the Parking Overlay (Schedule 1). This overlay varies the car parking rates set out in Clause 52.06. Applying the varied rate under the Parking Overlay, the proposal generates a requirement for 202 car parking spaces. The proposed development provides for 210 car parking spaces which are distributed as follows:
  - i. 170 car parking spaces for the residential use, exceeding the required 148 car parking space.
  - ii. 24 car parking spaces for visitors parking
  - iii. 13 car parking spaces for the office use
  - iv. 3 car parking spaces for the food and drink premises (café) use

**9.1.1**  
(cont)

	Qty	Parking rate	Statutory Parking Spaces Required	Parking spaces Provided
One Bed Dwellings (and lofts)	53	0.5 spaces per dwelling	26.5	
Two Bed Dwellings	95	0.75 spaces per dwelling	71.25	
Two Bed Dwellings with loft (treated as Three Bed Dwellings)	14	1.0 space per dwelling	14	
One Bed affordable Dwellings	18	0.5 spaces per dwelling	9	
Two Bed affordable Dwellings (including Dual Access dwellings)	55	0.75 spaces per dwelling	41.25	
Visitor Spaces	235 dwellings	0.2 spaces per dwelling for first 5 dwellings then 0.1 spaces per dwelling for remainder	24	
Commercial Office	650.7 sqm	2.0 spaces per 100sqm	13*	
Commercial Retail	84.2 sqm	3.5 spaces per 100sqm	3*	
<b>Overall Parking</b>			<b>202 statutory car spaces required for the development</b>	<b>210 spaces over 4 basement levels inc. 4 Ground Level visitor spaces</b>

\* When calculating the number of parking spaces and the result is not a whole number, the required number of parking spaces is to be rounded down to the nearest whole number in accordance with the requirements set out in the Whitehorse Planning Scheme.

**Table 1 – Statutory Car Parking Assessment**

- b) 205 car parking spaces are accessed via Elland Avenue with 5 car spaces accessed via Hiltons Lane for service access, waste collection and visitor access.
- c) There is no vehicle access via Bruce Street. This traffic arrangement is considered acceptable to limit traffic access onto Bruce Street.
- d) There is likely to be an increase in traffic along Elland Avenue which is a dead end. While this is only accessed via Station Street, the development traffic is expected to be satisfactorily managed in the area. Hilton Lane may also be used on a very small scale.
- e) The car parking layout is generally considered to be acceptable on all four basement levels and ground level parking.

Bicycle parking assessment

There is a bicycle parking requirement to provide 70 bicycle spaces. The proposal has provided 84 bicycle parking spaces. 24 visitor spaces have been provided abutting to the north of the café area and west of the under-croft area of eastern building (Elland Avenue frontage). The remaining 60 spaces are located within two sections at ground level, internal to the building.

No bicycle spaces are required for the office or food and drink premises.

Overall the proposal achieves high compliance with respect to the car parking and bicycle parking requirements. Furthermore, it is not anticipated that the traffic generation from the development will result in negative impacts to the existing street networks.

### 9.1.1

(cont)

#### **Drainage and assets**

The site is located within the flood investigation area, whereby the land has the potential to be affected by water overflow from stormwater run-off. The application was initially referred to Council's Asset Engineering Team, who have raised concerns relating to the development potentially having an impact on the overland stormwater flow path. It is understood that this stormwater flow path would typically run across the surface of the car parking area and drains off into the existing pits along Bruce Street frontage. Hence, the proposed building layout would impact on this overland flow path and will need to be either redirected to Bruce Street at the front of the property or to Irving Avenue.

The applicant has since submitted information, including a full Hydrological and Hydraulic modelling report suggesting a new direct flow path and additional flood level survey information of the surrounding area. Council's Asset Engineering Team have reviewed the additional information and recommended several conditions to form part of an approved permit.

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

- a) *Oversupply and Density*: Density and saturation ratios are not part of the planning assessment. Furthermore, both the State and local planning policies encourage urban consolidation in established residential areas and in particular Major and Metropolitan Activity Centres.
- b) *Blocking of daylight and sunlight (solar panel)*: The Decision Guidelines at Clause 32.04, Mixed Use Zone, requires an impact assessment of overshadowing on existing rooftop solar energy facilities on dwellings abutting a development site. It is acknowledged that there will be direct overshadowing impacts on the existing solar panels, located on the adjoining eastern property (5 Elland Avenue), particularly after 1 pm. These panels are currently located on the lower portion of the west facing roof. Noting this, and together with the fragmented design of the existing roof form, there is no potential area to which these panels could be relocated.

The only alternative to mitigate the impact of overshadowing to these panels is to reduce the height of the eastern building substantially from 35 metres to approximately 7 metres (double storey height). However, this would result in a major under-utilisation of a key development site and would be unreasonable from a strategic policy perspective. In this instance, the location, scale and nature of the proposed development is consistent with the expectation of the Box Hill Structure Plan and is deemed to adequately satisfy many policy objectives outlined at both the state and local planning policies.

- c) *Reflections*: All materials and cladding proposed are non-reflective in nature. The exception is the glazed surfaces of all window treatment which are predominantly recessed from the main building wall.
- d) *Pollution*: It appears that this objection is in relation to noise, air, water and light. All of which have been addressed earlier in this report. The exception is air pollution, generated by vehicles from the development which is not a planning consideration. It is also acknowledged that the proposed development has achieved adequate compliance with the vehicular parking and access provisions of Clause 52.06, Car Parking.
- e) *Loss of quality of life and health*: The use and development of the proposed dwellings will be managed to ensure no unreasonable amenity impacts to surrounding lots, with various planning, building and civil enforcement mechanisms in place to regulate this.
- f) *Increase traffic*: The proposal has been assessed by Council's Transport Engineers who are satisfied that the additional traffic generation can be absorbed by the surrounding street network.
- g) *Parking congestion*: Council's Transport Engineers are satisfied that the on-site parking provision is sufficient to support the car parking demand, in accordance with the Planning Scheme requirements.

### 9.1.1

(cont)

- h) *Hazard to bike riders*: The proposal does not seek to alter the existing road layout and will achieve a compliant street network layout that will support bicycle traffic.
- i) *Loss of Council's public car park*: It is acknowledged that the current land use would cease should this development be approved. However, within the location, the scale and nature of the proposed use and development is consistent with the expectation of the Box Hill Structure Plan.
- j) *Loss of through road access*: The proposed alterations to the street network have been assessed by Council's Transport Engineers and are considered an appropriate outcome for the area. Furthermore, the Box Hill Transit City Activity Centre Structure Plan does not identify the site a through road access.
- k) *Loss of vegetation and habitats*: The redevelopment of this site is supported by State and Local Policies, and Council's strategic direction provides for the retention of trees and habitat improvements elsewhere in the municipality to balance the intensive development of Major Activity Centres.
- l) *Reduction in public open space*: Council policy as set out in the Box Hill Structure Plan and Whitehorse Open Space Strategy do not identify the subject site as public open space, and the strategic direction for this area allows for the provision of parks and public open spaces convenient to this precinct.
- m) *Noise and construction noise impacts*: The residential use of the dwellings does not require a planning permit. Residential noise associated with a dwelling is considered normal in an urban setting. Any future issues of amenity, if they arise, should be pursued as a civil matter. It is acknowledged off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Building and EPA regulations, a Construction Management Plan (CMP) will be required as a condition of any approved granted.
- n) *Affordable housing attracts "unsuitable" tenants* : The consideration of this planning application is confined only to the construction of the dwellings, the residential use and occupancy arrangements of the dwellings are beyond the scope of this planning assessment.
- o) *Emergency Service Access*: Emergency service requirements such as fire regulations are considered through the Building Permit process.
- p) *Precedent* – Each application is assessed in relation to the relevant planning controls, its site context, the prevailing neighbourhood character and merits of the development design.
- q) *Property Devaluation* - The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values.

### CONCLUSION

The proposed buildings and works to construct two towers (10 storey and 19 storey) to provide 235 dwellings and part use of the land for the purpose of office is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and local planning policies, the purpose and decision guidelines of the Mixed Use Zone, where relevant the Residential Growth Zone and Clause 58 – Apartment Developments.

Notably, the proposal achieves the State Government's urban consolidation objectives, Council's preference to direct higher density mixed use development in commercial precincts/MAC.

### 9.1.1 (cont)

In addition to making a contribution to meeting Whitehorse's future housing needs, the proposal provides for a mixture of uses consistent with the Mixed Use Zone and local policies applicable for the Box Hill MAC. The building has been designed to respond to the site's varying interfaces, to provide a high level of amenity for future residents and to activate the street frontages. The proposal provides community benefits in the form of an additional 73 dwellings associated with the affordable housing. Improved public realm benefit is also achieved due to the proposal maintaining pedestrian-links which is open to the public and provides new and improved existing pedestrian access to both east-west and north-south.

A total of thirteen (13) objections were received as a result of public notice and all of the issues raised have been considered as part of this assessment.

### ATTACHMENT

- 1 Architectural Plans 
- 2 Advertising - Landscape Plans 

### **9.1.2 26 Salisbury Avenue, Blackburn (LOT 48 LP 9968): Construction of two (2), part double storey, part triple storey, dwellings and associated vegetation removal**

FILE NUMBER: WH/2017/1037  
ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 31 objections (from 18 properties) were received. The objections raised issues of neighbourhood character, vegetation removal, traffic and car parking, amenity impacts and damage to council's infrastructure. A Consultation Forum was held on 26th June 2018 chaired by Councillor Denise Massoud, at which the issues were explored, however no resolution was reached between the parties.*

*Subsequent amended plans introduced a number of positive changes to the proposal, namely a complete redesign in dwelling arrangement from tandem to a side-by-side formation. Other key changes include a more centralised and mirrored built form with separate driveways, a split-level design, increased boundary setbacks and reduced excavation and altered tree impacts. There remain some outstanding matters with regard to tree planting, landscaping and design outcomes which can be addressed through permit conditions.*

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

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Munroe

#### **That Council:**

- A** *Being the Responsible Authority, having caused Application WH/2017/1037 for 26 Salisbury Avenue, BLACKBURN (LOT 48 LP 9968) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit comprising building and works for the Construction of two (2), part double storey, part triple storey, dwellings and associated vegetation removal 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 26 Salisbury Avenue, BLACKBURN (LOT 48 LP 9968) comprising building and works for the Construction of two (2), part double storey, part triple storey, dwellings and associated vegetation removal, subject to the following conditions:*
- 1.** *Before the development starts, or any trees or vegetation is removed, amended plans must be submitted electronically 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 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)** *All obstructions within the sight line triangle (including letter boxes, meter boxes and side boundary fencing) to be no higher than 0.9 metre in height, or be relocated clear of the sight line triangle in accordance with Clause 52.06-8.*
    - c)** *Deletion of reference to front fence and a 0.9 metre high retaining wall dividing the front yards of both dwellings detailed.*

**9.1.2**  
(cont)

- d) *Provision of permeable paving to driveways to promote the growth of new trees within the front setback.*
- e) *Water tanks to be shown on drawings and located outside of the TPZ of protected trees.*
- f) *A landscape plan in accordance with condition 3, including the following:*
  - i. *The planting of one upper canopy tree with a minimum mature height of 12 metres within each of the front setback areas of Dwelling 1 and Dwelling 2.*
  - ii. *The planting of one upper canopy tree with a minimum mature height of 12 metres within each of the rear private open space areas of Dwelling 1 and Dwelling 2.*
  - iii. *Screening vegetation with a minimum mature height of 3 metres to be planted along the full extent of the north and south boundaries.*
  - iv. *All trees are to have a minimum height of 1.5 metres at the time of planting, and should be planted a minimum 3 metres away from dwellings and a minimum 1 metre from property boundaries.*
  - v. *The removal of trees 10, 11, 12, 13, 14 and 17 clearly detailed.*
- g) *All upper level windows on the north elevation to be screened to a height of 1700mm above floor level.*
- h) *Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- i) *The pedestrian doors to garages to open outwards so as to not obstruct the dedicated internal car parking area.*

*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.*
- 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,*
    - iv. *Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.*
  - d) *A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.*

**9.1.2**  
(cont)

- 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 the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained on the subject land 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 5 – Callistemon sp (Bottlebrush) –2.0 metres radius from the centre of the tree base.*
    - ii. *Tree 6 – Callistemon sp (Bottlebrush) –2.0 metres radius from the centre of the tree base.*
    - iii. *Tree 7 – Acacia dealbata (Silver Wattle) –2.0 metres radius from the centre of the tree base.*
    - iv. *Tree 8 – Pittosporum undulatum (Sweet Pittosporum) –2.0 metres radius from the centre of the tree base.*
    - v. *Tree 9 – Pittosporum eugenioides (Lemonwood) –2.4 metres radius from the centre of the tree base.*
    - vi. *Tree 15 – Syzygium smithii (Lilly Pilly) –5.2 metres radius from the centre of the tree base.*
    - vii. *Tree 16 – Casuarina (She-oak) –3.8 metres radius from the centre of the tree base.*
    - viii. *Tree 18 – Acacia dealbata (Silver Wattle) –3.0 metres radius from the centre of the tree base.*
    - ix. *Tree 20 – Eriobotrya japonica (Loquat) –2.0 metres radius from the centre of the tree base.*
    - x. *Tree 21 – Melaleuca linariifolia (Snow in summer) –2.0 metres radius from the centre of the tree base.*
    - xi. *Tree 24 – Eucalyptus nicholii (Narrow-leaf Black Peppermint) – 12.0 metres 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.*
    - iii. *Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*

**9.1.2**  
(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. All sub surface utilities and utility connection points, inspection pits and associated infrastructure trenching and installation are to be designed so that they are located outside the TPZs of retained trees, to the satisfaction of the Responsible Authority. Utility conduits can be located beneath TPZs but must be installed using trenchless excavation (eg: boring) and installed to a minimum depth of 0.6 metres below natural grade.*
  - 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) A project arborist must be appointed by the applicant or builder. Any Qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist.*
  - b) For Trees 5, 6, 7, 8, 9, 15, 16, 18, 20, 21 and 24, no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
  - c) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% of the TPZs of Trees 5, 6, 7, 8, 9, 15, 16, 18, 20, 21 and 24.*
  - d) The project arborist must supervise or undertake all approved works within the TPZs of Trees 5, 6, 7, 8, 9, 15, 16, 18, 20, 21 and 24. Any root severance within the TPZ must be undertaken to their satisfaction and using a clean sharp and sterilised pruning saw. There must be no root pruning within the SRZ of this tree. There must be no works undertaken within the TPZ other than those endorsed by the Responsible Authority (RA).*
  - e) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*
- 7. All underground service pipes including storm water and sewerage must be diverted around any Tree Protection Zones of trees to be retained, or bored underneath with a minimum cover of 800mm to top of conduit from natural surface level. If the trees have not been assessed the TPZ is calculated by 12x the trunk diameter measured at 1.4m above ground level.**

## **9.1.2**

(cont)

- 8. The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 9. 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.**
- 10. 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.**
- 11. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.**
- 12. 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.**
- 13. 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.**
- 14. 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.**
- 15. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.**
- 16. The existing street tree must not be removed or damaged except with the written consent of the Responsible Authority.**
- 17. This permit will expire if one of the following circumstances applies:**
  - a) The development is not commenced within two (2) years from the date of issue of this permit;**
  - b) The development is not completed within four (4) years from the date of this permit.**

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

**9.1.2**  
(cont)

**Permit Notes:**

- A. 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.**
  - B. 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.**
  - C. 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**
  - D. 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.**
  - E. 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.**
  - F. 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.**
- 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**

**A Division was called.**

**Division**

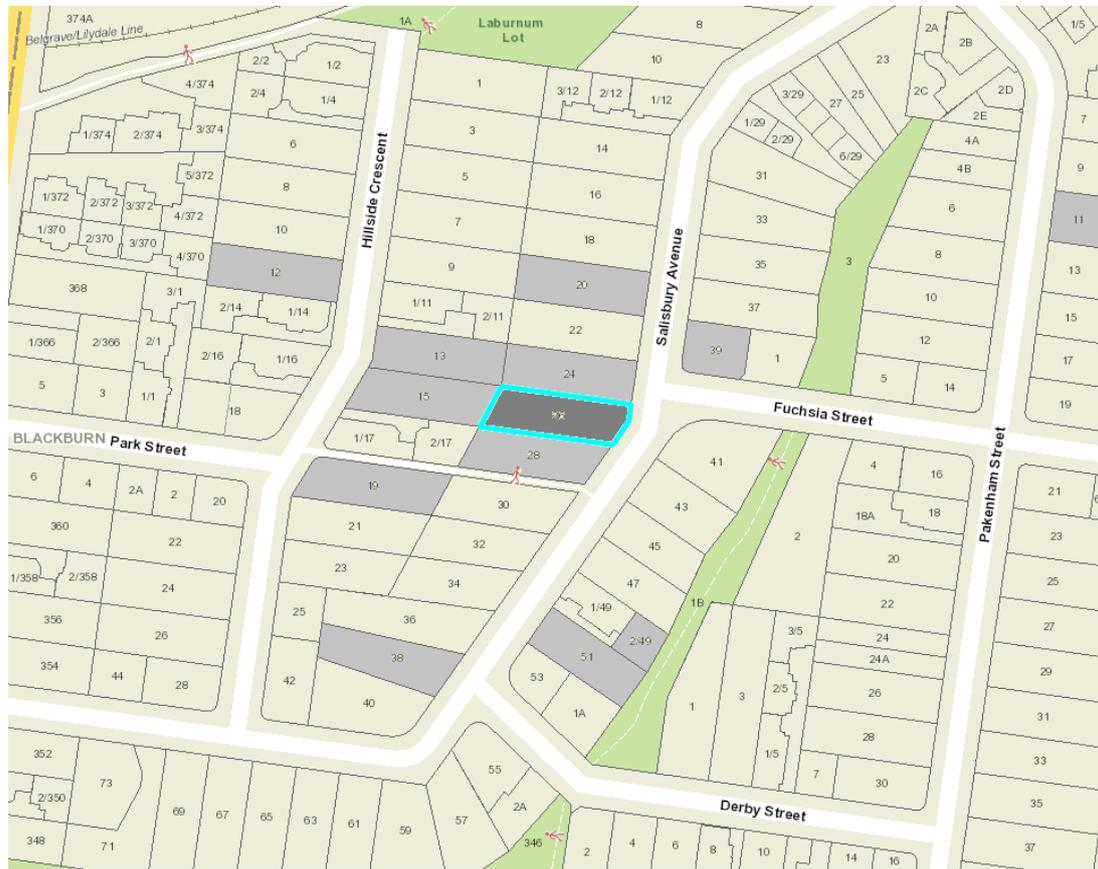
<b>For</b>	<b>Against</b>
Cr Barker	Cr Carr
Cr Bennett	Cr Cutts
Cr Davenport	Cr Stennett
Cr Ellis	
Cr Liu	
Cr Massoud	
Cr Munroe	

**On the results of the Division the motion was declared CARRIED**

**9.1.2**  
 (cont)

MELWAYS REFERENCE 47 H10

Applicant:	Architeria Architects
Zoning:	General Residential Zone, Schedule 2 (GRZ2)
Overlays:	Significant Landscape Overlay, Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.01	General Residential Zone 2
Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Central



	Subject site	18 Objector Properties (6 outside of map)	↑ North
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## **9.1.2**

(cont)

### **BACKGROUND**

#### **History**

There are no previous planning applications for the subject site.

#### **The Site and Surrounds**

The site is a single parcel of land known as Lot 48 LP9968, and contains no restrictions or agreements on Title. The site is located on the west side of Salisbury Avenue in Blackburn, 300 metres south of Laburnum Train Station. The site has a frontage of 16.29 metres to Salisbury Avenue, and a depth of 45.5 metres in an irregular shaped block, and a total site area of 717m<sup>2</sup>. The site has a slope of 6.0 metres from west to east along the long boundary of the site.

The site contains a single level weatherboard house, with a carport located under the front of the building. There are a number of small trees with the dwelling set among an ornamental garden setting.

The land is well serviced by social infrastructure and services in the surrounding area. Within 500 metres to the west and south are Box Hill High School and Laburnum Primary School respectively. Approximately 300 metres north-east of the site on Salisbury Avenue is a local strip shopping centre and Laburnum train station. The Blackburn Creeklands public reserve is located 300 metres south of the site, while major bus routes operate along Middleborough Road connecting to Box Hill, Doncaster and the eastern freeway.

The surrounding properties are residential containing a mix of single and double storey brick and timber dwellings set on lot sizes varying between 250m<sup>2</sup> to 850m<sup>2</sup> in area within Salisbury Avenue, and between 320m<sup>2</sup> and 800m<sup>2</sup> north of the site being close to Laburnum Train Station. There are a number of multi-unit developments in the area. A mixture of native and exotic canopy trees appear mainly within the streetscapes and along the perimeter of residential properties in the area.

#### **Planning Controls**

In accordance with Clause 32.08-6 (General Residential Zone 2) of the Whitehorse Planning Scheme, a Planning Permit is required for the construction of two or more dwellings on a lot.

In accordance with Clause 42.03 (Significant Landscape Overlay, Schedule 9) a permit is required to remove, destroy or lop a tree and to construct a building or construct or carry out works.

#### **PROPOSAL**

The proposal comprises building and works for the Construction of two (2), part double storey, part triple storey, dwellings and associated vegetation removal. Given their side by side arrangement, both dwellings will face the street. The southern dwelling will have access from the existing southern crossover, while dwelling 2 will require a new northern crossover to Salisbury Avenue.

The dwellings will have a single tandem garage arrangement with a long driveway that can accommodate between one and two additional visitor car spaces per dwelling. The garages are located at street level and are excavated into the site.

The internal layout at ground and first floor levels are similar for both dwellings. A front entry porch is located at ground level with stairs leading up to the first floor. This level includes a master bedroom facing the street and internal split level leading up to an open plan kitchen / living area to the rear. The secluded private open space (SPOS) is provided to the rear of each dwelling at natural ground level with good northern solar access.

## 9.1.2

(cont)

The second floor of Dwelling 1 contains three bedrooms, shared bathroom for bedrooms 3 and 4, with an ensuite and walk in robe (WIR) provided for bedroom 2. Dwelling 2 will contain three bedrooms with ensuites.

The proposed dwellings will have a maximum overall height ranging from 7.7 metres to 8.1 metres due to the fall of the land, incorporating roof eaves.

The materials and colour palette for both dwellings include a mix of face brickwork, timber weatherboard and render for external walls, along with grey concrete tiled roofing.

The proposal includes the removal of five trees protected under SLO9 (trees 10, 11, 12, 13 and 17) as detailed below. The proposal also seeks the removal of three (3) trees (trees 2, 4, and 14) that are not protected under SLO9:

	Botanical Name	Common Name	Height (m)	Age (year)	Health/ Structure
Street Tree 3	<i>Melaleuca linariifolia</i>	Snow in Summer	5m	20+	Fair/ Fair
Tree 10	<i>Agonis flexuosa</i>	Willow Myrtle	5m	20+	Fair / Fair
Tree 11	<i>Ligustrum lucidum</i>	Broad-leaved privet	7m	20+	Fair / Fair
Tree 12	<i>Ulmus procera</i>	English Elm	6m	10-20	Poor / Poor
Tree 13	<i>Betula pendula</i>	Silver Birch	11m	10-20	Poor / Fair
Tree 17	<i>Melaleuca linariifolia</i>	Snow in summer	6m	20+	Fair / Fair

The proposal seeks to retain four (4) trees protected under the SL09 (trees 5, 6, 20 and 21). A summary table of is provided below:

	Botanical Name	Common Name	Height (m)	Life Expectancy (years)	Health/ Structure
Street Tree 5	<i>Callistemon sp</i>	Bottlebrush	3	20+	Fair / Fair
Street Tree 6	<i>Callistemon sp</i>	Bottlebrush	2	0-5	Fair / Fair
Tree 20	<i>Grevillea robusta</i>	Silky Oak	4m	20+	Good Health/Good Structure
Tree 21	<i>Melaleuca linariifolia</i>	Snow in summer	6m	20+	Fair Health/Fair Structure

The site provides the following additional specific details:

- Provides 50.66% in permeable surfaces.
- Provides 48.01% in Garden Area
- Provides site coverage 38.81% (Max allowed 40%)
- Includes private open space with a minimum dimension of 5 metres for each dwelling (Dwelling 1 - 132.13m<sup>2</sup>) and (Dwelling 2 - 138.5 m<sup>2</sup>)
- Has a front setback ranging between 9.4 metres and 11.8 metres
- Is setback a minimum of 2.0 metres from the north and south (side) boundaries
- Includes articulated facades of buildings with the use of recesses, window openings and variation in the materials and colour palette.

## **9.1.2**

(cont)

### **CONSULTATION**

#### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Salisbury Street frontage. Following the advertising period twenty-one (21) objections from fourteen (14) properties were initially received.

The issues raised can be broken into the key themes of neighbourhood character, vegetation removal, traffic and parking, amenity and Council's assets. Neighbourhood character relates to density, building bulk, site coverage, sense of address and siting. Vegetation removal relates to the extent of onsite tree removal and landscape character impacts. Traffic and car parking relates to limited onsite parking provision and increased traffic movements.

Amenity impacts relates to loss of sunlight and privacy, dominance of rear dwelling height on adjoining properties, lack of screen planting and landscaping to adjoining properties, and loss of views to adjoining properties. Council's assets relates to damage to Council's infrastructure (footpaths, drainage and sewerage piping) and impacts on localised flooding.

#### **Consultation Forum**

A Consultation Forum was held on 26<sup>th</sup> June 2018 in the Willis Room, Civic Centre, chaired by Cr Denise Massoud. Seventeen (17) objectors attended the meeting and concerns/objections with the proposal were grouped under broad categories with all parties afforded the opportunity to provide commentary on each concern.

While no resolution was reached between the parties, all parties left the meeting feeling better informed in the process, the context behind the objection grounds, and the rationale of the applicant behind the proposal.

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

Subsequent to the second advertising period and Consultation Forum a Section 57A amendment was lodged on 9<sup>th</sup> October 2018 to address issues raised by referrals and objections raised where possible. The key changes made to the proposal comprises the following:

- The dwellings now arranged in a side-by-side formation.
- The built form centralised, heavily articulated with dwellings mirrored to take on a perceived appearance and form, of a single dwelling.
- A split level design (including heavily excavated garages) to ensure that the dwellings follow the fall of the land and thereby to reduce overall building height.
- More extensive side and rear setbacks to reduce built form and amenity impacts to adjoining properties.
- Extent of excavation alongside property boundaries have been heavily reduced in length and depth.
- Additional crossover to service both independent driveways of each dwelling.

These plans were readvertised and additional objections were received (total of 31 objections from 18 objector properties) with additional comments received from nine (9) original objectors, with the following new objection ground introduced.

- Lack of compliance with the Bush Suburban Precinct 2 guidelines.

## 9.1.2

(cont)

### Referrals

#### External

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

#### Internal

##### Engineering and Environmental Services Department

- Transport Engineer

The application was referred to Council's Transport Engineering team who have reviewed the proposal and do not object to the proposal, subject to recommended conditions relating to sight lines for vehicles exiting the site.

- Assets Engineer

The application was referred to Council's Assets Engineering team who have reviewed the proposal and do not object to the proposal, subject to recommended conditions.

- Planning Arborist

Planning arborist has reviewed the amended plans and has consented to the design for the removal of all trees and supported the retention of Trees 20 and 21, while recommending tree protection measures for all retained and/or existing trees subject to conditions of approval.

- Parks Wide

The application was referred to Council's Parks Wide arborist who has provided consent for the loss of street trees 2-4 and retention of street trees 5 and 6.

### DISCUSSION

#### State Planning Policies

The construction of two (2) dwellings on this site is consistent with State and Local Planning Policies which encourages higher density development within walking distance of shops, recreation facilities and public transport. The site is 300 metres from the Laburnum local shops and Laburnum train station, and less than 1.0km from two primary schools, two secondary schools and four regional public reserves. The proposal would be generally consistent with State and Local Planning Policies that encourage increased dwelling diversity and density within walking distance of shops, recreation facilities and public transport, along with providing housing that makes better use of existing infrastructure in accordance with Clause 16 (Housing).

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

#### Local Planning Policies

Local planning policy at Clause 21.05 (Environment) identifies issues of natural, visual and built environment. Clause 21.06 acknowledges that The City of Whitehorse is a '*middle ring municipality providing housing for a wide range of household types, ages and cultural groups*' and that it is '*under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities*'.

## 9.1.2

(cont)

The Council seeks to accommodate and facilitate this change through its *Housing Strategy 2014* and *Neighbourhood Character Study 2014*; which identify various neighbourhood character areas (Bush Environment, Bush Suburban and Garden Suburban) and areas appropriate for substantial, natural and limited change.

The subject site is located within a Bush Suburban, Natural Change Area. This requires that any design response responds to the surrounding low scale and detached or semi-detached dwelling form, whilst recognising key environmental and heritage attributes evident.

The proposal responds to these policy objectives in that it provides for two attached dwellings designed to reflect the scale and size of dwellings that otherwise define the neighbourhood character. This design provides effective use of the site and conserves and enhances landscaping opportunities, retention and protection of significant trees located on adjoining properties, whilst providing space for planting of new canopy trees, a key character and landscape element of the area.

Specifically, the importance of the landscape setting and important environmental context is achieved through retention of two (2) well-established mid canopy trees on-site and the required provision of an additional four 12 metre high canopy trees throughout the site via a condition of approval.

It is additionally noted that the proposal provides for new development on the site which reflects an appropriate response to both the preferred and existing neighbourhood character as it seeks to provide for substantive setbacks from all side and rear boundaries, concentrates the building footprint centrally within the site allowing for the provision of generous landscaping and retention of view lines between buildings.

### **General Residential Zone – Schedule 2 (Bush Suburban, Precinct 2)**

The purpose of the General Residential Zone is to:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The proposal is consistent with the intent and purpose of the General Residential Zone (GRZ2). It achieves this by consolidating development on an underutilised and strategically located site in a semi-attached double storey built form. It achieves compliance with all varied ResCode (Clause 55) Standards of the GRZ2 and does not exceed the mandatory maximum height limit of 11 metres.

Notwithstanding, the proposal also satisfies the decision guidelines for the GRZ2 by providing two (2) trees per dwelling on site (1 tree within the front setback area and 1 tree within the rear private open space per dwelling), capable of reaching a height of over 12 metres. This detail has not however yet been confirmed in a landscape plan, which can be addressed as a condition of approval.

### **Significant Landscape Overlay – Schedule 9 (SLO9)**

The Significant Landscape Overlay (SLO) is recognised as an important part of the Whitehorse Planning Scheme, and as such considerable weight is placed upon an application's ability to meet the objectives and decision guidelines. The presence of the SLO does not negate the ability of a site to be developed for residential purposes. However, the hierarchy of the SLO control does require a more sensitive approach and places higher levels of expectation on how a site is to respond to built-form, landscape and environmental values.

## 9.1.2

(cont)

The SLO9 provides the following statement of significance for sites within Bush Suburban Precincts (BS2):

*'The Bush Suburban Neighbourhood Character Area generally has a mix of formal and informal streetscapes with wide nature strips and streets are dominated by vegetation with buildings being partially hidden behind tall trees and established planting.*

*Gardens are less formal, consisting of many canopy trees and property boundary definition can be non-existent or fenced. Buildings appear detached along the street and generally comprise pitched rooftops, with simple forms and articulated facades.'*

A number of key decision guidelines must be considered and are summarised below:

- *The proposed developments ability to provide for appropriate landscaping opportunity.*
- *The proposed developments siting and design, so as to provide for a subservient profile within the context of the site.*
- *The proposed developments impact on existing vegetation on site and surrounding properties.*

In review of the above, it is considered that the proposed development is setback a reasonable distance from property boundaries to provide for a well-conceived landscape design throughout the site, which both ensures adequate retention of existing vegetation and enhances existing landscaping throughout the site.

The total site area is 717m<sup>2</sup>, of which 38.81% is proposed to be taken up by buildings and works and 50.66% is to be permeable. This 50.66% of permeable land is largely provided in the form of private open space and secluded private open space throughout the development. All areas of secluded private open space, are to be located along the site's side and rear boundaries and exceed 100m<sup>2</sup>.

In accordance with recommendation provided by Council's arborist, the applicant has agreed to retain two (2) of the seven onsite (7) trees identified as protected under the SLO9 (trees 20 and 21). The five trees (trees 10, 11, 12, 13 and 17) sought for removal are of poor/fair health or structure. This coupled with the requirement of appropriate replacement planting, including four 12 metre high canopy trees throughout the site, is considered the best outcome for the site, particularly having a medium to long term view of planting of the site over time.

Council's Arborist agrees with the recommendations of the submitted arborist report that the health, structure, height and form of trees 10, 11, 12, 13 and 17 are not worthy of retention and can be replaced with more suitable species. Council's Arborist agrees that the retention and protection of all adjoining trees is viable, subject to conditions requiring provision of a 'Project Arborist' to be appointed by the builder.

Notwithstanding, it is acknowledged that a 0.9 metre high fence is proposed between both driveways along the frontage. This was incorrect and should instead refer to the 0.9 metre high retaining wall that centrally divides the front yards of both dwellings. This detail can be corrected as a condition of approval.

It is also noted the proposal has been reviewed by Council's Assets team who have required conditions be placed on any permit issued to appropriately manage stormwater on site and runoff to surrounding properties.

## 9.1.2

(cont)

### **Neighbourhood Character and Built Form**

#### Neighbourhood Character

The site is located in a Bush Suburban Neighbourhood Character area pursuant to the *City of Whitehorse Neighbourhood Character Study 2014*, and is designated as 'natural change'. Specifically, the policy states:

The desired future character of Bush Suburban 2 is:

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

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

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

The proposed dwellings maintain the siting patterns encouraged within the Bush Suburban precinct with two dwellings facing the street and no walls located on the boundaries. Although the dwellings lack separation between them, the proposed centralised and mirrored built form is a more consistent outcome for the street setting appearing as a single detached dwelling. The setbacks from both side boundaries allow for screening planting and the rear setback allows for a consistent pattern of rear yards.

The use of predominantly brick and timber materials with pitched roofs, coupled with generous setbacks from all boundaries, ensures that the proposed design response does not dominate the adjoining properties. It also provides for the retention of existing vegetation on site to the rear and substantial landscaping opportunities throughout. The generous front setback allows for canopy tree planting opportunities which will soften the built form from the street.

Clause 22.04, Tree Conservation, seeks to encourage the retention and regeneration of significant vegetation. The development proposes generous in-ground landscaping areas made available along the rear and side boundaries, and the front setback area to enhance the tree coverage and landscape character. The retention of trees 20 and 21 along the rear boundary along with the provision of an additional two (2) trees within the site's rear yard is considered to adequately ensure the proposed development will not appear dominant to, and be well screened from, the rear and adjoining properties, and can be further enhanced with landscape planting along both side boundaries of the site.

The requirement of an additional canopy tree within the frontage of each dwelling (2 trees in total), retention of two small street trees (trees 5 & 6), along with an overall planting theme as required within a landscape plan, will provide adequate screening from the streetscape along with generous front setbacks for both proposed dwellings.

#### **Built Form**

The scale and proportions of the proposed dwellings are in keeping with the built form, scale and appearance of developments in the area, albeit contemporary in design. While the dwellings would have a three-storey appearance from the street due to the substantial fall of the land to the street, the excavated garages, split level design and recessive upper floors would create a double storey appearance across the depth of the site for both side and rear elevations.

## 9.1.2

(cont)

The maximum building height from natural ground level of 8.1 metres would ensure that the dwellings would be well below the 11 metre maximum allowable height under the Zone.

Given the extensive front setbacks, strong landscaping opportunities and excavated single tandem garages, the proposed development will positively contribute, rather than dominate, the streetscape. The minimum front setback of 11 metres for both dwellings will exceed the average setback of 9.2 metres between both side adjoining dwellings, and minimum 9 metre setback required under Standard B6 of Res Code.

The proposed design and siting is consistent, subject to conditions, with the objectives and intent of Council's Preferred Character Statement (Bush Suburban Precinct 2). In particular, the proposal retains the generous front setbacks, and proposes to maintain a minimum two metre setback from both side boundaries to allow views between the proposed dwellings and the adjoining dwellings to either side. Substantial landscaping opportunities have also been incorporated throughout the site and setbacks to the rear for maximum protection of all adjoining trees.

Large private open space areas are provided for both dwellings that exceed 50m<sup>2</sup> in area, at a minimum width of 5 metres, located along side and rear boundaries.

### Landscaping

The location of the proposed dwellings, driveway and associated earthworks would result in the loss of five trees. The trees, ranging between 5 metres and 11 metres are poor to fair in health and structure, have a low life expectancy and poor retention values.

Council's Arborist indicated that *'there are no trees on site worthy of retention. Removal of the existing trees and replacement with appropriate species that complement the area will provide the best outcome for the site and landscape character.'* Replacement planting of appropriate canopy species will be an effective landscape outcome in this instance. Additionally the street trees in front of the site are small species of Bottlebrush and 'Snow in Summer' and are not typical of the street trees located on Salisbury Avenue which are predominately Pin Oaks.

With the support of Council's Parkwide arborist, the location of the proposed crossover for the northern dwelling would result in the loss of three small street trees (trees 2-4), while street trees 5 and 6 can be retained subject to appropriate tree protection measures.

At the direction of Council's arborist, Tree No. 20 (*Eriobotrya japonica* – 4 metres high) and Tree 21 (*Melaleuca linariolia* – 6 metres high), along with their screening role to the rear boundary interface, have been retained along the western boundary as part of the revised proposal.

The replanting and overall provision of landscaping throughout the site via a landscape plan required as a condition of approval, coupled with proposed retention of existing canopy trees, is considered to provide for a positive landscaping outcome. This will allow for an appropriate transition between existing and new canopy tree growth throughout the site and boundary interfaces and will ensure an appropriately landscaped outcome on site throughout the life of the development.

The spacious landscaped setting would enable the proposed dwellings to sit within garden settings and will not dominate the streetscape. Required canopy trees capable of reaching a minimum mature height of 12 metres in the front setback via permit conditions will also assist in providing a visual break to the proposed dwellings. Screening planting along both side boundaries and additional canopy trees in the rear setback will assist to break up the two storey built form from the adjoining properties.

### **9.1.2** (cont)

The landscaping requirements will meet the objectives of the Bush Suburban Precinct 2 by providing sufficient spacing to enable the planting of extensive landscaping including new canopy trees. Footings from both dwellings will also be located outside the root zone of established trees on adjoining properties, while private open space areas are oriented to the west of the site with access to northern light.

The offset planting would meet the decision guidelines of the SLO9 for replacing a similar number of species to the number of trees proposed for removal. These replacement species will be more capable of being established large canopy trees that will have a greater contribution on the streetscape and wider significant landscape character.

It is further recommended that the driveways be constructed of permeable paving to ensure effective growth of both required canopy trees within the frontage of the site. Along with tree protection measures required by Council's arborist, a further tree protection measure to ensure that any future water tank is to be located outside of the TPZ of any existing or replacement tree, will be recommended. This landscape outcome is also consistent with the requirements of Clause 22.04 (Tree Conservation)

#### **Car Parking**

Clause 52.06 (Car Parking) is a relevant consideration of this application and a key concern for objectors regarding parking and traffic within the area.

Both dwellings comprise four bedrooms and are proposed to be provided with a single width tandem garage integrated into the ground floor design with one to two potentially additional tandem car spaces located on the driveway of each dwelling. This is despite no visitor parking requirements applying under both Res Code and the parking provisions of Clause 52.06. The proposed development goes beyond the required number of car spaces as required under Clause 52.06 to address limited on-street parking.

It is also acknowledged that the site is suitably located within the Principle Public Transport Network Map area being located within 300m of Laburnum Station. This addresses the objection grounds on car parking and traffic.

It is proposed to utilise the existing crossover to provide vehicle access for Dwelling 1. An additional crossover will be required for Dwelling 2. Parking restrictions already apply in Salisbury Road including the site frontage and thus, the addition of one crossover will not affect street parking.

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

##### *Loss of sunlight*

The new dwelling design provides for greater upper level setbacks and open rear yards from the adjoining properties, while providing minimal overshadow to the POS of the south adjoining dwelling. While there is some overshadowing experienced to the southern adjoining dwelling, the proposal will meet Res Code Standard B21 (Overshadowing), confirming that the extent of overshadow to this adjoining property is not significant.

##### *Loss of amenity, overlooking, loss of privacy, loss of views*

Concerns were raised with the previous design that the dwelling to the rear was visually dominant within the backyards of the adjoining properties. The current design of the proposed development has taken this into account with the dwellings located central within the site allowing large areas (over 10 metres wide) of SPOS to the rear. SPOS would also wrap around both side boundaries at 2 metres in width. The amenity impacts on the adjoining properties has been reduced with this change of design with a pattern of siting more typical of a single dwelling.

## 9.1.2 (cont)

Overlooking can be addressed with the provision of screening to northern orientated windows to avoid overlooking from the upper levels, noting that the existing side boundary fencing will be retained at a height of 1.9 metres and 2.3 metres respectively.

Loss of views to the adjoining properties is not a valid planning consideration.

### *Excavation of the site*

The current design of the proposed development has greatly reduced the extent of excavation from the previously proposed design. The level of excavation no longer extends deep within the site accounting only for the respective garages. Consequently, the extent of excavation would no longer genuinely threaten the viability of a number of adjoining trees compared to the previously proposed design.

### *Damage to infrastructure*

Damage to Council's infrastructure is not a valid planning consideration, and would be addressed during the building permit process.

## **CONCLUSION**

The proposal comprising building and works for the Construction of two (2), part double storey, part triple storey, dwellings and associated vegetation removal is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone 2 and Clause 55, ResCode.

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

A total of 31 objections (18 properties) 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 Section 57A Advertised Plans 
- 2 Tree Removal Plan 

## **Attendance**

Cr Davenport left the Chamber at 8:04pm, returning at 8:06pm.

## Engineering and Environmental

### 9.1.3 Extension of Council's kerbside waste and recycling collection contracts

FILE NUMBER: 19/15172  
ATTACHMENT

#### **SUMMARY**

*The purpose of this report is to gain approval to extend Council's kerbside waste and recycling contracts from 1 July 2019 for 2 years until 30 June 2021.*

*The kerbside waste and recycling contracts include the collection of garbage bins, green (garden) organics bins, recycling bins, hard waste and bundled prunings, and the annual Renew collection of unwanted household items. These long-term contracts commenced on 1 July 2012 and the initial contract period expires on 30 June 2019. There is an option to extend the contracts for a further 2-year period at the discretion of Council.*

*At its meeting on 20 August 2018, Council approved the extension of its recycling collection contract with Visy Recycling until 30 June 2021 as part of a revised contract arrangement for collection and processing of recyclables. This was necessary to provide service certainty as a result of the recycling crisis in 2018.*

*The remaining kerbside waste and recycling contracts have been assessed in terms of their service standards, contractor performance, benchmarking of contract rates, opportunity for service improvements, fit-for-purpose and community satisfaction. The assessment confirmed that the current waste and recycling contracts will continue to represent best value for the community for the next 2 years.*

*It is recommended that Council approves the extension of Council's kerbside waste and recycling contracts from 1 July 2019 until 30 June 2021 for the collection of garbage bins, green (garden) organics bins, hard waste and bundled prunings, and the annual Renew collection of unwanted household items.*

#### **RECOMMENDATION**

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

- 1. Approves the extension of Contract 11012/1: Kerbside Garbage Bin Collection Service with JJ Richards & Sons Pty Ltd until 30 June 2021***
- 2. Approves the extension of Contract 11012/2: Kerbside Green Organics Bin Collection Service with JJ Richards & Sons Pty Ltd until 30 June 2021***
- 3. Approves the extension of Contract 11012/5: Hard Waste and Bundled Prunings Collection Service with WM Waste Management Services Pty Ltd until 30 June 2021***
- 4. Approves the extension of Contract 11012/8: Collection of Unwanted Household Items for Recycling with Southern Cross Recycling Group Pty Ltd until 30 June 2021***
- 5. Advises each of the contractors above of Council's approval to extend the respective waste and recycling contracts until 30 June 2021.***

### 9.1.3

(cont)

#### MOTION

Moved by Cr Barker, Seconded by Cr Davenport

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

- 1. Approves the extension of Contract 11012/1: Kerbside Garbage Bin Collection Service with JJ Richards & Sons Pty Ltd until 30 June 2021***
- 2. Approves the extension of Contract 11012/2: Kerbside Green Organics Bin Collection Service with JJ Richards & Sons Pty Ltd until 30 June 2021***
- 3. Approves the extension of Contract 11012/5 Hard Waste and Bundled Prunings Collection Service with WM Waste Management Services Pty Ltd until 30 June 2021. subject to a thorough review of the existing system and interaction between the hard waste contract and measures to reduce dumped rubbish.***
- 4. Approves the extension of Contract 11012/8: Collection of Unwanted Household Items for Recycling with Southern Cross Recycling Group Pty Ltd until 30 June 2021.***
- 5. Advises each of the contractors above of Council's approval to extend the respective waste and recycling contracts until 30 June 2021.***

LOST

A Division was called.

#### Division

<b>For</b>	<b>Against</b>
Cr Barker	Cr Bennett
Cr Davenport	Cr Carr
Cr Liu	Cr Cutts
	Cr Ellis
	Cr Massoud
	Cr Munroe
	Cr Stennett

On the results of the Division the motion was declared LOST

#### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Carr

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

- 1. Approves the extension of Contract 11012/1: Kerbside Garbage Bin Collection Service with JJ Richards & Sons Pty Ltd until 30 June 2021***
- 2. Approves the extension of Contract 11012/2: Kerbside Green Organics Bin Collection Service with JJ Richards & Sons Pty Ltd until 30 June 2021***
- 3. Approves the extension of Contract 11012/5: Hard Waste and Bundled Prunings Collection Service with WM Waste Management Services Pty Ltd until 30 June 2021***
- 4. Approves the extension of Contract 11012/8: Collection of Unwanted Household Items for Recycling with Southern Cross Recycling Group Pty Ltd until 30 June 2021***
- 5. Advises each of the contractors above of Council's approval to extend the respective waste and recycling contracts until 30 June 2021.***

**CARRIED UNANIMOUSLY**

### **9.1.3**

(cont)

#### **BACKGROUND**

The purpose of this report is to gain approval to extend Council's kerbside waste and recycling contracts from 1 July 2019 for 2 years until 30 June 2021.

The kerbside waste and recycling contracts include the collection of garbage bins, green (garden) organics bins, recycling bins, hard waste and bundled prunings, and the annual Renew collection and recycling of unwanted household items. These long-term contracts commenced on 1 July 2012 and the initial contract period expires on 30 June 2019. There is an option to extend the contracts for a further 2-year period at the discretion of Council.

Waste and recycling collection contracts typically range from 7 to 10 years in duration. This is to provide service consistency and reliability over time, and to ensure that the service costs are affordable and value-for-money. The contractors are required to commence the waste and recycling contracts with new collection trucks, and a long-term contract period allows for the high capital costs of supplying new vehicles to be amortised and spread over time, resulting in affordable annual contract rates for Council and the community.

At its meeting on 20 August 2018, Council approved the extension of recycling collection contract with Visy Recycling until 30 June 2021 as part of a revised contract arrangement for collection and processing of recyclables. This was necessary to provide service certainty as a result of the recycling crisis in 2018.

The remaining kerbside waste and recycling contracts have been assessed in terms of their service standards, contractor performance, benchmarking of contract rates, opportunity for service improvements, fit-for-purpose and community satisfaction. The assessment confirmed that these contracts remain as best value for the community for the next 2 years.

#### **DISCUSSION**

The assessment of the current kerbside waste and recycling contracts involved gathering information from other Councils and the Metropolitan Waste and Resource Recovery Group, comparing the contractors' performance with the contract requirements and Key Performance Indicators, community satisfaction survey outcomes, and consideration of the benefits and costs if the contracts are extended.

#### **Contract Review / Assessment:**

The Whitehorse Council waste and recycling contracts were considered best-practice at the start of the contract, and have remained effective throughout the contract period because specific customer-focussed and safety outcomes were specified as part of the contract documentation. Previous waste contract specifications were more prescriptive in detailing contractor processes or step-by-step requirements. The emphasis on achieving a desired outcome instead of prescribing how to perform the collections has allowed for flexibility and improvement over the past 6.5 years. The contractors have regularly updated their work practices and systems to comply with changing legislation, authority standards and higher community expectations.

Examples of improvements implemented during the contracts include:

- Improved load management practices and systems by JJ Richards (garbage and garden bin collections) and WM Waste Management (hard waste collection) to comply with recent changes to the Chain of Responsibility legislation;
- Improved on-board electronic devices and reporting system implemented by WM Waste Management, as well as recycling of a larger proportion of hard waste as an energy-source for cement kilns
- All contractors improving their OHS procedures and monitoring, to minimise risk
- Ability to receive online bookings of hard waste, introduction of an sms phone reminder to residents who make a hard waste booking or request a reminder about the Renew collection

### **9.1.3**

(cont)

- Free furniture and household items given to local Eastern Emergency Relief service at Renew drop-off day, and used bicycles donated to the Bikes4Life program for disadvantaged communities
- Upgrade to JJ Richards online vehicle tracking system (j-track), allowing Council staff to view where and when bins are collected each day
- Hard waste contract added-value service with regular (on-site where possible) collections from larger multi-unit developments, and fortnightly pick-ups of dumped hard waste at selected 'problem' streets

All of these improvements were implemented without the need to vary the contract conditions or change the contract rates.

#### **COMMUNITY SATISFACTION**

In the annual community satisfaction survey, waste management consistently rates in the top 3 for satisfaction with Council services. In 2018, 81% of residents surveyed rated Council's waste and recycling services as 'very good' or 'good'.

The Whitehorse waste management services also consistently rate as the most valued services provided by Council, higher than the average rating for other metropolitan and Victoria-wide Councils.

This is consistent with community feedback received throughout 2018 during the consultation phases for the development of Council's new Waste Management Strategy 2018-2028. Feedback about Council's waste and recycling services was overwhelmingly positive. The community wants Council to build on the core services currently offered and in future consider further measures to achieve better recycling outcomes, recycle a wider range of items (including soft plastics), collect and recycle food waste, and reduce the amount of dumped rubbish.

Some of these requested improvement measures or service changes can begin to be explored through variations to the current contracts, while others will require major capital investment or time to fully evaluate their viability and cost. Some of the desired improvements go beyond the scope of the waste contracts and will rely on advancements in the capability of the waste and recycling industry before they could be considered.

Community feedback received as part of the consultation for the new Waste Management Strategy also recognised that the community needs to take more responsibility in reducing and avoiding the generation of waste in the first place, and to follow correct waste disposal practices. This will enable the Council waste and recycling services to operate more effectively and maintain high community satisfaction levels. There is community support for waste education programs, community-focussed incentives, and enforcement programs to complement the waste and recycling contract services.

#### **SERVICE STANDARDS / FIT-FOR-PURPOSE**

Council's waste and recycling collection contracts continue to provide quality services to the community. The range of services and service standards offered by Whitehorse Council exceeds those offered by many other Councils. The annual Renew collection of unwanted household goods is only provided by one other Victorian Council. The 3 cubic metre limit for hard waste is also at the top end of allowable limits, as is the opportunity to access two hard waste collections per year. Council also offers a wide range of choice for different bin sizes that the contractors are required to manage on behalf of Council.

Whitehorse Council waste contract specifications have been shared with other Councils in recognition that the Whitehorse contracts are written in plain, easily understood terms and are effective in achieving good customer service-focussed outcomes.

### **9.1.3**

(cont)

Discussions have commenced with Visy Recycling for the contractor to implement system and process improvements in 2019, not so much to change the recycling contract standards but more to ensure that consistent quality customer service outcomes are achieved.

The other waste and recycling service standards that form the basis of Council's current contracts remain quite contemporary and deliver services in line with community expectations.

The recycling crisis in 2018 demonstrated that Council's contract conditions are amongst the more robust in Victoria, contributing to Council achieving one of the best outcomes in Victoria for an ongoing recycling contract arrangement.

#### **CONTRACTOR PERFORMANCE**

All of Council's waste and recycling contractors have consistently met their contract Key Performance Indicators (KPI's) and conditions. As in any Council, there are relatively isolated and minor incidents of non-compliance by the contractor, but corrective action has always been taken in a prompt manner. In 2017/18, the waste and recycling collection contractors collected over 5,974,250 bins and hard waste bookings at an average of 114,890 collections per week.

The industry-wide 'missed bin' KPI used in the compulsory Local Government Performance Reporting framework shows that Whitehorse Council's contractors miss an average of only 4 bins per 10,000 collections, which is lower than the experience at many other metropolitan Councils and is below the 2017/18 average for similar Councils. The attachment to this report compares KPI's for Whitehorse garbage and recycling contracts with those at Knox, Manningham and Boroondara Councils (figures obtained from the 'Know Your Council' Local Government Performance Reporting website).

In other areas of contract performance, the Whitehorse contractors perform well. In the 6.5 years of the waste and recycling contracts to date, there has never been a strike or a day when the bins haven't been collected affecting entire neighbourhoods. The contractors have a high rate of completing all of the daily pick-ups on the scheduled day, and they have a good safety record. Overall the contractors' performance is more than satisfactory.

#### **BENCHMARKING OF CONTRACT RATES (SERVICE COSTS):**

Council's kerbside garbage and recycling bin costs per bin are less than those of some of our neighbouring Councils, and are well below the average waste costs at similar metropolitan Councils.

The 2017/18 'Know Your Council' waste figures show that the Whitehorse waste costs are cheaper per bin to collect garbage bins and recycling bins than Knox, Boroondara and Manningham (refer attachment). The cost per bin uses the actual Council contractor payments as the basis of the cost comparison. Note that the recycling cost is low for all Councils because the 2017/18 figures still included income received by the Councils from the recycling contractors, which no longer applies as a result of the recycling crisis in 2018.

The current contract rates per bin in Council's waste and recycling contracts will increase annually by a contract CPI over any contract extension period. While contract rates at various Councils are confidential, information from the 'Know Your Council' benchmarking reports show that Whitehorse Council collection rates per bin are currently 8% to 30% cheaper than those at most other Councils.

It is evident that Whitehorse Council currently has favourable waste and recycling contract rates that will remain favourable in the contract extension period because the rates only increase in line with the contract CPI over the next two years. The waste contract CPI formula is typically a little higher than the general CPI because it is based on transport factors such as fluctuations in the cost of diesel fuel.

### **9.1.3**

(cont)

#### **Opportunity for Improvements during Contract Extension Period**

The contract extension period of 2 years offers an opportunity for Council to work with our existing contractors to trial service improvements or initiatives that could feasibly be included in the next suite of waste and recycling contracts. Council's current waste and recycling contracts allow the contract to be varied by agreement. All of Council's existing contractors are willing to work with Council on continuous improvement to the waste and recycling services, and have already done so to date.

Possible improvements are likely to be restricted to those that involve limited new capital investment, because a 2-year period restricts the time available for an economic return on the investment.

In 2018, Council staff were involved with discussions with up to 10 other Councils about the possibility of jointly procuring hard waste services for the collective benefit of all participating Councils. A common specification was developed as part of this project, combining the best parts of individual Council contracts, including clauses from the Whitehorse contract. The joint procurement project has temporarily been put on hold because there needs to be further work on aligning the various hard waste standards and service expectations across the different Councils, to avoid overly complicating a multi-Council contract.

A number of the Councils involved in the discussions have hard waste contracts that expire in the period 2020 to 2022, so it was agreed that there is a potential future opportunity to tender together as a group. Further assessment is needed to ensure that any joint procurement process will likely result in beneficial outcomes for individual Councils, including a cheaper price than if Councils were to tender their hard waste services individually.

Any possible trial improvement initiatives for the garbage bin, garden bin, recycling bin, hard waste or Renew collection services will be discussed and considered with the respective contractors if Council approves the contract extension.

#### **Benefit of aligning Contracts to Tender as a Suite of Services**

Most Councils align their waste and recycling contracts to a common expiry and commencement date because this arrangement usually provides benefits to Council and the community. Tendering for waste services is a costly exercise for Council and the prospective contractors. Combining the services as a package or suite of services in the one tender process usually attracts more tenders, maximises competition, and makes the evaluation process more efficient.

Each service will have a separate contract assigned to it, providing Council with the flexibility to award individual contracts (for example to a particular specialist contractor), or to award multiple contracts at the same time to one contractor.

There are benefits of scale in terms of local knowledge and resource-sharing if one company wins multiple service contracts. Such an arrangement provides more efficient administration and customer service processes between a single contractor and Council. Some contractors offer a discount on their service charge if Council awards multiple contracts to the one contractor, providing a financial benefit to Council.

Council's 2012 waste management tenders are a case in point. JJ Richards won two contracts for garbage and garden bin collections, and the synergies between the two services have proved beneficial. Visy Recycling were awarded two contracts for the collection and processing of recyclables, and the discount offered for the recycling collection contract was financially significant.

Extending the remaining waste and recycling contracts to the 30 June 2021 expiry date of the recycling collection contract will ensure that Council can benefit from subsequently tendering out all of the waste and recycling services together.

### **9.1.3**

(cont)

#### **STRATEGIC IMPLICATIONS**

Council's new Waste Management Strategy 2018-2028 contains 5 priority outcomes for managing waste and recycling services in Whitehorse as follows:

- Priority outcome 1: Minimising our waste to landfill
- Priority outcome 2: Getting the maximum value from our waste
- Priority outcome 3: Leading our community in supporting best waste management
- Priority outcome 4: Using new technology and innovation to improve the way we do things
- Priority outcome 5: Responding promptly to modern waste challenges

Providing best practice kerbside waste and recycling contracts based on achieving positive economic and environmental outcomes is a key contributor to all of the Waste Strategy's Priority outcomes.

The Waste Management Strategy 2018-2028 outlined some key changes and challenges facing the waste industry over the next 10 years. Extending the existing kerbside waste and recycling contracts until 2021 will allow more time for some of these emerging key issues to become clearer in terms of how they will impact Council's waste and recycling collection services. Emerging issues discussed in the Waste Management Strategy include combined food and garden waste collections, the use of advanced waste and resource recovery facilities to process residual waste, and possible participation in multi-Council contracts.

Extending the current waste and recycling contracts and aligning them is consistent with the actions and strategic direction of the Waste Management Strategy 2018-2028

#### **WASTE AND RECYCLING TIMELINES**

If a 2-year contract extension is approved, the suite of kerbside waste and recycling collection contracts will expire on 30 June 2021. However preparation for the new contracts will commence at least 18 months prior to the contract expiry date because new contract specifications must first be developed and then a comprehensive public tendering and evaluation process will be undertaken.

The accepted notice period to advise waste contractors about Council awarding new waste and recycling contracts is a minimum of 6 months prior to the commencement date of the new contracts. This timeline is necessary to give the successful contractors sufficient time to order and commission new trucks, familiarise themselves with Whitehorse, plan the collection routes, train the drivers, and set up their required communication and reporting processes with Council. The new waste and recycling contracts will therefore need to be awarded by Council no later than December 2020.

An extensive review of Council's waste services and contract standards will be undertaken in 2019/20 to develop new contract specifications in preparation for tendering the waste and recycling services. This timing will enable an evaluation of the food and garden waste collections currently being commenced or proposed at some other Councils, so that the most effective food waste service arrangements can be built into Whitehorse Council's next suite of services (subject to Council approval).

A commencement date for new contracts in mid-2021 also enables time for the outcomes of a multi-Council procurement process for Advanced Waste and Resource Recovery Technology (AWRRT) to be known. A better understanding of what new advanced forms of waste processing will emerge and where such facilities may be located will influence Council's waste collection contracts.

The emergence of low-emission and electric/hybrid waste collection vehicles will be another area of interest for contracts commencing in 2021.

### **9.1.3**

(cont)

#### **CONCLUSION**

The outcome of the review of Council's current kerbside waste and recycling contracts is that extending these contracts until 30 June 2021 will provide the community with consistent and reliable waste services that continue to represent best value and satisfy community needs for the collection of waste and recyclables.

The contract extension provides financial certainty, affordable services, quality service standards and a good mix of services for the community.

It is recommended that Council extends all of the kerbside waste and recycling collection contracts until 30 June 2021.

#### **CONSULTATION**

A considerable amount of community feedback about Council's waste and recycling services was received during the development of the Whitehorse Waste Management Strategy 2018 – 2028 throughout 2018. This feedback was received in two phases of community consultation, using face-to-face interactive drop-in sessions and workshops, a dedicated online waste hub, hard copy and online surveys, and from targeted sectors of the community.

Council also receives community feedback and ratings of the waste management services from the annual community satisfaction survey, the most recent of which was conducted in February 2018.

The community contacts Council on a daily basis about some aspect of waste or recycling services, ranging from routine service requests to complaints, so the views of the community about Council's waste and recycling services are well known.

#### **FINANCIAL IMPLICATIONS**

The provision of waste and recycling services involves a significant portion of Council's annual budget and resources. The value of the kerbside waste and recycling collection contracts in 2018/19 is budgeted to be \$8,655,541.

The cost of the existing Whitehorse waste and recycling contracts is favourable when compared to the costs at similar metropolitan Councils (refer to attachment for an extract from 'Know Your Council' comparing Whitehorse with Knox, Manningham and Boroondara Councils).

Extending the existing contracts will ensure that these competitive costs will continue in line with CPI increases, providing financial certainty over the next two financial years. Retendering waste and recycling services in the current market could expose Council to the risk of a cost shock as a result of the uncertainties and challenges for the waste industry outlined in the recent Waste Management Strategy.

Aspects of the future direction for the waste industry are expected to be a little clearer by 2020/21. Tendering for a new suite of kerbside waste and recycling contracts in mid-2020 will enable the Council specifications for the new waste and recycling contracts to be updated accordingly. Undertaking a thorough public tender process will ensure that Council achieves best value based on practical and achievable contract specifications.

The table below shows the estimated 3-year contract costs for the waste and recycling budget if the current collection contracts are extended. The estimated costs for 2019/20 and 2020/21 use the expected contract CPI increases to indicatively compare future costs to the current year's budget.

**9.1.3**  
(cont)

<b>Waste Collection Services</b>	<b>2018/19 budget</b>	<b>2019/20 budget (estimated)</b>	<b>2020/21 budget (estimated)</b>
Garbage, Garden Organics, Recycling, Hard Waste, Renew	\$ 8,655,541	\$ 8,841,709	\$ 9,120,305
% change to annual budget		+2.15%	+2.5%

**POLICY IMPLICATIONS**

The Whitehorse Waste Management Strategy 2018 - 2028 is the key strategy for the management of waste in Whitehorse. It complements the waste initiatives and direction contained within the Whitehorse Sustainability Strategy 2016 - 2022.

**ATTACHMENT**

- 1 Extension of kerbside waste and recycling contracts until 30 June 2021 

## 9.2 CORPORATE

### 9.2.1 Quarterly Performance for Quarter Ending 31 December 2018

FILE NUMBER: 19/16518  
ATTACHMENT

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#### SUMMARY

*The purpose of this report is to brief Council on the performance against the Council Plan 2017-21 and the Annual Budget 2018/19 for the quarter ended 31 December 2018.*

#### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

***That Council note the Quarterly Performance Report for the quarter ended 31 December 2018.***

**CARRIED UNANIMOUSLY**

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#### BACKGROUND

The Quarterly Performance Report for the quarter ended 31 December 2018 provides a detailed report of performance against the major initiatives and initiatives identified in the *Annual Budget 2018/19*. These major initiatives and initiatives contribute to the achievement of the *Council Plan 2017-21*. Therefore, the Quarterly Performance Report reviews Council's performance against the Council Plan and the Annual Plan, pursuant to sections 131(3) (a) (ii) and 138 of the *Local Government Act 1989*.

The financial section of the Quarterly Performance Report has been prepared on an accruals basis to ensure accurate matching of income and expenditure, both operating and capital, for the year-to-date ended 31 December 2018. Furthermore, the financial section is prepared on the basis of year-to-date, year-end projection, cash and key balance sheet items, and analysing trends against budget.

#### DISCUSSION

##### Performance against Council Plan

The Annual Plan, which is a part of the *Annual Budget 2018/19*, identifies 23 major initiatives and initiatives which contribute to the achievement of the strategic directions and goals (strategic objectives) of the *Council Plan 2017-21*.

Of the 23 major initiatives and initiatives being reported on in Quarter 2, 20 are In Progress (15 on track, 4 below target), 3 are completed and 1 has not yet commenced.

Highlights for the quarter included:

- Nunawading Community Hub Development – Work commenced mid-November 2018 with site clearing and bulk excavation complete and civil drainage underway.
- Residential Corridors Study – A final draft of the Residential Corridors Built Form Study has been completed and incorporates feedback from community consultation held during July and August 2018.
- Digital Transformation Strategy – A further 24 services are now 'Apply and Pay Online' enabled, bringing the total to 35 and augmenting the earlier compliance and efficiency benefits with 324 staff hours and 192 customer hours saved YTD.
- Live streaming of Council and Committee meetings – Live stream of Council meetings commenced on 12 November 2018. Our website page is fully operational providing information and archive access of meetings.

## 9.2.1

(cont)

- Box Hill Mall general waste and recycling bin upgrades – the 10 general waste bins and seven recycling bins in the mall have been replaced with three sets of solar compacting recycling and waste bins with another set located in Box Hill Gardens near the new play space and barbeque area.

### **Performance against Annual Budget**

The year to date financial result at 31 December 2018 was favourable to budget by \$1.74m. This primarily reflects a \$1.52m favourable timing difference due to early payment of Quarter 3 Commonwealth funding for Whitehorse Home and Community Services.

The year-end result is forecast to be a surplus of \$64.46m, \$353k favourable to budget.

As at 31 December 2018, actual capital YTD expenditure was \$12.3m, \$5.7m below the YTD budget of \$18.

Actual capital YTD expenditure represents 19.2% of the total annual budget.

### **ATTACHMENT**

- 1 Q2 October - December 2018 [↔](#) 

## 9.2.2 Supplementary Valuation Quarterly Report- 1 October 2018 to 31 December 2018

FILE NUMBER: SF16/746#04

### SUMMARY

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

### COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Carr

#### That Council:

1. **Note and accept the supplementary valuations undertaken during the period commencing 1 October 2018 to 31 December 2018.**
2. **Authorise the rate records to be adjusted to take account of the supplementary valuations returned.**

**CARRIED UNANIMOUSLY**

### BACKGROUND

This report relates to supplementary valuations undertaken by Council in accordance with the *Valuation of Land Act 1960* for the period from 1 October 2018 to 31 December 2018.

### DISCUSSION

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

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

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

Table # 1: Supplementary Valuations completed between: 1 October 2018 and 31 December 2018

Supplementary Valuation Reference	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
October 2018	220	\$173,208,000	\$234,778,000	\$11,768,250
November 2018	193	\$79,712,000	\$152,327,000	\$ 7,617,700
December 2018	105	\$73,990,000	\$123,304,000	\$ 6,467,500
Supplementary Valuations Total	518	\$326,910,000	\$510,409,000	\$25,853,450

### CONSULTATION

The legislative requirement for Council to complete supplementary valuations is contained within the *Valuation of Land Act 1960*. All supplementary valuations contained in this report have been undertaken in accordance with the *2018 Valuation Best Practice Specifications Guidelines*.

## 9.2.2

(cont)

### FINANCIAL IMPLICATIONS

The total change to the Capital Improved Value (CIV) caused by the supplementary valuations undertaken is an increase of \$150,812,000.

This change in CIV has generated approximately \$119,116 of supplementary rate income.

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

Table #2: Valuation totals as at 1 October 2018

BREAKDOWN	Number of assessments	SITE VALUE	C.I.V.	N.A.V.
Rateable	74,115	\$59,691,673,500	\$78,439,621,000	\$4,015,901,415
Non Rateable	1,078	\$ 3,926,665,000	\$ 4,294,559,000	\$ 233,752,795
Municipal Total	75,193	\$63,618,338,500	\$82,734,180,000	\$4,249,654,210

Table#3 Change to valuation totals due to supplementary valuations between: 1 October 2018 to 31 December 2018

Supplementary Valuations	Number of assessments subject to Supplementary Valuation	Change to Site Value	Change to CIV	Change to NAV
October 2018	220	-\$ 132,000	\$45,631,000	\$2,279,350
November 2018	193	\$ 197,000	\$69,007,000	\$3,451,700
December 2018	105	-\$ 371,000	\$36,174,000	\$1,808,700
Total Change	518	-\$ 306,000	\$150,812,000	\$7,539,750

Table #4: Valuation totals as at 31 December 2018

NEW BREAKDOWN	Number of assessments	SITE VALUE	C.I.V.	N.A.V.
New Rateable	74,291	\$59,690,522,500	\$78,581,194,000	\$4,022,676,915
New Non Rateable	1,080	\$ 3,927,510,000	\$ 4,303,798,000	\$ 234,517,045
New Municipal Total	75,371	\$63,618,032,500	\$82,884,992,000	\$4,257,193,960

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

### POLICY IMPLICATIONS

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

### 9.2.3 Chief Executive Officer Recruitment

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#### **SUMMARY**

*Council's Chief Executive Officer Noelene Duff has advised Councillors that she will conclude her employment with Council at the end of her current contract on 13 August 2019. This report is to seek authorisation to commence the recruitment process for a new Chief Executive Officer (CEO).*

#### **RECOMMENDATION**

*That Council:*

- 1. Formally note the advice from the Chief Executive Officer Noelene Duff received on 29 January 2019, of her intention to conclude her employment on 13 August 2019 that being the conclusion of her Contract with the City of Whitehorse.*
- 2. Authorise the Advisory Committee for the review of the Chief Executive Officer's Development to begin the recruitment process with assistance and support of Council's Organisation Development Manager with the proposed broad steps.*
- 3. Appoint a probity auditor to oversee the recruitment process.*
- 4. Express its appreciation to Ms Duff for her dedicated service as Chief Executive Officer to Whitehorse City Council and the Community.*

#### **COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Barker

*That Council:*

- 1. Formally note the advice from the Chief Executive Officer Noelene Duff received on 29 January 2019, of her intention to conclude her employment on 13 August 2019 that being the conclusion of her Contract with the City of Whitehorse.*
- 2. Authorise the Advisory Committee for the review of the Chief Executive Officer's development to begin the recruitment process with assistance and support of the Council's Organisation Development Manager with steps determined by Councillors, noting the broad steps in the report.*
- 3. Invite all Councillors to attend and participate in meetings of the Advisory Committee for the review of the Chief Executive Officer's development.*
- 4. Appoint an independent consultant to oversee the recruitment process, with such consultant being chosen by Councillors.*
- 5. Express its appreciation to Ms Duff for her dedicated service as Chief Executive Officer to Whitehorse City Council and the Community.*

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

Ms Duff has been CEO of Whitehorse Council for 19 years and leaves behind an impressive track record of community and professional achievements. Her leadership of the organisation, support to Councillors/Council and professional reputation in the local, national and international local government sector is highly regarded and acknowledged.

It is important for Council to begin the process of appointing a new CEO to lead the organisation through change and to meet the obligations of Council's Plan 2017-2021. Ideally it would be desirable for a new CEO to commence at the conclusion of Ms Duff's contract, namely Wednesday 14 August 2019.

### **9.2.3**

(cont)

#### **STATUTORY REQUIREMENTS:**

The Local Government Act 1989 (as amended) requires Council:

- Must make a permanent appointment as soon as practicable after a vacancy in the position occurs
- To invite applications for the position in a notice generally circulating through out Victoria and considered all applications received in compliance with the conditions specified
- A contract of employment with a new CEO is void if a current contract exists and has not expired

The Advisory Committee for the Review of the Chief Executive Officer's Development was established by Council and the 2019/20 appointments to this committee comprises the Mayor, Cr Bennett, the immediate past Mayor Cr Andrew Davenport and Crs Massoud and Munroe (both having previously held the position of Mayor). It is appropriate that such a committee commence the process of recruitment for Council approval with the assistance and guidance of Council's Organisation Development Manager and a probity auditor to ensure good governance in the recruitment steps ensuring fairness transparency and accountability.

In order to meet the August commencement date for a new CEO the following broad steps would be required:

1. Select a recruitment agency to undertake the recruitment process.
2. Advertise the role.
3. Short list applicants. Initial interviews held.
4. Final selection of candidate from short listed applicants.
5. Contracts completed.
6. Handover meetings
7. New CEO commences as negotiated.

#### **FINANCIAL CONSIDERATIONS**

Budget will be made available in the Organisation Development budget to cover these recruitment and probity costs.

#### **POLICY**

Terms of Reference for the Chief Executive's Development Committee will be made available to guide and assist the Committee in this important task.

## **9.2.4 Proposal to change/consolidate street name to Brenda Court, Nunawading**

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### **SUMMARY**

*This report seeks Council endorsement to rectify an anomaly, where a residential street with 15 abutting properties has been assigned two names – 4 properties are known as Brenda Court and the remaining 11 properties are known as Brenda Street, Nunawading (site map provided as [Appendix 1](#)).*

### **COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Cutts

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

- 1. *Resolve to change the street name for all abutting properties of Brenda Street (nos 2-12 and 9-17) to Brenda Court, Nunawading.***
- 2. *Request that the Registrar of the Office of Geographic Names be advised in terms of 1 above.***
- 3. *Upon receiving acceptance of the name change from the Office of Geographic Names Victoria, ensure that:***
  - a) *Affected property owners/occupiers are promptly notified of the street name change;***
  - b) *Necessary changes to street signage are made in line with 1) above.***

**CARRIED UNANIMOUSLY**

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### **BACKGROUND**

A resident of Brenda Street, Nunawading contacted Council in November 2018 seeking to have the street name changed to Brenda Court, due to the number of motorists entering the street thinking that it is a through road, even though installed signage states that it is a no through road.

A photograph of the entry signage to Brenda Street/Court is provided as [Appendix 2](#).

Given the nature of the existing street naming, Council Officers sought advice from the Office of Geographic Names Victoria, in how best to proceed. Advice received, confirmed that as a minimum, consultation with residents directly affected by the proposed change was deemed necessary.

### **DISCUSSION**

In arriving at the recommendation, Council Officers have given due consideration to a number of competing factors and issues.

Clearly, maintaining status quo will have the least direct impact on property owners/occupiers. However, it does not resolve the identified problem of motorists entering Brenda Street/Court, even though signage states that it is a no through road. Nor does it remove concerns around public safety, given the confusing numbering and street naming that exists in Brenda Street/Court.

Conversely, the proposed street name change:

- a) Will adopt a Court suffix, to reflect its actual form and eliminate confusion for motorists, community members and specifically emergency services;
- b) Is supported by a majority of property respondents;
- c) Does not require any change to the existing property street numbering; and

**9.2.4**  
(cont)

- d) Will create some inconvenience for affected property owners/occupiers, as they will need to amend property street name details with service providers and other contacts.

Overall, it is considered that the benefits of implementing the street name change which will enhance public safety and negate the prevailing community confusion will outweigh short term inconvenience for affected property owners/occupiers, having to update street name details with service providers and other contacts.

**CONSULTATION**

Letters were issued to all abutting property owners and occupiers of properties in Brenda Street/Brenda Court, Nunawading informing them that Council was investigating the merits of whether to name the whole residential street, Brenda Court. A survey form was also attached for the 11 property owners/occupiers that are currently known as Brenda Street. 9 responses were received with 6 indicating YES, 2 indicating NO and 1 indicated, no view.

**FINANCIAL IMPLICATIONS**

There are no financial implications flowing from the preparation of this report

**POLICY IMPLICATIONS**

It is important that all properties in the municipality can be easily identifiable by the general public, service providers and emergency services.

**APPENDIX 1**

Site Map of Brenda Street/Court, Nunawading



**9.2.4**  
(cont)

**APPENDIX 2**

Photograph of entry signs to Brenda Street/Court, Nunawading



## 9.2.5 Councillor Appointments to Organisations and Community Bodies

FILE NUMBER: SF09/28

### SUMMARY

Council at its meeting held 19 November 2018 appointed Councillor representatives for the 2018/2019 period for various committees, organisations and community bodies. Cr Stennett has advised of his intention to withdraw as a Councillor representative on the following Committees:

- Audit Advisory Committee
- Heritage Steering Committee
- Whitehorse Reconciliation Policy and Action Plan Advisory Committee

As a result of Cr Stennett's withdrawal, it is recommended that Council appoint a Councillor representative to these Committees.

### COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Ellis

***That Council appoint a Councillor representative to the committees detailed in Appendix A to this report.***

**CARRIED UNANIMOUSLY**

### BACKGROUND

Councillor representative appointments to various committees, organisations and community bodies are made by Council each year in October/November, as well as other times throughout the year as required when new committees or groups are established or when a vacancy arises.

Council at its meeting held 19 November 2018 appointed Councillor representatives for the 2018/2019 year.

Cr Stennett has advised he is withdrawing as a Councillor representative on the Audit Advisory Committee, Heritage Steering Committee and Whitehorse Reconciliation Policy and Action Plan Advisory Committee. A vacancy now exists for each of these committees and it is recommended that Council appoint a Councillor representative.

### DISCUSSION

It is suggested Council consider and resolve appointments to those committees as detailed in Appendix A below.

### APPENDIX A:

#### **Councillor Representative Appointments to the Following Bodies (for the period 25 February to 18 November 2019)**

#### **INTERNAL COMMITTEES**

#	BODY	COUNCILLOR REPRESENTATIVE 2018/2019
11	Audit Advisory Committee <b>(Two Councillors)</b>	Cr Denise Massoud  (1 x vacancy) Cr Carr appointed
12	Heritage Steering Committee <b>(Two Councillors)</b>	Cr Prue Cutts  (1 x vacancy) Cr Davenport appointed
15	Whitehorse Reconciliation Policy & Action Plan Advisory Committee <b>(One Councillor as Chair)</b>	(1 x vacancy as Chair) Cr Massoud appointed

## 9.2.6 Delegated Decisions December 2018

### SUMMARY

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

### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Cutts

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

**CARRIED UNANIMOUSLY**

DELEGATION	FUNCTION	Number for December 2017	Number for December 2018
Planning and Environment Act 1987	Delegated Decisions	112	133
	Strategic Planning Decisions	Nil	1
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		29	18
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	62	51
Liquor Control Reform Act 1998	Objections and Prosecutions	1	1
Food Act 1984	Food Act Orders	2	3
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	2	2
Local Government Act 1989	Temporary Rd. Closures	1	4
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	2	5
	Property Sales and Leases	6	8
	Documents to which Council seal affixed	3	Nil
	Vendor Payments	1162	1147
	Parking Amendments	13	7
	Parking Infringements written off	191	253

## 9.2.6

(cont)

### DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS DECEMBER 2018

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

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1216	13-12-18	Application Lapsed	15 Market Street Box Hill Vic 3128	Elgar	Buildings and works (alteration to shop front)	Business
WH/2018/379	19-12-18	Application Lapsed	31 Fuchsia Street Blackburn Vic 3130	Central	Construction of one double storey dwelling carry out works an associated tree removal	Special Landscape Area
WH/2018/447	04-12-18	Application Lapsed	13-25 Strabane Avenue Mont Albert North Vic 3129	Elgar	Removal of protected SLO9 trees and Native Vegetation	Vegetation Protection Overlay
WH/2018/593	19-12-18	Application Lapsed	934-940 Whitehorse Road Box Hill Vic 3128	Elgar	Display of Business Identification signage	Advertising Sign
WH/2018/977	21-12-18	Application Lapsed	42 Nurlendi Road Vermont Vic 3133	Morack	Buildings and works (retaining walls and landscaping) within 4m of a protected tree and construction of a front fence.	Special Landscape Area
WH/2001/12637/A	13-12-18	Delegate Approval - S72 Amendment	Kiosk 170-180 Rooks Road Vermont Vic 3133	Springfield	To develop and use the land for the purpose of On-Premise Liquor licence	Permit Amendment
WH/2003/13990/F	04-12-18	Delegate Approval - S72 Amendment	1/880 Canterbury Road Box Hill South Vic 3128	Riversdale	Amendment to plans endorsed Planning Permit WH/2003/13990 issued for the development of the land for a three storey building in association with the use of a shop, displaying of advertising signs and alterations to a Road Zone, Category 1	Permit Amendment

**9.2.6**  
 (cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2012/512/C	27-12-18	Delegate Approval - S72 Amendment	34 Dorking Road Box Hill Vic 3128	Elgar	Construction of 221 bed residential aged care facility and ancillary adult day over three levels plus basement in two stages, and associated removal of a tree (Tree 77) within the Significant Landscape Overlay Schedule 9	Permit Amendment
WH/2014/730/A	28-12-18	Delegate Approval - S72 Amendment	1/76-78 Mahoneys Road Forest Hill Vic 3131	Central	Construction of six (6) double storey dwellings and consolidation of land into one lot	Permit Amendment
WH/2014/929/A	14-12-18	Delegate Approval - S72 Amendment	241 Warrigal Road Burwood Vic 3125	Riversdale	Extension of four dwellings on a lot and alteration of access to a road in a Road Zone (Category 1)	Permit Amendment
WH/2015/219/A	18-12-18	Delegate Approval - S72 Amendment	65 Severn Street Box Hill North Vic 3129	Elgar	Construction of a three (3) storey building comprising six (6) dwellings	Permit Amendment
WH/2016/471/A	17-12-18	Delegate Approval - S72 Amendment	78 Railway Road Blackburn Vic 3130	Central	Buildings and works construction of flues and a reduction in car parking associated with the use of the land for a restaurant (cafe)	Permit Amendment
WH/2016/709/A	17-12-18	Delegate Approval - S72 Amendment	7 Hotham Court Mont Albert Vic 3127	Elgar	Construction of two double storey dwellings	Permit Amendment
WH/2016/806/A	03-12-18	Delegate Approval - S72 Amendment	16 Cadorna Street Box Hill South Vic 3128	Riversdale	Construction of two double storey dwellings on a lot	Permit Amendment
WH/2017/562/A	06-12-18	Delegate Approval - S72 Amendment	22 Stanley Street Box Hill South Vic 3128	Riversdale	The construction of two (2) double storey dwellings	Permit Amendment

**9.2.6**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2017/613/A	04-12-18	Delegate Approval - S72 Amendment	20 Broughton Road Surrey Hills Vic 3127	Riversdale	Amendment of plans and conditions for Planning permit WH/2017/613 for Construction of new double storey dwelling with garage to the rear of existing dwelling to include visitor carspace for Dwelling 2	Permit Amendment
WH/2017/679/A	06-12-18	Delegate Approval - S72 Amendment	364 Burwood Highway Burwood Vic 3125	Riversdale	Construction of a five storey apartment building above basement, reduction in parking and alteration of access to a road in a road zone category 1	Permit Amendment
WH/2018/1112/A	19-12-18	Delegate Approval - S72 Amendment	8-12 Simla Street Mitcham Vic 3132	Springfield	Use of part of the land for the purpose of a commercial kitchen	Permit Amendment
WH/2018/58/A	20-12-18	Delegate Approval - S72 Amendment	5 Grove Street Vermont Vic 3133	Springfield	Construction of a Dwelling and associated Tree Removal	Permit Amendment
WH/2017/340/A	19-12-18	Delegate NOD - S72 Amendment	18 Winjallock Crescent Vermont South Vic 3133	Morack	Construction of a double storey dwelling at the rear of an existing dwelling, buildings and works within 4 metres of vegetation, vegetation removal.	Permit Amendment
WH/2017/861	10-12-18	Delegate NOD Issued	295 Whitehorse Road Nunawading Vic 3131	Springfield	Construction of a Two Storey Building with Basement, Reduction in Statutory Car Parking Requirements and Alteration of Access to a Road in a Road Zone, Category 1	Business
WH/2017/919/A	27-12-18	Delegate NOD Issued	303 Springvale Road Forest Hill Vic 3131	Springfield	Use and development of land Child Care Centre and display of advertising signage	Permit Amendment

**9.2.6**  
 (cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2017/978	07-12-18	Delegate NOD Issued	35 Landale Street Box Hill Vic 3128	Elgar	Demolition of the existing dwelling and front fence and construction of new dwelling and front fence within a Heritage Overlay, and removal of protected trees	Heritage
WH/2018/1110	06-12-18	Delegate NOD Issued	Corner Burwood Hwy & Hunter Valley Rd Vermont South	Morack	Construct and display two (2) internally illuminated promotion signs	Advertising Sign
WH/2018/1166	06-12-18	Delegate NOD Issued	Bus Stop 8670 Corner Station St & Devon St Box Hill South	Riversdale	Display two (2) internally-illuminated promotion advertising signs (Bus stop id 8670)	Advertising Sign
WH/2018/1167	10-12-18	Delegate NOD Issued	Bus Stop 8248 Corner Burwood Hwy & Fankhauser Drive Vermont Sth	Morack	Display two internally illuminated promotional signs	Advertising Sign
WH/2018/1168	13-12-18	Delegate NOD Issued	Bus Stop 8670 Nth side of Burwood Hwy Burwood East	Riversdale	Display two (2) internally illuminated static promotion signs (Bus stop id 8245)	Advertising Sign
WH/2018/1174	12-12-18	Delegate NOD Issued	Corner of Burwood Highway and Warrington Avenue, Vermont South. Bus stop id 8250	Morack	Display two advertising signs comprising of two internally illuminated promotion signs near the corner of Burwood Highway and Warrington Avenue, Vermont South. Bus stop id 8250	Advertising Sign
WH/2018/1175	06-12-18	Delegate NOD Issued	Bus Stop 5262 Corner Station St & Whitehorse Rd Blackburn	Central	Construct and display two (2) internally illuminated promotion signs	Advertising Sign
WH/2018/1176	06-12-18	Delegate NOD Issued	Bus Stop 21323 Corner Springvale & Walkers Rd Nunawading	Springfield	Display of two internally illuminated promotion signs near the corner of Springvale Road and Walkers Road, Nunawading (Bus stop id 21323)	Advertising Sign

**9.2.6**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/1177	10-12-18	Delegate NOD Issued	Bus Stop 21254 Corner Whitehorse Rd & Simpson Rd Box Hill	Elgar	Display two internally illuminated promotional signs. Bus stop 21254.	Advertising Sign
WH/2018/1178	14-12-18	Delegate NOD Issued	Bus Stop 16677 adjacent to 5 Boronia Rd Vermont	Springfield	Display two (2) internally illuminated static promotion signs (Bus stop id 16677)	Advertising Sign
WH/2018/1179	06-12-18	Delegate NOD Issued	Bus Stop 15722 Canterbury Rd Vermont	Springfield	Construct and display two (2) internally illuminated promotion signs	Advertising Sign
WH/2018/1180	06-12-18	Delegate NOD Issued	Bus Stop 13668 Corner Springvale Rd & Hawthorn Rd Vermont Sth	Morack	Display two advertising signs comprising of two internally illuminated promotion signs near the corner of Springvale Road and Hawthorn Road, Vermont South (Bus stop id 13668)	Advertising Sign
WH/2018/1182	18-12-18	Delegate NOD Issued	Bus Stop 12524 Corner Springvale Rd & Pindary Place Forest Hill	Riversdale	Display two (2) internally illuminated promotion signs (Bus stop id 12524)	Advertising Sign
WH/2018/1183	06-12-18	Delegate NOD Issued	Bus Stop 12518 Springvale Rd Forest Hill	Morack	Construct and display two (2) internally illuminated promotion signs	Advertising Sign
WH/2018/1185	10-12-18	Delegate NOD Issued	Bus Stop 11498 Canterbury Rd Vermont	Springfield	Display two internally illuminated promotional signs	Advertising Sign
WH/2018/286	04-12-18	Delegate NOD Issued	5 Olympic Court Forest Hill Vic 3131	Central	The construction of two, double storey dwellings, buildings and works within 4 metres of vegetation (seven trees), vegetation removal (one tree).	Multiple Dwellings
WH/2018/378	12-12-18	Delegate NOD Issued	36 Finch Street Burwood Vic 3125	Riversdale	Construction of a second dwelling on a lot, removal and buildings and works within 4m of protected trees	Multiple Dwellings

**9.2.6**  
 (cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/448	20-12-18	Delegate NOD Issued	16 Johnston Street Burwood Vic 3125	Riversdale	Construction of three, two storey dwellings, buildings and works within 4 metres of the base of a protected tree and the removal of a protected tree under the provisions of Schedule 9 to the Significant Landscape Overlay (SLO9)	Multiple Dwellings
WH/2018/495	11-12-18	Delegate NOD Issued	8 Albion Road Box Hill Vic 3128	Elgar	Buildings and works (double storey dwelling and front fencing) within 4 metres of protected trees	Special Landscape Area
WH/2018/499	07-12-18	Delegate NOD Issued	64 Surrey Road Blackburn North Vic 3130	Central	Construction of two double storey dwellings, two lot subdivision and associated removal of trees within the Significant Landscape Overlay Schedule 9 and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
WH/2018/517	12-12-18	Delegate NOD Issued	7 Barter Crescent Forest Hill Vic 3131	Morack	Development of the land for three (3) new dwellings, including associated tree removal and buildings and works.	Multiple Dwellings
WH/2018/541	10-12-18	Delegate NOD Issued	380 Middleborough Road Blackburn Vic 3130	Central	Buildings and works associated with the construction of four three storey dwellings and associated tree removal	Multiple Dwellings
WH/2018/556	03-12-18	Delegate NOD Issued	14 Edinburgh Street Box Hill South Vic 3128	Riversdale	Development of the land for three (3) double storey dwellings including associated buildings and works within 4 metres of protected trees and tree removal	Multiple Dwellings

**9.2.6**  
 (cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/606	12-12-18	Delegate NOD Issued	9 Willcyrus Street Surrey Hills Vic 3127	Elgar	Construction of two double storey dwellings, removal of and buildings and works within 4m of protected trees	Multiple Dwellings
WH/2018/670	13-12-18	Delegate NOD Issued	459 Station Street Box Hill Vic 3128	Elgar	Buildings and works associated with a medical centre (retention of existing medical centre use) and alteration of access to a road in a Road Zone, Category 1, and removal of trees protected under the Significant Landscape Overlay Schedule 9	Residential (Other)
WH/2018/708	31-12-18	Delegate NOD Issued	4 Ripon Court Forest Hill Vic 3131	Springfield	Development of the land for two (2) double storey dwellings, including associated buildings and works within 4 metres of protected trees and tree removal	Multiple Dwellings
WH/2018/812	11-12-18	Delegate NOD Issued	142 Dorking Road Box Hill North Vic 3129	Elgar	Removal of vegetation	Special Landscape Area
WH/2018/835	28-12-18	Delegate NOD Issued	1 Coinda Court Burwood East Vic 3151	Riversdale	Construction of two double storey dwellings, buildings and works, and associated vegetation removal	Multiple Dwellings
WH/2018/892	06-12-18	Delegate NOD Issued	1 Ngumby Court Vermont South Vic 3133	Morack	Removal of nine (9) trees within the Significant Landscape Overlay Schedule 9, including the removal of two (2) native trees under Clause 52.17	Vegetation Protection Overlay
WH/2017/857	04-12-18	Delegate Permit Issued	1 Everton Grove Surrey Hills Vic 3127	Riversdale	Construction of two double storey dwellings (including alterations and extensions of existing dwelling) and vegetation removal	Multiple Dwellings

**9.2.6**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/1026	10-12-18	Delegate Permit Issued	270 Canterbury Road Forest Hill Vic 3131	Central	To construct and display internally illuminated, Business Identification and Major Promotion signage.	Advertising Sign
WH/2018/1029	04-12-18	Delegate Permit Issued	37 Saxton Street Box Hill North Vic 3129	Elgar	2 lot subdivision	VicSmart - Subdivision
WH/2018/1053	04-12-18	Delegate Permit Issued	7 Lewis Court Nunawading Vic 3131	Springfield	Two Lot Subdivision	Subdivision
WH/2018/1077	07-12-18	Delegate Permit Issued	220 Middleborough Road Blackburn South Vic 3130	Central	Minor buildings and works to residential aged care facility	Residential (Other)
WH/2018/1121	21-12-18	Delegate Permit Issued	18 Weber Crescent Burwood East Vic 3151	Riversdale	Removal of two (2) trees	Special Landscape Area
WH/2018/1161	17-12-18	Delegate Permit Issued	1 Main Street Box Hill Vic 3128	Elgar	Buildings and works to alter the existing facade and display of illuminated advertising signs	Advertising Sign
WH/2018/1186	20-12-18	Delegate Permit Issued	Bus Stop 11495 Sherman St, Corner Stevens Rd Forest Hill	Morack	Display two (2) internally illuminated promotion signs (Bus stop id 11495)	Advertising Sign
WH/2018/1213	10-12-18	Delegate Permit Issued	49 Lemon Grove Nunawading Vic 3131	Springfield	Buildings and works (construct a garage) within 4 metres of protected vegetation	VicSmart - General Application
WH/2018/1224	17-12-18	Delegate Permit Issued	1/15 Thomas Street Mitcham Vic 3132	Springfield	Buildings and works to allow for the construction of a garage	VicSmart - General Application
WH/2018/123	31-12-18	Delegate Permit Issued	277 Springvale Road Nunawading Vic 3131	Springfield	Construction of three (two storey) dwellings, removal of vegetation, buildings and works within 4 metres of trees, and alteration of access to a Road Zone Category 1	Multiple Dwellings

**9.2.6**  
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1254	05-12-18	Delegate Permit Issued	Tram Shelter 6462 Burwood Hwy Near Keats St,	Riversdale	Construct and display two (2) internally illuminated promotional signs	Advertising Sign
WH/2018/1255	05-12-18	Delegate Permit Issued	Tram Shelter 6465 Burwood Rd, Burwood East near Blackburn Rd, Burwood East	Morack	Construct and display four (4) internally illuminated promotional signs	Advertising Sign
WH/2018/1260	21-12-18	Delegate Permit Issued	1 Chapman Street Blackburn North Vic 3130	Central	Removal of 2 trees	Special Landscape Area
WH/2018/1265	03-12-18	Delegate Permit Issued	3 Norris Court Blackburn Vic 3130	Central	Removal of Protected Tree (SLO2)	VicSmart - Tree
WH/2018/1269	03-12-18	Delegate Permit Issued	4 Arawatta Street Vermont South Vic 3133	Morack	Removal of vegetation	VicSmart - Tree
WH/2018/1287	03-12-18	Delegate Permit Issued	1a Baldwin Road Blackburn Vic 3130	Central	Buildings and works associated with the construction of a front fence	VicSmart - General Application
WH/2018/1293	05-12-18	Delegate Permit Issued	13 Alandale Road Blackburn Vic 3130	Central	Dangerous tree - remove tree as the lean will keep getting worse and roots will fail	VicSmart - Tree
WH/2018/1294	06-12-18	Delegate Permit Issued	117 Central Road Blackburn Vic 3130	Central	Removal of vegetation	VicSmart - Tree
WH/2018/1297	04-12-18	Delegate Permit Issued	15 Benjamin Street Box Hill North Vic 3129	Elgar	Remove a Tree (SLO9)	VicSmart - Tree
WH/2018/1300	03-12-18	Delegate Permit Issued	730 Canterbury Road Surrey Hills Vic 3127	Riversdale	Buildings and works ( additional wall vents, windows and access ramps) associated with an existing telecommunication facility.	VicSmart - General Application
WH/2018/1303	12-12-18	Delegate Permit Issued	10 Frances Avenue Vermont Vic 3133	Morack	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2018/1313	10-12-18	Delegate Permit Issued	14 Cumberland Court Forest Hill Vic 3131	Springfield	Removal of one (1) tree within SLO9	VicSmart - General Application

**9.2.6**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/1314	10-12-18	Delegate Permit Issued	14 Cumberland Court Forest Hill Vic 3131	Springfield	Removal of one (1) tree within SLO9	VicSmart - General Application
WH/2018/1315	10-12-18	Delegate Permit Issued	14 Cumberland Court Forest Hill Vic 3131	Springfield	Removal of one (1) tree within SLO9	VicSmart - General Application
WH/2018/1318	12-12-18	Delegate Permit Issued	4 Tulkara Grove Vermont Vic 3133	Morack	Removal of one (1) tree	VicSmart - Tree
WH/2018/1319	12-12-18	Delegate Permit Issued	399 Elgar Road Mont Albert Vic 3127	Elgar	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2018/1324	14-12-18	Delegate Permit Issued	14 Ashmore Road Forest Hill Vic 3131	Morack	Removal of four (4) trees & buildings and works within 4 metres of protected vegetation	Special Landscape Area
WH/2018/1328	12-12-18	Delegate Permit Issued	3 Halley Street Blackburn Vic 3130	Central	Removal of one tree	VicSmart - Tree
WH/2018/1330	07-12-18	Delegate Permit Issued	1a Deanswood Road Forest Hill Vic 3131	Central	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2018/1334	14-12-18	Delegate Permit Issued	34 Samuel Road Blackburn South Vic 3130	Riversdale	Removal of one tree only	VicSmart - Tree
WH/2018/1344	4-12-18	Delegate Permit Issued	14 Salvana Avenue Mitcham Vic 3132	Springfield	Buildings and works (construct an alfresco) within 4 metres of protected vegetation	VicSmart - General Application
WH/2018/1355	27-12-18	Delegate Permit Issued	24 Sevenoaks Road Burwood East Vic 3151	Morack	removal of one tree	VicSmart - Tree
WH/2018/1368	21-12-18	Delegate Permit Issued	31 Uganda Street Burwood Vic 3125	Riversdale	Removal of protected tree	VicSmart - Tree
WH/2018/1372	27-12-18	Delegate Permit Issued	4 Victory Street Mitcham Vic 3132	Springfield	Removal of a tree	VicSmart - Tree
WH/2018/1373	24-12-18	Delegate Permit Issued	4 Bridgeford Avenue Blackburn North Vic 3130	Central	Removal of one (1) tree within SLO9	VicSmart - Tree

**9.2.6**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/1378	18-12-18	Delegate Permit Issued	2/13 Skene Street Burwood East Vic 3151	Riversdale	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2018/1382	24-12-18	Delegate Permit Issued	77 Rostrevor Parade Mont Albert North Vic 3129	Elgar	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2018/1389	31-12-18	Delegate Permit Issued	7 Bambra Court Vermont Vic 3133	Morack	Removal of vegetation	VicSmart - General Application
WH/2018/239	14-12-18	Delegate Permit Issued	15 Milford Avenue Burwood Vic 3125	Riversdale	Use of the land for a carpark and buildings and works within 4 metres of trees	Education
WH/2018/260	20-12-18	Delegate Permit Issued	104-168 Hawthorn Road Forest Hill Vic 3131	Morack	Subdivision of land into 14 residential lots, roadways and common property and development of dwellings on 11 lots and alteration of access to a Road Zone Category 1.	Multiple Dwellings
WH/2018/334	17-12-18	Delegate Permit Issued	39 Pope Road Blackburn Vic 3130	Central	Construction of two, double storey dwellings and associated garages and the removal of vegetation	Multiple Dwellings
WH/2018/459	07-12-18	Delegate Permit Issued	48 Husband Road Forest Hill Vic 3131	Morack	Development of One New Double Storey Dwelling at Rear of Existing Dwelling and Removal of Vegetation	Multiple Dwellings
WH/2018/460	05-12-18	Delegate Permit Issued	22 Albert Street Mitcham Vic 3132	Springfield	To remove two trees	Special Landscape Area
WH/2018/471	20-12-18	Delegate Permit Issued	302 Station Street Box Hill South Vic 3128	Riversdale	Buildings and works (for construction of a double storey dwelling) and tree removal within the SLO9	Special Landscape Area
WH/2018/508	27-12-18	Delegate Permit Issued	3 Karen Street Box Hill North Vic 3129	Elgar	Development of the land for two (2), new dwellings, including associated buildings and works and tree removal.	Multiple Dwellings
WH/2018/561	04-12-18	Delegate Permit Issued	27 Evelina Street Mont Albert North Vic 3129	Elgar	Three lot subdivision	Subdivision

**9.2.6**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/616	14-12-18	Delegate Permit Issued	29 Farleigh Avenue Burwood Vic 3125	Riversdale	The development of the land for three (3) double storey dwellings, including associated buildings and works within 4 metres of protected trees and tree removal	Multiple Dwellings
WH/2018/644	05-12-18	Delegate Permit Issued	3 Davy Lane Forest Hill Vic 3131	Morack	Removal and replacement of two trees on the north western fence line	Special Landscape Area
WH/2018/646	07-12-18	Delegate Permit Issued	2 Proudfoot Street Mont Albert Vic 3127	Elgar	Buildings and works (alterations to existing dwelling) and vegetation removal.	Heritage
WH/2018/772	10-12-18	Delegate Permit Issued	2-18 Canterbury Road Blackburn South Vic 3130	Central	Replacement of existing sign with an electronic sign	Advertising Sign
WH/2018/773	10-12-18	Delegate Permit Issued	786 Whitehorse Road Mont Albert Vic 3127	Elgar	Replacement of an existing sign with an electronic sign	Advertising Sign
WH/2018/774	10-12-18	Delegate Permit Issued	486-488 Springvale Road Forest Hill Vic 3131	Morack	Replacement of existing sign with electronic sign	Advertising Sign
WH/2018/775	10-12-18	Delegate Permit Issued	612-626 Canterbury Road Vermont Vic 3133	Morack	Replace existing sign with electronic sign	Advertising Sign
WH/2018/811	21-12-18	Delegate Permit Issued	9 Howard Street Mitcham Vic 3132	Springfield	Removal of 3 trees	Special Landscape Area
WH/2018/815	21-12-18	Delegate Permit Issued	16 Central Road Blackburn Vic 3130	Central	Demolition of existing dwelling and buildings and works to construct a single dwelling and tree removal	Vegetation Protection Overlay
WH/2018/87	19-12-18	Delegate Permit Issued	23 Mckean Street BOX HILL NORTH VIC 3129	Elgar	Construction of four, double storey dwellings and tree removal and buildings and works within 4 metres of a protected tree within SLO9	Multiple Dwellings

**9.2.6**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/921	04-12-18	Delegate Permit Issued	428 Springvale Road Forest Hill Vic 3131	Morack	Removal of vegetation and associated works within a SLO9, works, Variation of Access to a Road Zone (R1Z) and associated signage	Special Landscape Area
WH/2018/941	04-12-18	Delegate Permit Issued	10 Bell Street Box Hill North Vic 3129	Elgar	Construction of two (2) double storey dwellings on a lot with vegetation removal and buildings and works within 4 metres of protected vegetation	Multiple Dwellings
WH/2018/943	13-12-18	Delegate Permit Issued	8 Stevens Road Forest Hill Vic 3131	Morack	Removal of 1 Tree	Special Landscape Area
WH/2018/947	04-12-18	Delegate Permit Issued	175 Springfield Road Blackburn North Vic 3130	Central	To subdivide in accordance to the proposed plan of subdivision	Subdivision
WH/2018/968	04-12-18	Delegate Permit Issued	14 Paul Avenue Box Hill North Vic 3129	Elgar	Six lot subdivision	Subdivision
WH/2018/981	13-12-18	Delegate Permit Issued	10a Alexander Street Mitcham Vic 3132	Springfield	Removal of trees within SLO9	Special Landscape Area
WH/2017/1041	07-12-18	Delegate Refusal Issued	20 Pearce Street Burwood Vic 3125	Riversdale	Construction of two dwellings comprising one triple storey and one double storey	Multiple Dwellings
WH/2018/1134	12-12-18	Delegate Refusal Issued	44 Morrie Crescent Blackburn North Vic 3130	Central	Removal of two (2) trees	Special Landscape Area
WH/2018/1301	14-12-18	Delegate Refusal Issued	23 Cresswell Crescent Mitcham Vic 3132	Springfield	Removal of One Tree	VicSmart - Tree
WH/2018/251	06-12-18	Delegate Refusal Issued	16 The Mews Vermont Vic 3133	Morack	Construction of three, two storey dwellings, buildings and works within 4 metres of a tree and removal of trees within Schedule 9 to the Significant Landscape Overlay	Multiple Dwellings

**9.2.6**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/313	17-12-18	Delegate Refusal Issued	54 Barossa Avenue Vermont South Vic 3133	Morack	Construction of Four (4) Double Storey Dwellings within a Special Building Overlay and Removal of Vegetation	Multiple Dwellings
WH/2018/509	12-12-18	Delegate Refusal Issued	589 Elgar Road Mont Albert North Vic 3129	Elgar	Construction of two dwellings and associated removal of trees and buildings and works within four metres of trees protected under the Significant Landscape Overlay Schedule 9 and alteration of access to a Road Zone, Category 1	Multiple Dwellings
WH/2018/721	07-12-18	Delegate Refusal Issued	1 Orient Avenue Mitcham Vic 3132	Springfield	The proposal seeks approval for the use and development of a child care centre, associated tree removal (SLO9 and VPO4) and buildings and works within 4 metres of protected trees (SLO9)	Child Care Centre
WH/1997/9232/A	19-12-18	No Permit Required	519 Elgar Road Mont Albert North Vic 3129	Elgar	Construction of one additional dwelling at the rear of an existing dwelling, with construction of carport for existing dwelling	Permit Amendment
WH/2018/1267	12-12-18	No Permit Required	321 Mont Albert Road Mont Albert Vic 3127	Elgar	Proposed construction of new brick fence within 4 metres of protected trees.	VicSmart - General Application
WH/2018/1275	04-12-18	No Permit Required	592 Station Street Box Hill Vic 3128	Elgar	Reduction in car parking requirement	VicSmart - General Application
WH/2018/1285	03-12-18	No Permit Required	1/44 Cadorna Street Box Hill South Vic 3128	Riversdale	Removal of vegetation	VicSmart - Tree
WH/2018/1306	03-12-18	No Permit Required	21a Alwyn Street Mitcham Vic 3132	Springfield	Removal of vegetation	VicSmart - Tree

**9.2.6**  
 (cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2013/873/A	20-12-18	Withdrawn	11 Lindsay Avenue Nunawading Vic 3131	Springfield	Construction of a double storey dwelling to the rear of an existing dwelling	Permit Amendment
WH/2016/245/B	05-12-18	Withdrawn	9 Reid Street Box Hill North Vic 3129	Elgar	2 unit development	Permit Amendment
WH/2018/1023	13-12-18	Withdrawn	15-33 Alfred Street Blackburn Vic 3130	Central	Buildings and works associated with the conversion of part of the existing warehouse for use as a minor sports and recreation facility including provision of car parking to the satisfaction of the responsible authority.	Industrial
WH/2018/1243	18-12-18	Withdrawn	15-33 Alfred Street Blackburn Vic 3130	Central	Install new lift adjacent to existing stairs to existing mezzanine level office entry. New canopy to new lift	Industrial
WH/2018/1358	10-12-18	Withdrawn	24 Sevenoaks Road Burwood East Vic 3151	Morack	(Lodged in error refer WH/2018/1355) removal of one tree on north fence	VicSmart - Tree
WH/2018/945	19-12-18	Withdrawn	12 Sunhill Avenue Burwood Vic 3125	Riversdale	Buildings and works within 4 metres of protected vegetation	VicSmart - General Application

**9.2.6**

(cont)

**BUILDING DISPENSATIONS/APPLICATIONS DECEMBER 2018**

<b>Address</b>	<b>Date</b>	<b>Ward</b>	<b>Result</b>
10 Fir Street, Blackburn	21-12-18	Central	Consent Granted 81
194 Blackburn Road, Blackburn South	13-12-18	Central	Consent Granted 89
2 Julie Street, Blackburn North	27-12-18	Central	Consent Granted 92
20 Pakenham Street, Blackburn	05-12-18	Central	Consent Granted 89
220 Middleborough Road, Blackburn South	10-12-18	Central	Consent Granted 89,91
25 Charlotte Street, Blackburn South	06-12-18	Central	Consent Granted 74
25 Middlefield Drive, Blackburn North	21-12-18	Central	Consent Granted 89
30 Junction Road, Blackburn North	20-12-18	Central	Consent Granted 79
37 Maple Street, Blackburn	04-12-18	Central	Consent Granted 82
45 Faulkner Street, Forest Hill	06-12-18	Central	Consent Granted 79
69 Canterbury Road, Blackburn	19-12-18	Central	Consent Granted 79
7 Eustace Street, Blackburn	04-12-18	Central	Consent Granted 75
85 Koonung Road, Blackburn North	04-12-18	Central	Consent Granted 89
10 Fir Street, Blackburn	20-12-18	Central	Consent Refused 83
13 Harold Street, Blackburn	24-12-18	Central	Consent Refused 89
1/92 Windsor Crescent, Surrey Hills	07-12-18	Elgar	Consent Granted 79
4 Hood Street, Mont Albert	10-12-18	Elgar	Consent Granted 79
40 Rutland Road, Box Hill	24-12-18	Elgar	Consent Granted 116
53 Melrose Street, Mont Albert North	27-12-18	Elgar	Consent Granted 79
6 Rowland Street, Mont Albert	12-12-18	Elgar	Consent Granted 85
61 Severn Street, Box Hill North	14-12-18	Elgar	Consent Granted 116
1/92 Windsor Crescent, Surrey Hills	07-12-18	Elgar	Consent Refused 94
14 Gordon Street, Mont Albert	28-12-18	Elgar	Consent Refused 79
2 Market Street, Box Hill	28-12-18	Elgar	Consent Refused 116
1/34 Terrara Road, Vermont	20-12-18	Morack	Consent Granted 76, 79
106 Jolimont Road, Vermont	10-12-18	Morack	Consent Granted 74
27 Lusk Drive, Vermont	10-12-18	Morack	Consent Granted 76, 79
50 Parkmore Road, Forest Hill	06-12-18	Morack	Consent Refused 74
11 Naples Street, Box Hill South	14-12-18	Riversdale	Consent Granted 74
15 Oak Street, Surrey Hills	13-12-18	Riversdale	Consent Granted 89
18 Byron Street, Box Hill South	05-12-18	Riversdale	Consent Granted 74, 79
34 Fulton Road, Blackburn South	21-12-18	Riversdale	Consent Granted 76
17 Holroyd Court, Blackburn South	20-12-18	Riversdale	Consent Refused 89
11 Good Governs Street, Mitcham	20-12-18	Springfield	Consent Granted 76
2/112 Springvale Road, Nunawading	20-12-18	Springfield	Consent Granted 74
2/13 Grey Street, Vermont	21-12-18	Springfield	Consent Granted 76, 77
21 Sunshine Avenue, Mitcham	19-12-18	Springfield	Consent Granted 76, 79
3 Wattle Valley Road, Mitcham	19-12-18	Springfield	Consent Granted 79, 74, 76
44 Rosstrevor Crescent, Mitcham	06-12-18	Springfield	Consent Granted 74, 79
7 Forest Road, Forest Hill	12-12-18	Springfield	Consent Granted 74
21 Sunshine Avenue, Mitcham	19-12-18	Springfield	Consent Refused 80
3 Greenwood Court, Vermont	11-12-18	Springfield	Consent Refused 79

**9.2.6**

(cont)

**DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS DECEMBER 2018**

Under the Planning and Environment Act 1987: Nil

Decision Date	Act Section	Decision	Street Address	Ward	Proposal	Reference
11/12/18	8A(3) and 20(1)	Delegate Approval	42-48 Glenburnie Road, Mitcham	Springfield	A request for report and consent to demolish the property under section 29A of the Building Act 1993 has necessitated a request to the Minister for Planning for an interim Heritage Overlay on 42-48 Glenburnie Road, Mitcham. The delegate report also decides to seek authorisation to prepare and exhibit an amendment for a permanent Heritage Overlay on the site. The site was identified for potential heritage significance in the <i>Whitehorse Heritage Review 2001</i> and the <i>Whitehorse Heritage Review 2012</i> .	Amendment C215 and C216

**REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION DECEMBER 2018**

Contract Number	Service
30019	Harrow Street Car Park Construction
30103	Forest Hill Reserve Cricket Nets Construction
30020	Nunawading Community Hub
30076/1	Traffic Survey Services
30076/4	Traffic Survey Services

**9.2.6**

(cont)

**REGISTER OF PROPERTY DOCUMENTS EXECUTED DECEMBER 2018**

<b>Property Address</b>	<b>Document Type</b>	<b>Document Detail</b>
<b>Leases</b>		
Suite 2/1 Main Street Box Hill (Box Hill Central South Precinct)	Lease	New lease (Existing lease expired)
23 Surrey Drive, Box Hill	Lease	Renewal of lease (exercising option to renew)
<b>Land Transfers</b>		
Part of discontinued road at rear of 52 Clyde Street, Box Hill North	Client Authorisation for Transfer of Land	Sale of Discontinued Road Section 207D Local Government Act 1989
Part of discontinued road at rear of 52 Clyde Street, Box Hill North	Goods Statutory Declaration	Duties Act 2000
Part of discontinued road at rear of 527 Mitcham Road, Vermont	Client Authorisation for Transfer of Land	Transfer of Discontinued Road Section 207D Local Government Act 1989
Part of discontinued road at rear of 527 Mitcham Road, Vermont	Goods Statutory Declaration	Duties Act 2000
<b>Fire Services Property Levy (FSPL)</b>		
28 Edgerton Road, Mitcham	Not applicable	Land use changed from 'Industrial' to 'Exempt'
<b>Rateability Changes (Section 154 of the Local Government Act)</b>		
28 Edgerton Road, Mitcham	Exempt-Commonwealth Land	Purchased by Indigenous Business Australia

**REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL DECEMBER 2018**

Nil

## 9.2.6

(cont)

### **PARKING RESTRICTIONS APPROVED BY DELEGATION DECEMBER 2018**

**Address:** **Clare Street, Blackburn:** from northern boundary of 4 Clare Street to northern boundary of 12 Clare Street – west side

**Previously:** 6 'Unrestricted' parking spaces

**Now:** 6 temporary '1-Hour, 9am to 6pm, Monday to Friday' parking spaces

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

**Previously:** 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

**Now:** 2 'Unrestricted' parking spaces

**Address:** **Gardenia Street, Blackburn:** from southern boundary of 4a Gardenia Street to 18m north of the southern boundary of 4a Gardenia Street – west side

**Previously:** 3 '1-Hour, 8am to 6pm, Monday to Saturday' parking spaces

**Now:** 3 temporary 'Bus Zone' parking spaces

**Address:** **Heatherdale Road, Mitcham:** from 15m north of Kulnine Avenue to 33m north of Kulnine Avenue – west side

**Previously:** 2 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

**Now:** 2 'Unrestricted' parking spaces

**Address:** **The Avenue, Blackburn:** from Main Street to Gardenia Street – north side

**Previously:** 8 'No Stopping' parking spaces

**Now:** 8 temporary 'Bus Zone' parking spaces

**Address:** **The Avenue, Blackburn:** from Main Street to Gardenia Street – south side

**Previously:** 8 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

**Now:** 8 temporary 'No Stopping' parking spaces

**Address:** **Blackburn Road, Blackburn:** from Southern boundary of 30 Blackburn Road to northern boundary of 30 Blackburn Road – west side

**Previously:** 6 '1-Hour, 8am to 6pm, Monday to Friday & 8am to 1pm, Saturday' parking spaces

**Now:** 6 temporary 'Bus Zone' parking spaces

**9.2.6**  
 (cont)

**VENDOR PAYMENT SUMMARY – SUMS PAID DURING DECEMBER 2018**

<b>Date</b>	<b>Total Issued</b>	<b>Payments (direct debit, cheques or electronic funds transfer)</b>	<b>Transaction Type EFT/CHQ/DD</b>
06/12/2018	\$8,938.72	18	EFC
06/12/2018	\$140,180.49	18	CHQ
06/12/2018	\$352,966.90	42	EFT
06/12/2018	\$144.00	1	EFC
07/12/2018	\$24,991.48	1	EFT
11/12/2018	\$38,497.50	1	EFT
13/12/2018	\$8,498.06	24	EFC
13/12/2018	\$62,479.91	24	CHQ
13/12/2018	\$1,690,030.61	327	EFT
14/12/2018	\$2,491,318.05	1	EFT
17/12/2018	\$90.85	1	EFC
18/12/2018	\$226,840.90	1	EFT
18/12/2018	\$9,754.80	1	EFT
19/12/2018	\$1,423,962.65	1	EFT
19/12/2018	\$165.00	1	EFT
20/12/2018	\$4,581.85	17	EFC
20/12/2018	\$60,574.55	36	CHQ
20/12/2018	\$1,852,243.72	262	EFT
20/12/2018	\$3,600.00	1	CHQ
21/12/2018	\$786,325.82	1	EFT
21/12/2018	\$372,726.20	1	EFT
27/12/2018	\$1,306.40	6	EFC
27/12/2018	\$96,018.10	46	CHQ
27/12/2018	\$4,115,790.84	315	EFT
<b>GROSS</b>	\$13,772,027.40	1147	
<b>Monthly Lease Payments</b>	\$36,330.05		
<b>Direct Debit Payments</b>	\$163,102.47		
<b>CANCELLED PAYMENTS</b>	-\$7,693.35	-24	
<b>NETT</b>	\$13,963,766.57	1123	

## **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 Liu reported on her attendance at the:
- Eastern Transport Coalition meeting held on the 20 February 2019.
  - Whitehorse Manningham Regional Library Corporation meeting held on the 20 February 2019.
  - Eastern Alliance for Greenhouse Action Executive Committee meeting held on the 21 February 2019.
- 10.1.2 Cr Barker reported on his attendance at the Domestic Animal Management Plan Advisory Committee held on the 20 February 2019.
- 10.13 Cr Ellis reported on her attendance at the:
- Eastern Region Affordable Housing Alliance meeting held on the 7 February 2019.
  - Eastern Region Group meeting held on the 22 February 2019.
- 10.1.4 Cr Carr reported on her attendance at the Domestic Animal Management Plan Advisory Committee held on the 20 February 2019.
- 10.1.5 Cr Massoud reported on her attendance at the:
- Disability Advisory Committee meeting held on the 6 February 2019.
  - Whitehorse Sport and Recreation Network meeting held on the 21 February 2019.
- 10.1.6 Cr Cutts reported on her attendance at the Whitehorse Manningham Regional Library Corporation meeting held on the 20 February 2019.
- 10.1.7 Cr Bennett reported on his attendance at the:
- Local Government Waste Management Forum to support the Metropolitan Waste Management group meeting held on 21 February 2019.
  - Eastern Region Group meeting held on the 22 February 2019.

### **COUNCIL RESOLUTION**

Moved by Cr Cutts, Seconded by Cr Liu

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

**CARRIED UNANIMOUSLY**

### **10.2 Recommendation from the Special Committee of Council Meeting of 11 February 2019**

Nil

### 10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
29.01.18 6:30-7:00pm	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>9.1.1 25 Holland Road, Blackburn Sth (Lot 1TP 599873E)</li> <li>9.1.3 Residential Corridors Built Form Study</li> <li>Staffing Matter</li> </ul>	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud arrived at 6:40pm) Cr Munroe	N Duff J Green N Brown T Wilkinson P Smith S Freud A De Fazio R Anania	Nil	Nil
04.02.19 6:30-9:15pm	<b>Strategic Planning Session</b> <ul style="list-style-type: none"> <li>Significant Landscape Overlay Controls</li> <li>Councillor Correspondence Management</li> <li>Matsudo Book</li> <li>Budget Update</li> </ul>	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud (arrived at 6:40pm) Cr Munroe Cr Stennett	N Duff J Green N Brown T Wilkinson P Smith S Freud A De Fazio K Marriott A Egan V McLean P Warner S Cann	Nil	Nil
11.02.19 6:30-10:30pm	<b>Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>Proposed Developments &amp; Probity</li> <li>Special Committee Agenda 11 Feb 2018</li> <li>Other Business Motions</li> <li>Impact of East Link on sports fields</li> <li>Draft Council Agenda 25 Feb 2019</li> </ul>	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts (left the meeting at 8:30pm & did not return) Cr Davenport Cr Ellis Cr Liu (left the meeting at 8:30pm & did not return)  Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown T Wilkinson P Smith S Freud A De Fazio K Marriott J Hansen A Egan V McLean I Kostopoulos I Barnes M Kerr L McGuinness J White	Ms T Wilkinson declared a probity Conflict of Interest in Item 9.1.1 2-4 Bruce Street, Box Hill.	Ms T Wilkinson having declared a probity Conflict of Interest in Item 9.1.1 2-4 Bruce Street, Box Hill, left the meeting at 8:50pm prior to discussion on the item returning at 8:59pm.
18.02.19 6:30- 10:30pm	<b>Major Project Councillor Reference Group: Finance: Capital Works</b>	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown T Wilkinson P Smith A De Fazio M Ackland S Cann S Smith T McGuckian S Hewett	Cr Carr declared an indirect Conflict of Interest in Item 3.2(a) as she is a board member of Family Access Network.	Cr Carr having declared an indirect Conflict of Interest in in Item 3.2(a), left the meeting at 6:35pm prior to discussion on the item. Returning at 6:45pm.

#### COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Munroe

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

**CARRIED**

## 11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

11.1 Cr Cutts reported on attendance at the CEDA Women in Leadership Forum held on the 14 February 2019.

11.2 Cr Massoud reported on her attendance at the AICD Leader Edge Lunch held on the 22 February 2019.

### COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Ellis

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

**CARRIED**

## 12 CONFIDENTIAL REPORTS

### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Liu

***That in accordance with Section 89 (2) (h) and (e) of the Local Government Act 1989 the Council should resolve to go into camera and close the meeting to the public as the matters to be dealt with relate to any other matter which the Council or special committee considers would prejudice the Council or any person and proposed developments.***

**CARRIED**

The meeting was closed to the public at 9:28pm.

### Attendance

Cr Barker left the Chamber at 9:28pm, returning at 9:30pm

### 12.1 Proposed Development 1

### 12.2 Proposed Development 2

### COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Liu

***That the meeting move out of camera and be reopened to the public.***

**CARRIED**

The meeting was reopened to the public at 10:27pm.

## 13 CLOSE MEETING

Meeting closed at 10:29pm

**Confirmed this 18<sup>th</sup> day of March 2019**

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**CHAIRPERSON**