



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

Monday 16 March 2020

at 7:00pm

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

Mr Simon McMillan
Chief Executive Officer

Recording of Meeting and Disclaimer

Please note every Ordinary Council Meeting (other than items deemed confidential under section 89(2) of the Local Government Act 1989) is being recorded and streamed live on Whitehorse City Council's website in accordance with Council's Live Streaming and Recording of Meetings Policy. A copy of the policy can also be viewed on Council's website.

The recording will be archived and made publicly available on Council's website within 48 hours after the meeting on www.whitehorse.vic.gov.au for a period of three years (or as otherwise agreed to by Council).

Live streaming allows everyone to watch and listen to the meeting in real time, giving you greater access to Council debate and decision making and encouraging openness and transparency.

All care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of Whitehorse City Council. Council therefore accepts no liability for any defamatory remarks that are made during a meeting.

TABLE OF CONTENTS

1	PRAYER	3
2	WELCOME AND APOLOGIES.....	3
3	DISCLOSURE OF CONFLICT OF INTERESTS.....	3
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	4
5	RESPONSES TO QUESTIONS	4
6	NOTICES OF MOTION	4
7	PETITIONS.....	4
7.1	SERVICED APARTMENT DEVELOPMENT 37-39 HARROW STREET, BOX HILL	4
8	URGENT BUSINESS.....	4
9	COUNCIL REPORTS.....	5
9.1	CITY DEVELOPMENT.....	5
	STATUTORY PLANNING	
9.1.1	16 SPRING STREET BOX HILL (LOTS 1 PS 810596 V) CONSTRUCTION OF A 29 STOREY MIXED USE BUILDING WITH FIVE BASEMENT LEVELS, COMPRISING OF 299 DWELLINGS TOGETHER WITH THE USE OF THE LAND FOR THE PURPOSES OF EDUCATION CENTRE (NURSE TRAINING FACILITY), OFFICES, SHOPS, FOOD AND DRINK PREMISES, ACCOMMODATION, REDUCTION TO THE CAR PARKING REQUIREMENT AND REMOVAL OF PROTECTED TREES (SLO9)	5
9.1.2	199 CANTERBURY ROAD, BLACKBURN (LOT 1 LP 114506) DEVELOPMENT OF THE LAND FOR FIVE (5) DOUBLE-STOREY DWELLINGS, INCLUDING ASSOCIATED SLO2 TREE REMOVAL AND BUILDINGS AND WORKS WITHIN 4 METRES OF SLO2 TREES, AND ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1.....	43
	STRATEGIC PLANNING	
9.1.3	AMENDMENT C219 TO THE WHITEHORSE PLANNING SCHEME MUNICIPAL WIDE SIGNIFICANT LANDSCAPE OVERLAY CONSIDERATION OF PLANNING PANEL REPORT	70
9.1.4	STRATEGIC PLANNING UPDATE	83
	ENGINEERING AND ENVIRONMENTAL	
9.1.5	DRAFT BOX HILL INTEGRATED TRANSPORT STRATEGY	92
9.1.6	ROAD IMPROVEMENTS IN LINUM STREET, LAUREL GROVE NORTH AND BOONGARRY AVENUE, BLACKBURN: RECONCILIATION OF SPECIAL CHARGE SCHEME	95
9.1.7	TENDER EVALUATION (CONTRACT 30233) NEWHAVEN ROAD RECONSTRUCTION	97
9.1.8	KERBSIDE WASTE SERVICE CONTRACTS AND FOOD ORGANICS AND GARDEN ORGANICS (FOGO) SERVICE.....	99
	BUSINESS AND ECONOMIC DEVELOPMENT	
9.1.9	INVESTMENT AND ECONOMIC DEVELOPMENT STRATEGY EXTENSION 2020-2022	111
9.2	HUMAN SERVICES.....	114
9.2.1	NUNAWADING HUB FEES AND CHARGES	114
9.2.2	INTENTION TO LEASE EAST BURWOOD AND MITCHAM TENNIS CLUBS.....	119
9.3	CORPORATE	122
9.3.1	INTENTION TO LEASE LAND 96-106 SPRINGVALE ROAD, NUNAWADING	122
9.3.2	INTENTION TO LEASE LAND-379-399 WHITEHORSE ROAD, NUNAWADING	125
9.3.3	INTENTION TO LEASE LAND: 653-661 ELGAR ROAD, MONT ALBERT NORTH	128
9.3.4	CONTINUOUS IMPROVEMENT PROJECT MERCHANT FEES.....	131
9.3.5	WHITEHORSE MATSUDO 50TH ANNIVERSARY OF SISTER CITY RELATIONSHIP	136
9.3.6	DELEGATED DECISIONS JANUARY 2020	139

10	REPORTS FROM DELEGATES, SPECIAL COMMITTEE RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS RECORDS.....	160
10.1	REPORTS BY DELEGATES	160
10.2	RECOMMENDATION FROM THE SPECIAL COMMITTEE OF COUNCIL MEETING OF 10 MARCH 2020	160
10.3	RECORD OF ASSEMBLY OF COUNCILLORS	161
11	REPORTS ON CONFERENCES/SEMINARS ATTENDANCE	163
12	CLOSE MEETING	163

Meeting opened at 7:00pm

Present: Cr Ellis (Mayor), Cr Barker, Cr Bennett, Cr Carr, Cr Davenport,
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:

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Liu

That an apology be received on behalf of Cr Cutts and leave of absence be granted for tonight's Ordinary Council meeting 16 March 2020.

CARRIED

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 24 February 2020 and Confidential Ordinary Council Meeting 24 February 2020.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Munroe

That the minutes of the Ordinary Council Meeting 24 February 2020 and Confidential Ordinary Council Meeting 24 February 2020 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

Nil

6 NOTICES OF MOTION

Nil

7 PETITIONS

7.1 Serviced Apartment Development 37-39 Harrow Street, Box Hill

A petition signed by 31 signatories has been tabled by Cr Liu requesting Council note the strong opposition to the proposed development at 37-39 Harrow Street, Box Hill.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Barker

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

CARRIED UNANIMOUSLY

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

- 9.1.1 16 Spring Street Box Hill (Lots 1 PS 810596 V) Construction of a 29 storey mixed use building with five basement levels, comprising of 299 dwellings together with the use of the land for the purposes of Education Centre (Nurse training facility), Offices, Shops, Food and Drink premises, Accommodation, reduction to the car parking requirement and removal of protected trees (SLO9)**

FILE NUMBER: WH/2018/1009
ATTACHMENT

SUMMARY

This application was lodged to respond to the approved Development Plan (DP08) associated with the land at 16 Spring Street, Box Hill. The application was not advertised as it is exempted from the notice requirement under Section 52 of the Planning and Environment Act 1987 and pursuant to Clause 43.03-3 of the Whitehorse Planning Scheme.

This report provides Council with an assessment of the application against all criteria as established within the endorsed Development Plan (DP), the requirements of referral comments and the relevant provisions of the Whitehorse Planning Scheme. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

- A. *Being the Responsible Authority, in determining the Application WH/2018/1009 for 16 Spring Street, Box Hill (Lot 1 PS 810596) is of the opinion that the granting of a Planning Permit for the construction of a 29 storey mixed use building with five basement levels, comprising of 299 dwellings together with the use of the land for the purposes of Education Centre (Nurse training facility), Offices, Shops, Food and Drink premises, Accommodation, reduction to the car parking requirement and removal of protected trees (SLO9) is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Planning Permit under the Whitehorse Planning Scheme to the land described as 16 Spring Street, BOX HILL (Lot 1 PS 810596) for the construction of a 29 storey mixed use building with five basement levels, comprising of 299 dwellings together with the use of the land for the purposes of Education Centre (Nurse training facility), Offices, Shops, Food and Drink premises, Accommodation, reduction to the car parking requirement and removal of protected trees (SLO9), subject to the following conditions:***
- 1. *Before the development starts, or any trees or vegetation are removed, amended plans and documents must be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions and be generally in accordance with the plans identified as Amendment B prepared by Elenberg Fraser, Project Number 17106, Amendment B, dated 25 January 2019 but modified to show:***
 - a) *Deletion of the terrace element along Spring Street frontage which overhangs the pedestrian public space.***

9.1.1
(cont)

- b) Minimum setback of 6.0 metres for the podium levels, along the northern boundary.*
- c) Notation on plans and landscape plans to ensure that the terrace element does not obstruct the tree canopy zone and the pedestrian footpath area*
- d) Screening measures to prevent overlooking into the secluded private open space areas of the property at 10 and 12 Wellington Street, immediately to the west, in accordance with Standard B22 at Clause 55.04-6 of the Whitehorse Planning Scheme.*
- e) All private open space (balcony) size and width must achieve:*
 - i. Eight (8) square metres, with minimum width of 1.8 metres, for all one bedroom dwellings.*
 - ii. Eight (8) square metres, with minimum width of 2 metres, for all two bedroom dwellings*
 - iii. Twelve (12) square metres, with a minimum width of 2.4 metres, for all three bedroom dwellings.*
 - iv. Compliance with the objective of Standard D19, Clause 58 (Private open space), and*
 - v. Be constructed of materials that allow light into the apartments, whilst obscuring views onto balconies themselves.*
- f) Notation on plans and landscape plans to clearly identify the removal of Tree 24 – Liquidambar styraciflua (Liquidamber) and Tree 25 – Pyrus calleryana (Ornamental Pear).*
- g) All projecting piers within the shopfront entries shown to be located behind the glass front façade to provide an unobstructed path for pedestrian movement.*
- h) Podium details abutting adjoining properties to the west and north are to be resolved with high quality finishes, having regard to the adjoining residential uses and private open space abutments.*
- i) Thumbnail details and finishes need to be provided demonstrating the long term high quality resolution of materials and finishes including colour photographs and an external cladding sample board of external materials and finishes of key elements of the façade system at the ground, middle and upper levels.*
- j) Floor plans for all floor levels and notate all apartments/dwellings by number.*
- k) Each dwelling to detail all operable window, door and vents on floor plan and elevation drawings.*
- l) Roof plan illustrating all plant and equipment with screening provided ensuring views from all street frontages are obscured.*
- m) The location of columns within the car park are to be designed in accordance with Clause 52.06-9 of the Whitehorse Planning Scheme.*
- n) All modifications to plans as specified in the Car parking Management Plan outlined at Condition 4.*
- o) All modification to the plans as specified in Sustainability Management Plan (SMP) outlined at Condition 5.*
- p) All modifications to the plans as specified in the Wind Impact Assessment Report outlined at Condition 11.*

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

9.1.1 (cont)

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.

Early Works Plan

3. *Except with the prior written consent of the Responsible Authority, prior to the commencement of any buildings and works, an Early Works Plan must be prepared to the satisfaction of the Responsible Authority. The Early Works Plan must provide details of all works which comprise the 'early works', including but not limited to:*
 - a) *Piling works (Bored Piers), including Capping Beams;*
 - b) *Retention system including structural columns, shotcrete walls and rock anchors;*
 - c) *Bulk excavation;*
 - d) *Detailed excavation;*
 - e) *Excavation and pouring of pad footings, pile caps and basement slabs;*
 - f) *Civil drainage retention system; and*
 - g) *Crane pad footing system.*

Car Parking Management Plan

4. *Prior to the commencement of any buildings and works, except for the works approved under the Early Works Plan, a Parking Management Plan, detailing how car and bicycle parking areas, access ways and waste collection bays will be allocated and managed, must be submitted to and approved by Council (Early Works as approved by the Responsible Authority excepted).*

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

 - a) *The allocation of car parking associated with each specific use must be as follows:*
 - i. *264 car spaces for the purpose of residential use.*
 - ii. *30 car spaces for the purpose of residential visitor parking.*
 - iii. *34 car parking spaces for the purpose of the education use.*
 - iv. *5 car parking spaces for the purpose of the food and drink premises (café) use.*
 - v. *36 car parking spaces for the purpose of the office use.*
 - b) *Allocation of all parking spaces (except visitor spaces) to individual dwellings and procedures to allocate disabled car spaces to residents/visitors as required.*
 - c) *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.*
 - d) *Allocation of bicycle spaces to tenancies and visitors.*
 - e) *Directional signs to car and bicycle parking spaces and facilities.*
 - f) *Location of bicycle parking signs in accordance with Clause 52.34-5*
 - g) *Line marking of parking spaces.*
 - h) *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).*

9.1.1 (cont)

- i) Details of how access to the waste collection areas will be achieved by waste collection vehicles and how these areas will be secured.*
- j) 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*
- k) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
- l) Detail the signing and line marking of parking spaces.*
- m) Detail any access controls to the parking area, such as boom gates which shall take into account the required queue length required as per section 3.4 of AS 2890.1.*
- n) Access to the proposed car stacker spaces to demonstrate compliance with Australian Standard AS 2890.1 by the provision of swept path diagrams to show access by the B85 design vehicle into the proposed parking bays.*

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 and works, , except for the works approved under the Early Works Plan, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority (Early Works as approved by the Responsible Authority excepted). This SMP must be generally in accordance with the SMP submitted with the application and amended to include, unless otherwise provided to the satisfaction of the Responsible Authority:**
 - a) A Stormwater Quality Management Plan or assessment ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied.*
 - b) A complete, published BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) to the satisfaction of the Responsible Authority.*
 - c) Preliminary NatHERS Energy Efficiency Assessments for at least 10% dwellings that address a thermally unique profile of the development which ensures that the development will achieve an average minimum 6.5 star energy efficiency rating and whereby no apartment achieves below a 6 star energy efficiency rating. All dwellings modelled must also achieve cooling loads below ≤ 21 MJ/m²/annum.*
 - d) A Preliminary National Construction Code (NCC) 2016 Building Code of Australia (BCA) Section J or JV3 Energy Efficiency Assessment for non-residential areas indicating a 20% improvement in energy efficiency performance with respect to the development's reference/base case. The assessment is required to include indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (utilisation of BCA Glazing Calculator indicating U- and SHGC- values) for non-residential areas.*

9.1.1 (cont)

- e) A daylight modelling assessment for residential and non-residential areas to the satisfaction of the Responsible Authority.*
- f) Double glazing for all external windows.*
- g) Control car park ventilation with CO sensors.*
- h) Control car park lighting, where reasonably safe to do so, with motion sensors or timers.*
- i) Control all common, service and lift area lighting with sensors or timers.*
- j) Control common, service and lift area ventilation with sensors or timers.*
- k) Provide energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.*
- l) Water efficient fixtures and appliances indicating the associated WELS ratings.*
- m) Serving as or a part of a Green Travel Plan, alternative transport facilities including bicycle parking and storage, end of trip and electric vehicle charging facilities to the satisfaction of the Responsible Authority.*
- n) Communal spaces and green roof areas servicing the building occupants and tenants.*
- o) Divert at least 80% of construction and demolition waste from landfill.*

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 commencement of any buildings and works, except for the works approved under the Early Works Plan, 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 show:**
 - a) Any landscaping/footpath works within the road reserve should be at or above grade and there should be no excavation below existing grade within the TPZ of these trees in the road reserve*
 - b) All services i.e. – drainage/sewerage within the TPZ of these trees should be installed using horizontal boring underneath the root systems to avoid open trenching within the TPZ*
 - c) Notate the type, location, quantity, height at maturity and botanical names of all proposed plants. Shade tolerant species are recommended for the ground floor*
 - d) Type and location of tree planting, within Spring Street road reserve, including dimension and distance of canopy tree zone, and must be cleared from all building structures.*
 - e) Details of all containerised planting infrastructure, and confirm soil depth, cubic capacity, irrigation systems and tree anchoring systems.*
 - f) Notate reticulated irrigation (recycled) water systems for planter boxes Play equipment or playable elements such as sculptures for children residing or visiting the building*

9.1.1 (cont)

- g) Confirm any green façade elements*
- h) Detail the design (including the provision of sections) and layout of the common area, planters and ground level planting areas*
- i) Provide a specification of works to be undertaken prior to planting.*
- j) Further detail on any sustainable treatments and water harvesting methods ;and*
- k) Moveable furniture in the café forecourt and on the proposed roof top garden to demonstrate fixing mechanisms.*
- l) Level 4 roof top garden balustrade to comply with relevant building regulations.*
- m) Detail plant/planting maintenance schedules.*

All of the above requirements to be done 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 in the communal open space above Level 14 are healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
 - i. Irrigation frequency and delivery method.*
 - ii. Drainage.*
- 8. 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.**

Acoustic Report

- 9. 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 is required to document acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards – AS1191. 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.**
- 10. 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 requirements of the Acoustics Assessment.**

Wind Impact Assessment Report

- 11. Prior to the commencement of any buildings and works, except for the works approved under the Early Works Plan, 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 stating that:**

9.1.1
(cont)

- 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 Spring Street;*
 - ii. Standing comfort at all entrances and exits of the Development;*
 - iii. Sitting comfort within the café and retails areas where seating is provided;*
 - iv. A minimum of walking comfort on communal terraces located on Levels 4 and 27;*
 - v. A minimum of sitting and standing comfort on communal terraces located on Levels 4 and 27 at areas intended for stationary activities (e.g. seating); and*
 - vi. A minimum of standing comfort on private balconies.*
- c) Wind tunnel measurements, when modelling utilising local data, at areas specified under (b) to provide estimates on the number of 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 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.

- 12. 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)

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

9.1.1 (cont)

The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.

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

14. *The provisions, recommendations and requirements of the endorsed Construction Management Plans must be implemented and complied with to the satisfaction of the Responsible Authority.*

Waste Management Plan

15. *The approved WMP will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.*

Drainage and Assets

16. *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.*
17. *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.*
18. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
19. *Prior to the commencement of buildings or works 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.*
20. *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.*
21. *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.*
22. *The existing street trees must not be removed or damaged except with the written consent of the Responsible Authority (Parkswide Department).*

9.1.1

(cont)

23. *Prior to commencement of buildings or works, except for the works approved under the Early Works Plan, the owner must enter into an agreement under section 173 of the Planning and Environment Act for:*
 - a) *The footpath, landscaping and street furniture in front of the property adjacent to Spring Street, Box Hill.*
 - b) *For any parts of the Building that are proposed to be constructed outside the property boundaries.*
 - c) *Amenity*
24. *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) *In any other way.*
25. *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. 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).*
26. *Where a residential area will be impacted by noise from deliveries to the commercial tenancy, 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).*
27. *The deliveries to the commercial tenancy (café) 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*
28. *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

29. *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.*

Expiry

30. *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 five (5) years from the date of issue of this permit.*
 - c) *The approved uses have 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)

Permit Note:

- A. If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council ParksWide Department prior to the commencement of works.**
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

- A. Being the Responsible Authority, in determining the Application WH/2018/1009 for 16 Spring Street, Box Hill (Lot 1 PS 810596) is of the opinion that the granting of a Planning Permit for the construction of a 29 storey mixed use building with five basement levels, comprising of 299 dwellings together with the use of the land for the purposes of Education Centre (Nurse training facility), Offices, Shops, Food and Drink premises, Accommodation, reduction to the car parking requirement and removal of protected trees (SLO9) is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Planning Permit under the Whitehorse Planning Scheme to the land described as 16 Spring Street, BOX HILL (Lot 1 PS 810596) for the construction of a 29 storey mixed use building with five basement levels, comprising of 299 dwellings together with the use of the land for the purposes of Education Centre (Nurse training facility), Offices, Shops, Food and Drink premises, Accommodation, reduction to the car parking requirement and removal of protected trees (SLO9), subject to the following conditions:**
 - 1. Before the development starts, or any trees or vegetation are removed, amended plans and documents must be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions and be generally in accordance with the plans identified as Amendment B prepared by Elenberg Fraser, Project Number 17106, Amendment B, dated 25 January 2019 but modified to show:**
 - a) Deletion of the terrace element along Spring Street frontage which overhangs the pedestrian public space.**
 - b) Minimum setback of 6.0 metres for the podium levels, along the northern boundary.**
 - c) Provision for shared communal laundry facilities associated with the accommodation and residential dwelling uses.**
 - d) Notation on plans and landscape plans to ensure that the terrace element does not obstruct the tree canopy zone and the pedestrian footpath area**
 - e) Screening measures to prevent overlooking into the secluded private open space areas of the property at 10 and 12 Wellington Street, immediately to the west, in accordance with Standard B22 at Clause 55.04-6 of the Whitehorse Planning Scheme.**
 - f) All private open space (balcony) size and width must achieve:**
 - i. Eight (8) square metres, with minimum width of 1.8 metres, for all one bedroom dwellings.**
 - ii. Eight (8) square metres, with minimum width of 2 metres, for all two bedroom dwellings**

9.1.1
(cont)

- iii. Twelve (12) square metres, with a minimum width of 2.4 metres, for all three bedroom dwellings.*
- iv. Compliance with the objective of Standard D19, Clause 58 (Private open space), and*
- v. Be constructed of materials that allow light into the apartments, whilst obscuring views onto balconies themselves.*
- g) Notation on plans and landscape plans to clearly identify the removal of Tree 24 – Liquidambar styraciflua (Liquidamber) and Tree 25 – Pyrus calleryana (Ornamental Pear).*
- h) All projecting piers within the shopfront entries shown to be located behind the glass front façade to provide an unobstructed path for pedestrian movement.*
- i) Podium details abutting adjoining properties to the west and north are to be resolved with high quality finishes, having regard to the adjoining residential uses and private open space abutments.*
- j) Thumbnail details and finishes need to be provided demonstrating the long term high quality resolution of materials and finishes including colour photographs and an external cladding sample board of external materials and finishes of key elements of the façade system at the ground, middle and upper levels.*
- k) Floor plans for all floor levels and notate all apartments/dwellings by number.*
- l) Each dwelling to detail all operable window, door and vents on floor plan and elevation drawings.*
- m) Roof plan illustrating all plant and equipment with screening provided ensuring views from all street frontages are obscured.*
- n) The location of columns within the car park are to be designed in accordance with Clause 52.06-9 of the Whitehorse Planning Scheme.*
- o) External building materials and finishes not resulting in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces to the satisfaction of the Responsible Authority:*
 - i Issues relating to glare and reflectivity of chosen building materials must be addressed within a report prepared by a suitably qualified engineer to qualify the outcomes under this condition*
- p) All modification to the plans as specified in Sustainability Management Plan (SMP) outlined at Condition 5.*
- q) All modifications to the plans as specified in the Wind Impact Assessment Report outlined at Condition 11.*

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

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.

Early Works Plan

- 3. Except with the prior written consent of the Responsible Authority, prior to the commencement of any buildings and works, an Early Works Plan must be prepared to the satisfaction of the Responsible Authority. The Early Works Plan must provide details of all works which comprise the 'early works', including but not limited to:**

9.1.1 (cont)

- a) Piling works (Bored Piers), including Capping Beams;*
- b) Retention system including structural columns, shotcrete walls and rock anchors;*
- c) Bulk excavation;*
- d) Detailed excavation;*
- e) Excavation and pouring of pad footings, pile caps and basement slabs;*
- f) Civil drainage retention system; and*
- g) Crane pad footing system.*

Car Parking Management Plan

- 4. Prior to the commencement of any buildings and works, except for the works approved under the Early Works Plan, a Parking Management Plan, detailing how car and bicycle parking areas, access ways and waste collection bays will be allocated and managed, must be submitted to and approved by Council (Early Works as approved by the Responsible Authority excepted).**

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

- a) The allocation of car parking associated with each specific use must be as follows:*
 - i. 264 car spaces for the purpose of residential use.*
 - ii. 30 car spaces for the purpose of residential visitor parking.*
 - iii. 34 car parking spaces for the purpose of the education use.*
 - iv. 5 car parking spaces for the purpose of the food and drink premises (café) use.*
 - v. 36 car parking spaces for the purpose of the office use.*
- b) Allocation of all parking spaces (except visitor spaces) to individual dwellings and procedures to allocate disabled car spaces to residents/visitors as required.*
- c) 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.*
- d) Allocation of bicycle spaces to tenancies and visitors.*
- e) Directional signs to car and bicycle parking spaces and facilities.*
- f) Location of bicycle parking signs in accordance with Clause 52.34-5*
- g) Line marking of parking spaces.*
- h) 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).*
- i) Details of how access to the waste collection areas will be achieved by waste collection vehicles and how these areas will be secured.*
- j) 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*
- k) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
- l) Detail the signing and line marking of parking spaces.*
- m) Detail any access controls to the parking area, such as boom gates which shall take into account the required queue length required as per section 3.4 of AS 2890.1.*

9.1.1 (cont)

- n) Access to the proposed car stacker spaces to demonstrate compliance with Australian Standard AS 2890.1 by the provision of swept path diagrams to show access by the B85 design vehicle into the proposed parking bays.*

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 and works, , except for the works approved under the Early Works Plan, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority (Early Works as approved by the Responsible Authority excepted). This SMP must be generally in accordance with the SMP submitted with the application and amended to include, unless otherwise provided to the satisfaction of the Responsible Authority:**
- a) A Stormwater Quality Management Plan or assessment ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied.*
 - b) A complete, published BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) to the satisfaction of the Responsible Authority.*
 - c) Preliminary NatHERS Energy Efficiency Assessments for at least 10% dwellings that address a thermally unique profile of the development which ensures that the development will achieve an average minimum 6.5 star energy efficiency rating and whereby no apartment achieves below a 6 star energy efficiency rating. All dwellings modelled must also achieve cooling loads below ≤ 21 MJ/m²/annum.*
 - d) A Preliminary National Construction Code (NCC) 2016 Building Code of Australia (BCA) Section J or JV3 Energy Efficiency Assessment for non-residential areas indicating a 20% improvement in energy efficiency performance with respect to the development's reference/base case. The assessment is required to include indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (utilisation of BCA Glazing Calculator indicating U- and SHGC- values) for non-residential areas.*
 - e) A daylight modelling assessment for residential and non-residential areas to the satisfaction of the Responsible Authority.*
 - f) Double glazing for all external windows.*
 - g) Control car park ventilation with CO sensors.*
 - h) Control car park lighting, where reasonably safe to do so, with motion sensors or timers.*
 - i) Control all common, service and lift area lighting with sensors or timers.*
 - j) Control common, service and lift area ventilation with sensors or timers.*
 - k) Provide energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.*

9.1.1 (cont)

- l) Water efficient fixtures and appliances indicating the associated WELS ratings.*
- m) Serving as or a part of a Green Travel Plan, alternative transport facilities including bicycle parking and storage, end of trip and electric vehicle charging facilities to the satisfaction of the Responsible Authority.*
- n) Communal spaces and green roof areas servicing the building occupants and tenants.*
- o) Divert at least 80% of construction and demolition waste from landfill.*

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 commencement of any buildings and works, except for the works approved under the Early Works Plan, 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 show:**
- a) Any landscaping/footpath works within the road reserve should be at or above grade and there should be no excavation below existing grade within the TPZ of these trees in the road reserve*
 - b) All services i.e. – drainage/sewerage within the TPZ of these trees should be installed using horizontal boring underneath the root systems to avoid open trenching within the TPZ*
 - c) Notate the type, location, quantity, height at maturity and botanical names of all proposed plants. Shade tolerant species are recommended for the ground floor*
 - d) Type and location of tree planting, within Spring Street road reserve, including dimension and distance of canopy tree zone, and must be cleared from all building structures.*
 - e) Details of all containerised planting infrastructure, and confirm soil depth, cubic capacity, irrigation systems and tree anchoring systems.*
 - f) Notate reticulated irrigation (recycled) water systems for planter boxes Play equipment or playable elements such as sculptures for children residing or visiting the building*
 - g) Confirm any green façade elements*
 - h) Detail the design (including the provision of sections) and layout of the common area, planters and ground level planting areas*
 - i) Provide a specification of works to be undertaken prior to planting.*
 - j) Further detail on any sustainable treatments and water harvesting methods ;and*
 - k) Moveable furniture in the café forecourt and on the proposed roof top garden to demonstrate fixing mechanisms.*
 - l) Level 4 roof top garden balustrade to comply with relevant building regulations.*
 - m) Detail plant/planting maintenance schedules.*

9.1.1
(cont)

All of the above requirements to be done 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 in the communal open space above Level 14 are healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
 - i. *Irrigation frequency and delivery method.*
 - ii. *Drainage.*
8. *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.*

Acoustic Report

9. *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 is required to document acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards – AS1191. 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.*
10. *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 requirements of the Acoustics Assessment.*

Wind Impact Assessment Report

11. *Prior to the commencement of any buildings and works, except for the works approved under the Early Works Plan, 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 stating that:*
 - 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 Spring Street;*
 - ii. *Standing comfort at all entrances and exits of the Development;*
 - iii. *Sitting comfort within the café and retails areas where seating is provided;*
 - iv. *A minimum of walking comfort on communal terraces located on Levels 4 and 27;*
 - v. *A minimum of sitting and standing comfort on communal terraces located on Levels 4 and 27 at areas intended for stationary activities (e.g. seating); and*

9.1.1
(cont)

- vi. A minimum of standing comfort on private balconies.*
- c) Wind tunnel measurements, when modelling utilising local data, at areas specified under (b) to provide estimates on the number of 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 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.

- 12. 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)

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

The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.

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

- 14. The provisions, recommendations and requirements of the endorsed Construction Management Plans must be implemented and complied with to the satisfaction of the Responsible Authority.**

9.1.1 (cont)

Waste Management Plan

- 15. The approved WMP will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.**

Drainage and Assets

- 16. 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.**
- 17. 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.**
- 18. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 19. Prior to the commencement of buildings or works 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.**
- 20. 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.**
- 21. 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.**
- 22. The existing street trees must not be removed or damaged except with the written consent of the Responsible Authority (Parkswide Department).**
- 23. Prior to commencement of buildings or works, except for the works approved under the Early Works Plan, the owner must enter into an agreement under section 173 of the Planning and Environment Act for:**
 - a) The footpath, landscaping and street furniture in front of the property adjacent to Spring Street, Box Hill.**
 - b) For any parts of the Building that are proposed to be constructed outside the property boundaries.**
 - c) Amenity**
- 24. 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) In any other way.**

9.1.1

(cont)

25. *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. 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).*
26. *Where a residential area will be impacted by noise from deliveries to the commercial tenancy, 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).*
27. *The deliveries to the commercial tenancy (café) 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*
28. *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

29. *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.*

Expiry

30. *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 five (5) years from the date of issue of this permit.*
 - c) *The approved uses have 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.

Permit Note:

- A. *If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council ParksWide Department prior to the commencement of works.*
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

CARRIED UNANIMOUSLY

9.1.1
(cont)

MELWAYS REFERENCE: 47 C8

Applicant:	Orion East Pty Ltd
Zoning:	Mixed Use Zone
Overlays:	Development Plan Overlay 8 (DPO8) Parking Overlay precinct 1 (PO1) Significant Landscape Overlay, Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 11.03-01S	Activity centres
Clause 11.03-02S	Growth Areas
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 15.01-2S	Building Design
Clause 15.01-4R	Healthy Neighbourhoods-Metropolitan Melbourne
Clause 15.015S	Neighbourhood character
Clause 16	Housing
Clause 16.01-1S	Integrated Housing
Clause 16.01-03S	Housing diversity
Clause 16.01- 2S	Location of Residential Development
Clause 17	Economic Development
Clause 17.01	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 22.06	Activities Centre
Clause 22.07	Box Hill Metropolitan Activity Centre
Clause 22.10	Environmentally Sustainable Development
Clause 32.07	Residential Growth Zone
Clause 32.04	Mixed Use Zone
Clause 43.04	Development Plan Overlay
Clause 45.09	Parking Overlay (PO1)
Clause 42.03	Significant Landscape Overlay
Clause 52.06	Car Parking
Clause 52.34	Bicycle Facilities
Clause 58	Apartment Guidelines
Clause 65	Decision Guidelines
Ward:	Elgar

9.1.1

(cont)

BACKGROUND

Amendment C197

Amendment C197 resulted from the Fast Track Government Land Service (FTGLS), which is an initiative by the State Government that aims to facilitate changes to planning provisions for government land that has been declared surplus to requirements.

The Box Hill Institute (BHI) sought to consolidate the campus footprint within Box Hill to centralise their facilities and provide opportunity for the development of future facilities. The Institute determined that two sites within the campus were surplus to requirements and sought to use the FTGLS to amend the planning scheme provisions that apply to the sites to facilitate their future sale. The following sites were the subject of the FTGLS:

- 16 and 18 Spring Street, Box Hill (and an adjoining part of the Nelson Road campus). Although BHI will retain ownership of this site, it is understood that air rights for development are to be sold
- 1000 Whitehorse Road, Box Hill.

The Minister for Planning wrote to Council in late April 2018 to advise that he decided to exercise the power under section 20(4) of the Planning and Environment Act 1987 to exempt himself from notice, and to prepare, adopt and approve Amendment C197 to the Planning Scheme. The Amendment was gazetted and came into effect on 24 May 2018.

As a result of the FTGLS, the amendment rezoned 16 Spring Street, Box Hill from the Public Use Zone (Schedule 2) and Residential Growth Zone (Schedule 3) to the Mixed Use Zone and applied the Development Plan Overlay – Schedule 8 (DPO8).

Subsequent to the gazettal of Amendment C197, the Development Plan (DP) was endorsed on 30 September 2019, with the proponent having satisfied the conditions of approval in the 15 April 2019 Council report.

Current Planning Permit Application

Council received the application on the 21st September 2018. A determination could not be made on the application until after the Development Plan was endorsed, which occurred on 30 September 2019. Nonetheless, Council officers raised a number of concerns relating to height, built form impacts on abutting properties, traffic and waste management.

On the 29th January 2019, the permit applicant submitted revised plans in an attempt to address the concerns raised above. Key changes to the proposal included complete changes to the architectural built form. The revised design provided a more curve-linear shaped building, as opposed to the original boxy, hard edged design.

On the 14th June 2019, the applicant formally submitted a revised planning application, pursuant to Section 50 of the Planning and Environment Act. The submitted revised plans and documentation sought changes to the use of the land, in particular removing the 'medical' use from the proposal. For the purpose of this report, these documentation and plans form the basis of the decision plans.

The Site and Surrounds

The Site

The subject land is located on the western side, south end of Spring Street and is identified as 16 Spring Street, Box Hill. The site comprises of land which forms part of the Nelson campus of the BHI (refer to Figure 1, below) and is currently used as an at grade car park. The site has a partial frontage to Spring Street of approximately 30 metres, and has a stepped rectangular shape, with an overall site area of 2624 square metres.

9.1.1 (cont)

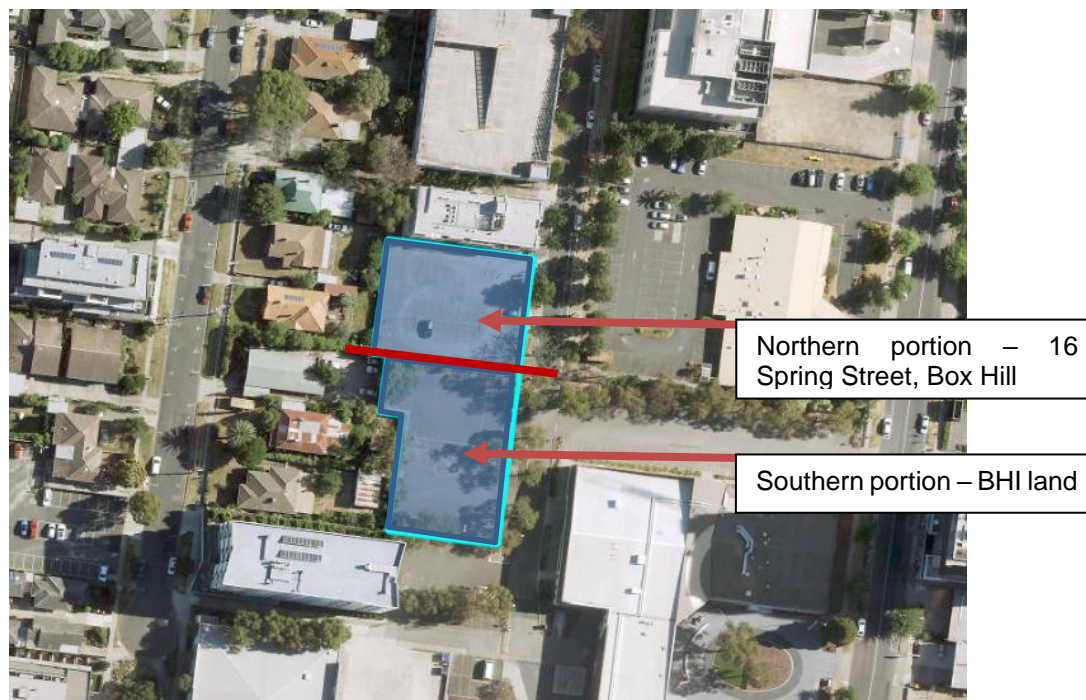


Figure 1 – Aerial of subject site

There are no existing trees within the northern portion (16 Spring Street), while the southern portion (BHI land) has scattered, predominately native tree species. Figure 2 shows the location of the vegetation on site and on abutting properties.

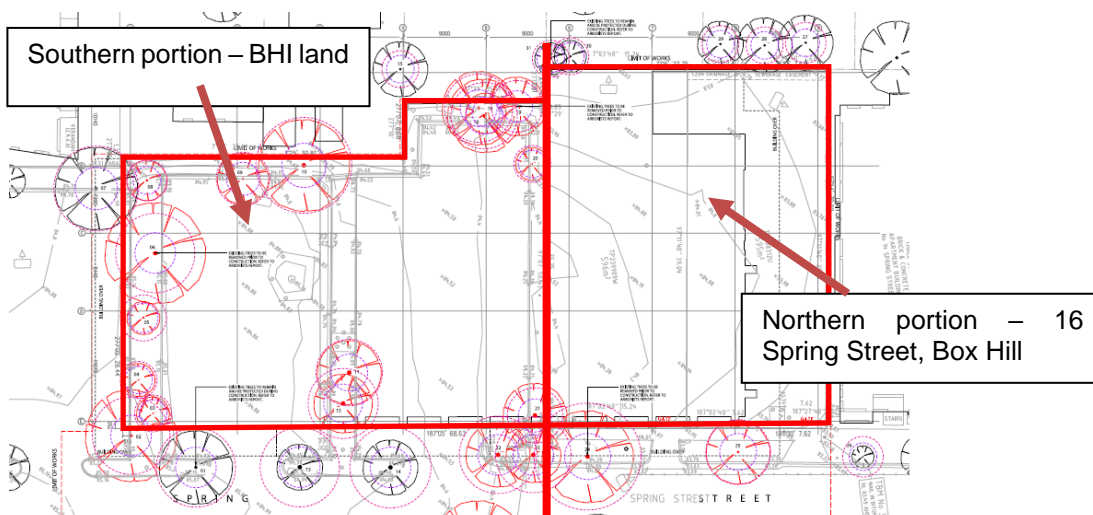


Figure 2 – Survey Plan – existing vegetation on site and on surrounding properties

Surrounding Context

The subject land, until recently, was abutted by six residential properties and one medical centre to the west. The dwellings at 16-22 Wellington have been demolished and this land is cleared, levelled, fenced and covered with a crush rock seal. The remaining two dwellings at 10 and 12 Wellington Street and the unoccupied medical centre (with a sealed car park to the common boundary) have setbacks of 13 metres to 20 metres from the common boundary.

The southern portion of the site is located within the BHI land and is currently occupied by an at-grade car park.

9.1.1

(cont)

Abutting the site to the north, at 14 Spring Street, is a 3 storey building used for student accommodation. This building is built close to the shared boundary and contains balconies facing the site. Further north at 2-12 Spring Street are facilities and multi deck car parking associated with the medical precinct and the Epworth hospital.

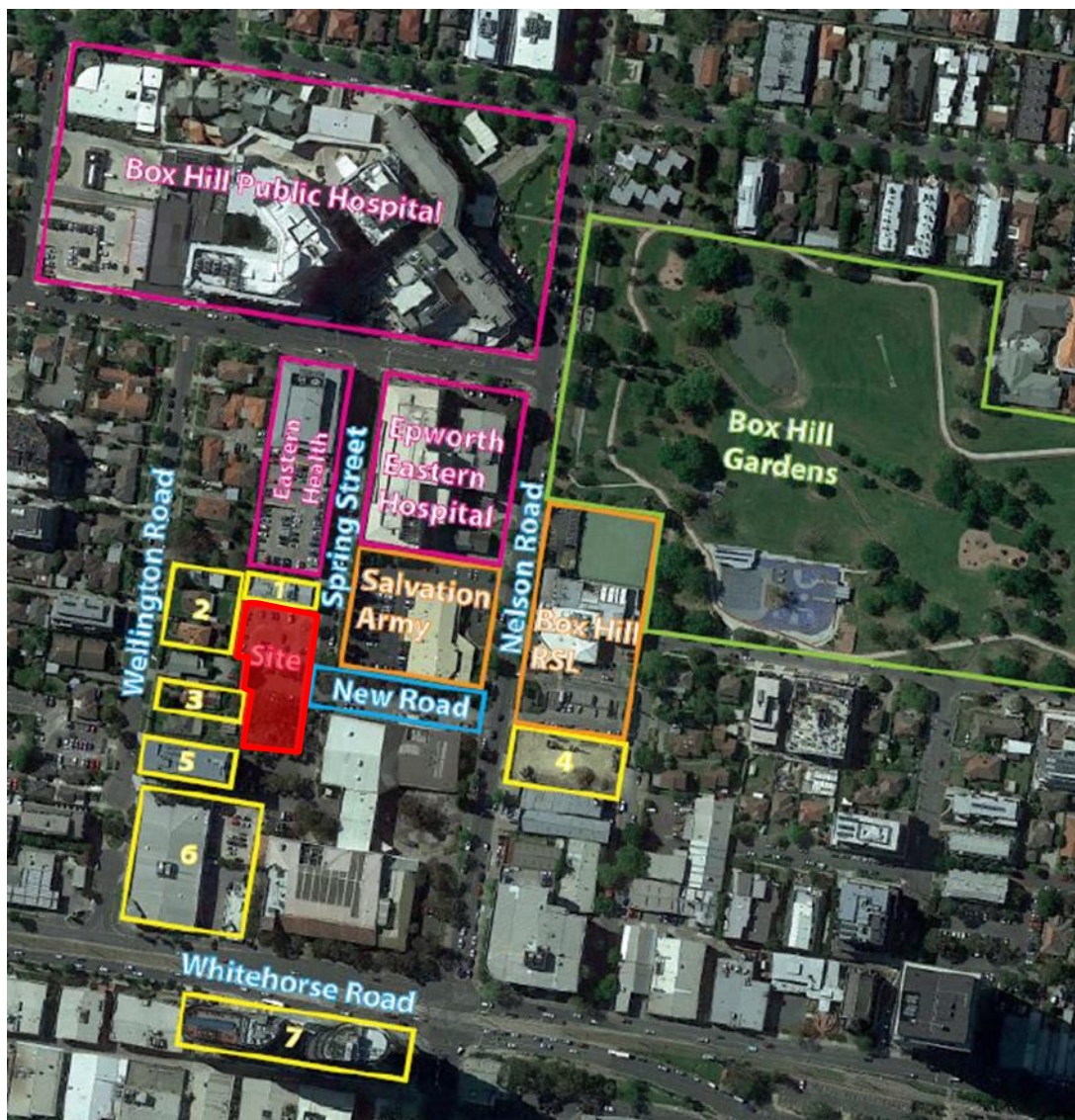


Figure 3 – Context aerial photo – surrounding land uses and development (the numbers reflect other surrounding lots on which approval has been granted for high density development)

9.1.1

(cont)

To the west of the site, there are a number of recent development approvals for residential and/or commercial buildings of varying heights. These include:

- 12 Wellington Road – approval for a five storey residential development (WH2011/306). Plans were endorsed on 19/04/2018 and extension of time granted on 13/06/2019. The proposal comprises of basement parking constructed along the common boundary (east).
- 12-14 Nelson Road – A 20 storey residential apartment development.
- 14 Wellington Road – A single storey medical centre with at-grade car parking to the rear of the site. The medical centre building is a repurposed dwelling. A Planning application for a 26-storey mixed-use/residential development has been lodged for this land in association with the approved redevelopment at 16-22 Wellington Road (WH/2018/856),
- 16-22 Wellington Road– Approved 14-storey residential development (WH/2016/202),
- 14-22 Wellington Road – WH/2018/856 (current application) – Use and development of the land for a part 16 and part 18 storey building, including residential hotel, medical centre, food and drink premises and dwellings, reduction in car parking requirements and removal of trees. The proposal seeks removal of all trees onsite including along the eastern boundary abutting the subject land, and boundary construction.

As shown in Figure 3 (Context aerial photo), the subject land is close to the Box Hill and Epworth hospitals, BHI (TAFE) and a significant range of restaurants, cafes and other recreational activities.

The site is within walking distance to the Box Hill Transit Interchange and the tram terminus on Whitehorse Road. The site is also within walking distance to the Box Hill Gardens, Box Hill Hospital, Epworth Eastern Hospital and the core commercial and retail area of the Box Hill MAC.

Planning Controls

The subject land is in a Mixed Use Zone, to the west is Residential Growth Zone, Schedule 3, to the north and to the north east is Residential Growth Zone, Schedule 3 and Public Use Zone (3) (Health and Community), and to the south is part Commercial 1, Public Use 2 Zone (Education) and Residential Growth Zone.

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.

In accordance with the Mixed Use Zone requirements the proposed uses and development trigger permission as follows:

- As the total proposed floor area for Office use is approximately 1,821 square metres (greater than 250 square metres listed in Section 1), a permit is required for this use.
- 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 Food and Drink Premises within the development has a total floor area of approximately 386 square metres, planning permission is required for this use.
- A permit is required for the construction of two or more dwellings on a lot and residential buildings.
- A permit is required for buildings and works for all permit required (Section 2) uses.

The zone further requires that any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth

9.1.1

(cont)

Zone, or Township Zone must meet the requirements of Clauses 55.03-5 (energy efficiency), 55.04-1 (side and rear setbacks), 55.04-2 (walls on boundaries), 55.04-3 (daylight to existing windows), 55.04-5 (overshadowing of open space) and 55.04-6 (overlooking) along that boundary.

Parking Overlay

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) for residential dwellings and office uses. For all other uses listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for a use shall be calculated by using the Rate in Column B of that Table (representing a minimum rate). Applying the car parking overlay rate and the applicable rate under Clause 52.06-5, the development would generate a car parking requirement of 390 car parking spaces.

The proposal will include the provision for 369 car parking spaces within five levels of basement. This will result in a car parking reduction of 21 car spaces, pursuant to Clause 52.06. It is noted that whilst the overall parking reduction is 21 spaces, the reduction specifically associated with the education use is 74 spaces and that for the food and drink premises is 9 spaces. The overall parking reduction offsets this because an additional 62 spaces are proposed to be allocated to the residential use.

Development Plan Overlay

The purpose of the Development Plan Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

Schedule 8 of the Development Plan Overlay (DPO8) specifically relates to subject site, 16 Spring Street, Box Hill. Pursuant to section 1.0 of this Schedule states that:

1.0 A permit may be granted before a development plan has been approved for the following:

- *Subdivision*
- *Minor buildings and works*
- *Removal or creation of easements or restrictions.*

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the preparation of a Development Plan and the future use and development of the land in an integrated manner.

It is noted that the Development Plan was approved by Council on 30 September 2019.

There are no specified conditions and requirements for permits pursuant to section 2.0 of the overlay Schedule.

Planning permit applications that are generally in accordance with an approved development plan are exempt from the notice and review requirement under Section 52 of the Planning and Environment Act 1987, pursuant to Clause 43.04-3 of the Scheme.

9.1.1

(cont)

Significant Landscape Overlay

The Significant Landscape Overlay – Schedule 9 (SLO9) applies to the northern section of the site, formerly identified as 16 Spring Street, Box Hill. SLO9 seeks:

‘To encourage the retention of established and mature trees and to provide for the planting of new canopy trees.’

The SLO9 requires a permit to remove protected trees and for buildings and works within four metres of a tree protected by the SLO9.

For the site, SLO9 only applies to the northern portion of the site, which contains no existing canopy trees, whilst the southern portion (land previously zoned Public Use) is not affected by SLO9.

It is noted that the provisions of SLO9 extend beyond the subject site and includes Spring Street. The application seeks permission for the removal of two existing street trees within Spring Street, road reservation, therefore triggering a planning permit requirement under SLO9 for the purpose of tree removal.

PROPOSAL

Overview

The proposed development and use, in summary, comprises the following:

- Development of a 29-storey mixed-use building (excluding services); comprising a 4-storey podium (non-residential uses to be occupied by Tertiary Institution (BHI Nurse Training Facility), office, shops, and food and drink premises);
- 287 Dwellings (1, 2 and 3-bedroom apartments);
- 12 short/medium stay managed studio apartments;
- Five levels of basement car parking providing 369 car parking spaces.
- Construction of a private road link from the south end of Spring Street east to Nelson Road for a distance of about 90 metres.



Figure 4 – Artist impression of the development – view from east and south east

9.1.1

(cont)

Land uses

The mixed-use proposal will provide educational, office, retail and high-density residential development in accordance with the following table:

Land Use	Floor area/number
BHI Nurse Training Facility (Tertiary Institution)	4,288sqm GFA
Office	1,821sqm NLA
Shop/Food and Drink Premises	386sqm NLA
Short/Medium Stay Studio Apartments	12
1-Bedroom Apartments (Dwellings)	105
2-Bedroom Apartments (Dwellings)	151
3-Bedroom Apartments (Dwellings)	31

Nurse Training Facility

This proposed use extends over the first four floors of the building at the southern end. The facility will cater for up to 360 nursing students and provide lecture theatres, class rooms, offices, common spaces and nurse training facilities as required by BHI. Access to the Nurse Training Facility will occur at the south-east corner of the Site, connecting into the wider Nelson Road Campus. Vertical transportation is available by internal elevators, but the design encourages use of the internal/external wide staircase which forms a feature of the building frontage. The staircase includes planting as a part of the green building strategy.

Active Retail Tenancies (Ground Floor)

The ground floor includes five small retail tenancies which are to be occupied by cafes, restaurants and small shops. These commercial premises have floor areas ranging between 64 and 100 square metres. These tenancies will activate the extended Spring Street frontage with glazed facades and identified areas for footpath trading.

Levels above the podium are proposed to be developed for a range residential apartment types, separated into three segments.

Office (Podium Levels 1-3 – Northern Section)

The remainder of the first, second and third floor space is to be occupied by the commercial office space. The offices in the northern section of the building are conveniently located close to the existing medical uses in the surrounding precinct, including Box Hill Public Hospital, Epworth Private Hospital and eastern Health medical centre. The office areas on Levels 1-3 are accessed via a separate lobby on the Spring Street frontage.

Communal facilities

All residents will have access to a Gymnasium, Pool and bookable lounge/function facilities located on the northern section of Level 4. There is an additional communal terrace space on Level 28 for use by residents of the mid and high rise apartments.

Access, Loading and Parking

Access to the site is provided via Spring Street which will be extended as a two-lane private road connecting to Nelson Road through the land at 853 Whitehorse Road, Box Hill (owned by the BHI).

A 6.1 metre vehicle accessway will run along the northern boundary of the site, providing access to the basement parking as well as an at-grade shared loading/waste collection area.

9.1.1 (cont)

The proposed car parking provision is 369 spaces, which will be distributed as follows:

- 264 x resident spaces
- 30 x residential visitor spaces
- 34 x education spaces
- 5 x food and drink premises (café) spaces.
- 36 x office spaces

Building design and form

The design provides for a 29-storey tower, including the four-level podium with a maximum building height of 109.9 metres, measured to the top of the lift core.

Proposed setbacks along Spring Street frontage vary between 3 metres and 11 metres, above the podium levels.

The curved architectural form is broken up by landscape terraces at each podium level along the Spring Street frontage. The revised tower design uses a curved design wall façade which seeks to reduce the visual massing/volume of the building when viewed from the east and west.

Tree removal

The proposed development will comprise of the removal of two protected trees (pursuant to SLO9) along Spring Street frontage. These Trees are identified as Tree 24 – *Liquidambar styraciflua* (Liquidamber) and Tree 25 – *Pyrus calleryana* (Ornamental Pear).

Whilst there are other trees on the land and within proximity to the site (as shown numbered on the image below), none of these trees are protected by the SLO9, and therefore do not need permission to remove.

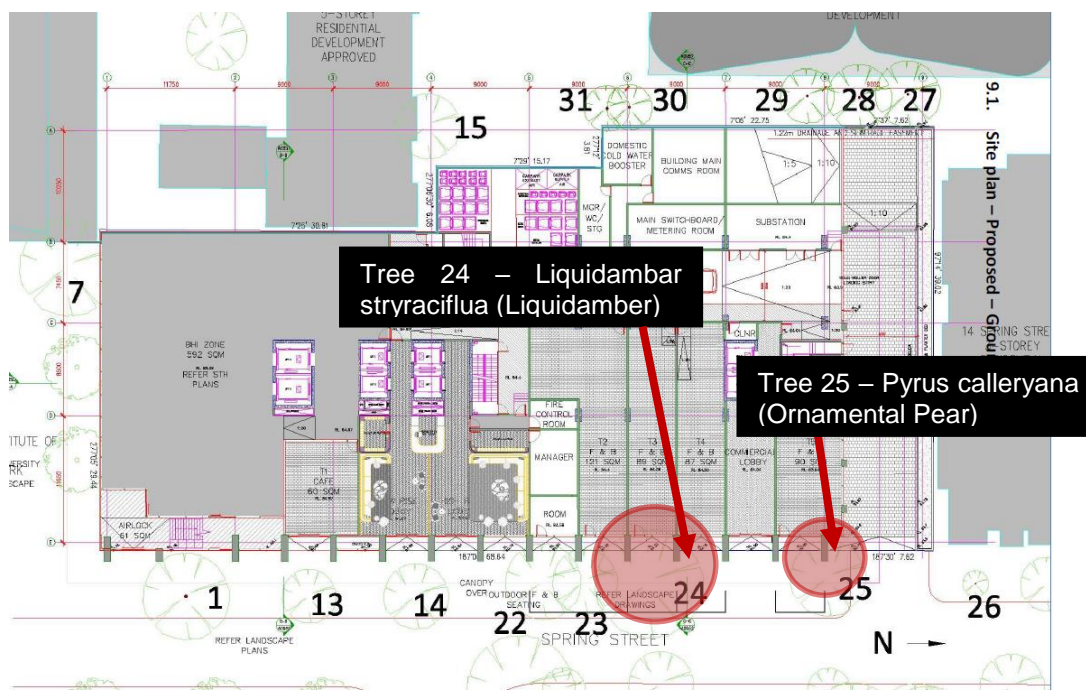


Figure 5 – Protected SLO9 Trees to be removed

9.1.1

(cont)

CONSULTATION

Public Notice

The application was exempted from the notice and review requirements pursuant to Clause 43.04-3 - '*Exemption from notice and review*' (Development Plan Overlay). Hence the application was not advertised.

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 Public Transport for Victoria. However, Clause 66.02-11, outlines exemptions from the referral requirement, which includes 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, 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.

Internal

Engineering and Environmental Services Department

Transport Engineer

The proposed plans have been reviewed by Council's Transport Engineer, who supports the proposal subject to conditions. This includes the car parking reduction which is in accordance with the reduction approved with the endorsed DP.

Waste Engineer

Council's Waste Management Engineers have no objection to the proposed development and uses, subject to conditions on any approval issued.

Assets Engineer

The proposed plans have been reviewed by Council's Asset Engineer, who supports the proposal subject to conditions.

ParksWide

In summary, the below site assessment and comments, as they relate to the subject land were provided (it is noted that additional comments were provided by the Parkswide team regarding trees in the adjoining car park, however these are not able to be considered as part of this application assessment):

- There are no existing trees at 16 Spring Street.
- There are no trees near common side boundaries to the abutting lots to the west (facing Wellington Road).
- No objection to the removal of the two street trees, being Tree 24 – Liquidambar *styraciflua* (Liquidamber) and Tree 25 – *Pyrus calleryana* (Ornamental Pear), subject to the appropriate payment of tree amenity value.

9.1.1

(cont)

ESD Advisor

The Development Plan has been reviewed by Council's ESD Officer who found that the information could satisfy the requirements of the DPO, subject to amended plans. Amended plans are required to comply with ESD policy at Clause 22.10 of the Planning Scheme.

Urban Design

The application was referred to Council's Consultant Urban Designer (MGS Architects) who has raised concerns relating to the overall height, and in particular how the proposed design does not provide for appropriate 'graduation' to its surrounds. The following are extracts of some of the key commentary:

-*The development should scale down substantially more from its tallest southernmost form embedded in the campus SE corner stepping down to the north and further to the north and north east. Scale of development should not result in impacts in my view on the primary pedestrian walk of Nelson Road before 2pm. The transition to adjoining development of 14 levels to the northwest should be substantially greater as a step in my view a midpoint between this scale and the recalibrated effective 29 levels rather than the expanded scale as currently proposed.*
-*The proposal exceeds the design intent of this provision and hence the proposal's offsite impact should be assessed.*
- *The proposal represents a minimum 25-30% exceedance of preferred scale with the balcony overhangs further exacerbating the impact and visual bulk on the public realm, diminish the perceived width of the public realm of Spring Street and the ability for street trees and canopies to contribute to enhancing the public realm and mitigating the impacts.*
-*No reason why commercially beneficial development should be supported in combined with greater height.*
-*Given the narrow nature of the street, the increased need for pedestrian space and the proposed height, a minimum 3m should be provided to Spring Street to expand the pedestrian and landscape zone and ensure the terrace elements do not overhang the boundary.*
- *The building should be setback to ensure that tree canopy zones, footpath areas and enhanced capacity are unhindered by new development.*

Officers acknowledge the advice provided by its urban Design consultant, as many relevant points have been raised in regards to the building interfaces with surrounding land uses and properties. In this context however, the approval of the Development Plan Overlay constrains officers' ability to assess the proposal beyond those quantifiable provisions of the endorsed DP. A comparison response against the endorsed DP will be offered in the later section of this report.

Landscape Architect

The proposal has been reviewed by Council's Landscape Architect. It is generally considered that the proposed landscape plan is well considered and acceptable, subject to conditions.

Leisure and Recreation

Council's Leisure and Recreation Department reviewed the Community Infrastructure Assessment where it relates to public open space / recreation. The Development Plan incorporates the findings of the Whitehorse Open Space Strategy (the WOSS). It is concluded that the increase in population may have an impact on the use of existing sporting reserves.

Community Development

The Development Plan has been reviewed by Council's Community Development Department.

The review considered the potential projected increase in demand from the proposed development on sporting clubs/facilities (including athletics, Lacrosse, rugby union and hockey), and other education, health and community services.

9.1.1

(cont)

Although overall projected growth for the entire Box Hill MAC is significant, the proposed dwelling yield for the subject site will generate very moderate additional demands on existing community infrastructure such as meeting halls and facilities. Without a Development Contributions Plan Overlay or similar precedent involving the collection of developer contributions towards community infrastructure in the Box Hill area, it is difficult to request additional contributions. Furthermore, there are no development contribution requirements currently listed under the Planning Scheme.

As a result of the Community Infrastructure Assessment, the Development Plan does include some community facilities such as meeting rooms to service the needs of its residents, its new high quality nursing training facility, the medical centre, gym and pool.

It is also noted that upon subdivision of the building, a mandatory minimum 4% Public Open Space contribution will be required to be paid.

DISCUSSION

Consistency with State and Local Planning Policies

The subject site is zoned Mixed Use Zone.

As the subject land is also within the Box Hill Structure Plan and in a Major Development precinct, much larger and intensive developments can be considered with greater building heights. 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 close to public transport and road network systems 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).

State planning policy generally supports the subject site as a significant strategic redevelopment opportunity to deliver higher density residential uses and complementary commercial activity. This is justified given the site's location within the Box Hill Metropolitan Activity Centre, in close proximity 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, offices and other commercial 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, there is clear policy support for intensification of the site and broader Box Hill MAC. The proposed re-development for a 29 storey building at the scale proposed is considered to have strategic support.

9.1.1

(cont)

It is also noted that the Mixed Use Zone falls under the residential zoning category. This zone supports a range of other uses, including commercial uses. In this context the Education Centre, offices and shops are seen as enhancing services for the site and surrounding land uses/occupants.

Use

The mix of education, office and shop uses will play a legitimate role in meeting the needs of the area in this respect and providing seven days a week activation of the area. Generally offices or education uses are closed after hours and on weekends and can lead to inactivity of an area outside of business hours.

Regarding the appropriateness of the proposed uses, it is considered that there is support for where a use can demonstrate that the scale of an 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 objective 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.*

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 proposal will facilitate growth in employment base, with the education centre, office and shop uses further supporting this by providing additional employment opportunities. Additionally the shop/food and beverages will provide venues where local workers, students and local residents can obtain food and drinks. On weekends, there is an expectation that mixed use buildings are active and provide for visitors and local residents alike.

In relation to the education component, by reference to Clause 19.02-2S, one of the objective of this clause states:

- *To assist the integration of education facilities with local and regional communities.*

Key strategies to achieve this include, to:

- *Locate secondary and tertiary education facilities in designated education precincts and areas which are highly accessible to public transport.*
- *Locate tertiary education facilities within or adjacent to activity centres.*
- *Ensure areas near to education facilities, adjoining streets and accessways are designed to encourage safe bicycle and pedestrian access.*

The objectives outlined above, are given further strength through references in Clause 22.07 Box Hill Metropolitan Activity Centre, which outlines the significance of the Box Hill MAC and provides specific objectives on achieving appropriate outcomes in each of the designated precincts within Box Hill. This site sits within the Hospital and Western TAFE Precinct, and the proposal, from a broader strategic land use perspective, is well positioned.

9.1.1

(cont)

Design and Built Form

Overview

Since the inception of the Box Hill Structure Plan, significant redevelopment has occurred in the Box Hill Major Development Precinct (as defined by the Structure Plan), in the vicinity of arterial roads, the transport interchange and the commercial centre. Specific urban design guidelines for residential growth areas have not been formally adopted or incorporated in the Planning Scheme at this time so each planning assessment is assessed in terms of the specific site circumstance and the general design response in the evolving context of the area. Within the Box Hill Structure Plan, the site is located in Built Form Precinct F (Major Development Precinct). Precinct F is the only precinct within the Box Hill Structure Plan where no specific preferred or maximum height limit applies. The site is located within an area undergoing significant transformation. In this precinct taller buildings are permitted, enabling increased density. It is expected that this will continue to be developed with multi-level mixed use buildings contributing to the economic viability of the centre. It is acknowledged that the building will be significantly larger than other buildings currently existing or approved, and whilst Council expressed concerns over the building height during the planning scheme amendment process, the DPO was introduced allowing buildings up to 29 storeys. This provides limited capacity on this site for officers to argue for less prominent building heights. Whilst initially this development will be prominent, this will lessen over time as surrounding sites are also developed.

Compliance with approved Development Plan

Section 2.0 of the Development Plan Overlay – Schedule 8, provides no additional conditions or assessment requirements beyond the endorsed DP. Hence, the following is a comparison assessment of the proposal plans against the endorsed DP.

The following comparison of the proposal against the endorsed DP is grouped into similar themes, where appropriate.

Height and Graduation of built form

The 29-storey tower is set back between 3 and 11 metres from the Spring Street frontage. The proposed building totals 109.5m in overall height, including roof services.

The proposal is generally consistent with the building envelope as endorsed under the DP with minor non-compliances in terms of setbacks along the northern and eastern elevations (mainly relating to the tower element that is above the podium levels). Notwithstanding this, the level of noncompliance is only minor, varying between 0.5 to 0.8 metres. This can be addressed by way of permit conditions.

9.1.1 (cont)

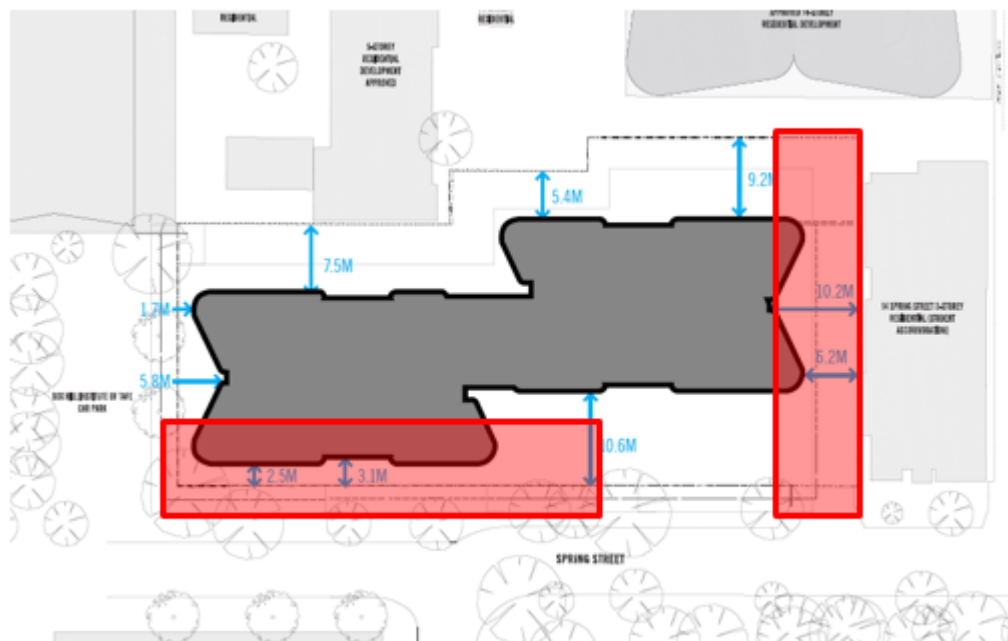


Figure 6 – areas of non-compliance with setbacks (DPO requirements) to be addressed by way of permit conditions.

Shadow impacts

The submitted shadow diagrams suggest that there are no shadow impacts along the pedestrian walkway, along both Nelson Road and Wellington Road (refer to Figure 7, below). The only additional overshadowing along the pedestrian walk ways will occur between the hours of 2 -3pm, affecting Nelson Road. This is considered acceptable, and further is consistent with the endorsed DP.



Figure 7 – Shadow diagram for period between 10am - 3pm

9.1.1

(cont)

Car parking and bicycle parking

Section 3 of the endorsed Transport Impact Assessment report (DP endorsed package), specified minimum numbers of car parking and bicycle parking requirements for the development proposal. This stipulated that any development is to provide 369 car parking spaces across five basement levels and 120 secured bicycle parking spaces within basement level 1.

The current proposal will provide for full compliance with the above car parking and bicycle parking provisions outlined above and is therefore considered consistent with the endorsed DP. This is supported by Council's Transport Engineers.

Land Use	Number / Area	Statutory Parking Rate	Number required	Proposed allocation
<u>Dwellings</u>				
• 1 bedroom	117	0.5 spaces per dwelling	58	58
• 2 bedroom	151	0.75 spaces per dwelling	113	113
• 3 bedroom	31	1 space per dwelling	31	31
• Visitor parking (dwellings)	299	0.2 spaces for the first 5 dwellings plus 0.1 spaces to each subsequent dwelling	30	30
• Unallocated residential spaces				62
<u>Food and drink Premises</u>	412m ²	3.5 spaces per 100m ² of net floor area	14	5
<u>Office</u>	1821m ²	2.0 spaces per 100m ² of net floor area	36	36
<u>Education Centre</u>	4288m ² / 360 Students	0.3 spaces to each student that is part of the maximum number of students on the site at any time	108	34
Total			390	369

Table 1 – Statutory parking requirement and proposed allocations

A total of 120 bicycle parking spaces are proposed, exceeding the required 118 spaces, therefore satisfying the bicycle parking requirements for the site.

Additionally, the provision of bicycle facilities (in the form of showers and change rooms) meets the requirements of the Planning Scheme, and is therefore considered appropriate. The required shower and change room facilities are provided in the Level B1 End of Trip Facilities area.

Public Realm

A significant consideration in assessing how and if a building is appropriate to its context, is its interfaces to public spaces and how they enhance the visual and social experience of the user. In this respect, the proposal represents an appropriate response to the streetscape, public realm quality and perceived safety.

The activation of Spring Street and the BHI Nelson Campus is a key element of the proposal. The design seeks to centralise activity along Spring Street by providing primary access routes and active retail uses along this frontage. As a part of the design inception, a master planning exercise was undertaken for the site and the broader BHI Nelson campus. The exercise identified opportunities for a potential university green/square to the south of the site, at the centre of the BHI Nelson Campus. The design for this site has incorporated opportunities to allow these elements to be included in the future development of the precinct.

9.1.1 (cont)

The ground floor has been designed to activate the street through a number of retail tenancies that front Spring Street. While a small extent of servicing fronts the street, the majority (including substation) is concealed along the northern laneway area. Through the activation of the ground floor, the building will provide interaction at street level where there currently is none. The proposal will activate Spring Street as a result of the proposed café and open paved and landscaped area in the frontage, bringing foot traffic from the BHI, medical uses and general passers-by. This is a good response from an urban design perspective.

The design includes landscaped terraces that step up the podium with the staircase; designed to enhance the building and provide a green connection with Box Hill Gardens and Kingsley Gardens. The Spring Street footpath is also proposed to be widened in front of the building to enhance pedestrian amenity (subject to Council approval).

Adding to the pedestrian connections enjoyed by the site, the proposal includes construction of a new private road connecting the BHI land, extending from Spring Street to Nelson Road, improving local traffic circulation.

Above ground floor, a variety of commercial uses and protruding landscape terraces are proposed in the podium which will provide passive surveillance. Roof top services are proposed to be concealed by the inclusion of a parapet that extends upwards as a design feature from the levels below.

By focusing activity along the Spring Street frontage, the design provides passive surveillance for Spring Street and BHI Nelson Campus common areas and develops a sense of activity and vitality in a previously underutilised area of the Box Hill MAC. This is demonstrated, albeit in an 'artist impression', in the image below.



Figure 8 – Artist impression of ground level, providing street activation through visual and use activities

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 in assessing the interaction of the building and its uses to the surrounding activity centre and its impact on the overall amenity of the public realm.

9.1.1

(cont)

Tree removal

As mentioned earlier, the application seeks the removal two trees, being tree 24 – *Liquidambar styraciflua* (Liquidamber) and tree 25 – *Pyrus calleryana* (Ornamental Pear) - both street trees - located within Spring Street road reserve. The removal of these two trees is consistent with the endorsed Landscape and Public Realm Concept and Sign and Line Marking Plan, forming part of the endorsed DP.

It is further noted that Council's ParksWide Arborist has reviewed the proposal and provided no objection to the removal of the two trees in question, subject to amenity value payment. The requirement for appropriate amenity value payment can be incorporated as part of permit note on any approval granted.

Amenity

As there are no requirements listed in the Planning Scheme specifying building heights and setbacks in this Precinct, overshadowing, overlooking and building bulk become central considerations. Building bulk and overshadowing has been discussed above, with consideration of overlooking and overshadowing of abutting properties addressed below.

In terms of light and shade to the public realm, due to the orientation of the site, the proposal will result in additional shadows to the rear of five lots in the Residential Growth Zone (west, facing Wellington Road), the BHI car park to the south of the site and the car park at the rear of 17-23 Nelson Road. However it is concluded that the extent of overshadowing will be at an acceptable level.

It is acknowledged that additional shadow will be cast upon both properties to the west and will partly overshadow the eastern side of the pedestrian path, along Wellington Road. However, the extent of overshadowing is limited to early morning and diminishes between 10-11am. Therefore it is considered that the existing residential dwellings to the west would still receive adequate sunlight throughout the day.

Planning officers accept the argument that redevelopment in a "Major Development Precinct" will result in some additional overshadowing which occurs as development of this area intensifies.

In accordance Clause 32.04-10 of the Mixed Use Zone, the proposed development must also meet the requirements of Clauses 55.03-5 (Energy efficiency), 55.04-1 (Side and rear setbacks), 55.04-2 (Walls on boundary), 55.04-3 (Daylight to existing habitable room windows), 55.04-5 (Overshadowing of open space) and 55.04-6 (Overlooking) along that boundary. The site abuts RGZ land to the west. Therefore an assessment of the proposal against the requirements of Clause 55 is required and can be summarised as follows:

Clause 55.03-5 (Energy efficiency – Standard B10)

The application was referred to Council's ESD officer who has reviewed the plans and provided no objections to the proposal, subject to conditions.

Clause 55.04-1 (side and rear setbacks – Standard B17)

A variation is necessary to the side setbacks along the western boundary. It is noted that lower scale buildings currently exist in this 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.

9.1.1

(cont)

Clause 55.04-2 (walls on boundaries – Standard B18)

The proposed podium will present a six metre wall height along the entire western boundary. Whilst this is not complaint with Standard B18, this is a common design character of large scale high rise development that is generally unavoidable. Further, whilst the MUZ requires assessment against particular Clause 55 standards, the existence of a Development Plan creates the expectations for building wall heights as the two provisions clearly compete within one another. It is noted however, that there is a consistent character of boundary-to-boundary development with all of the abutting sites and/or recently approved development, having high site coverage and high walls along the boundaries with minimal openings. The proposal will continue this character of height and site coverage, but will achieve improved visual permeability.

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 4.5 metres, (for all walls above 6 metres in height) from the abutting properties to the west, 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 show an increase in shadowing to the abutting residential properties to the west, up to 12pm. It is acknowledged that there will be direct overshadowing impacts on the existing private open space areas located west and whilst not an ideal outcome, is considered reasonable as the building design and setbacks still ensure a minimum of 4 hours of sunlight access between the hours of 9 am to 1 pm.

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). The DPO as the guiding planning scheme tool for this site, provides overriding support for a building up to 29 metres and as such, officers have little capacity to argue for wall heights that are significantly less than this.

Clause 55.04-6 (overlooking – Standard B22)

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 areas of the adjoining properties to the west, the response by the proposed development is insufficient. This can be addressed by way of permit conditions, should one be issued, requiring compliance with Standard B22.

Clause 58 – Apartment Development

Clause 58 (Apartment Developments), offers an effective tool to consider on and offsite amenity impacts. Planning officers have assessed the proposal against the requirements of Clause 58 and the proposal comply with all relevant objectives and standards, with the exception of Standard D10 and D19 which are outlined below:

Standard D10 (Landscaping)

There are no areas of deep soil in the proposal and this reduces the opportunity to provide any new tree planting on site. The proposed additional new tree planting in the road reservation is supported in principle by Council's Parkswide Department. It is noted that these trees will be planted along both the Spring Street frontage and the proposed new road extension (connecting back to Nelson Road).

9.1.1

(cont)

Standard D19 (Private open space)



Ratios of private open space in relation to apartment sizes/numbers of bedrooms is not compliant for a number of dwellings. The table listed under D19 specifies that the following should be achieved: one bedroom - 8 square metres with a minimum width of 1.8 metres; two bedrooms - 8 square metres with a minimum width of 2 metres; and three bedrooms - 12 square metres with a minimum dimension of 2.4 metres. Whilst the proposal has achieved compliance with minimum area requirements, it has failed to achieve the minimum width requirements associated with all apartments with curved balconies. This can be addressed by way of permit conditions of any approval granted.

CONCLUSION

The proposal for the construction of a 29 storey mixed use building with five basement levels, comprising of 299 dwellings (12 of which are short term stay apartments) together with the use of the land for used for the purposes of Education Centre (Nurse training facility), Offices, Shops, Food and Drink premises, Accommodation, reduction to the car parking requirement and removal of protected trees (SLO9) is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Mixed Use Zone, Clause 43.04 Development Plan Overlay, Clause 58, Apartment Development and strategic policies, particularly the Box Hill Structure Plan.

It is recommended that the application should be approved subject to the conditions outlined above.

ATTACHMENT

- 1 Decision Plans 
- 2 Landscape Plan 

**9.1.2 199 Canterbury Road, Blackburn (LOT 1 LP 114506)
Development of the land for five (5) double-storey dwellings,
including associated SLO2 tree removal and buildings and
works within 4 metres of SLO2 trees, and alteration of access to
a Road Zone Category 1.**

FILE NUMBER: WH/2019/2
ATTACHMENT

SUMMARY

This application was advertised, and a total of 23 objections were received. The objections raised issues with neighbourhood character, inconsistencies with the Significant Landscape Overlay, Schedule 2, tree removal and lack of landscaping opportunity. A Consultation Forum was held on 11 December, 2019, chaired by Councillor Massoud, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

- A. *Being the Responsible Authority, having caused Application WH/2019/2 for 199 Canterbury Road, BLACKBURN (LOT 1 LP 114506) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Development of the land for five (5) double-storey dwellings, including associated SLO2 tree removal and buildings and works within 4 metres of SLO2 trees, and alteration of access to a Road Zone Category 1 is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- 1. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 199 Canterbury Road, BLACKBURN (LOT 1 LP 114506) for the Development of the land for five (5) double-storey dwellings, including associated SLO2 tree removal and buildings and works within 4 metres of SLO2 trees, and alteration of access to a Road Zone Category 1, subject to the following conditions: Before the development starts, or vegetation removed, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, and be generally in accordance with the plans submitted with the application but modified to show:***
- a) *Development and landscape plans updated to show:***
- i. *Retention of the existing cyclone wire fence on the rear boundary with the Masons Road Reserve.***
 - ii. *Retention of Trees 19 and 20.***
 - iii. *Removal of references to the previous six dwelling proposal from the plans.***
 - iv. *Landscape plan updated in accordance with Plan Revision D dated December, 2019.***
- b) *The locations of the 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.***

9.1.2 (cont)

- c) *The location of all service trenches to serve the dwellings (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) and the locations of protected trees within 4 metres of these trenches (if any). The service trenches must be located and dug (including boring or hand digging) to ensure that protected trees are not damaged, to the satisfaction of the Responsible Authority.*
- d) *The following modifications to upper levels to reduce the prominence of the buildings:*
 - i. *The removal of bedroom 4 to Dwelling 4.*
 - ii. *The Dwelling 3 ensuite to the master bedroom to be reduced in size so that it aligns with the walk-in-robe.*
 - iii. *The removal of bedroom 4 to Dwelling 2.*

This must occur without any modification to other nominated setbacks.

- e) *The vehicle crossover to be drawn to scale and dimensioned. The vehicle crossover must not be in conflict with any assets and must be constructed at least 1 metre from both stormwater pits in Canterbury Road.*
- f) *The landscape area outside the entry to Dwelling 1 to be reduced by 1 metre to improve vehicle access.*
- g) *Ground floor plans to nominate location of any retaining walls to support site cuts.*
- h) *The storage shed to be located outside of the TPZ of Tree 21.*
 - i) *Development plans to reflect all sustainability features indicated in the amended Sustainable Design Assessment (SDA) required by condition 13. Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fixtures, etc.). The plans are to be generally in accordance with the plans submitted indicating:*
 - i. *Annotations that the 3,000 litre rainwater tanks are allocated for reuse/retention purposes, exclude any volume allocated for detention, and will be connected to all toilet flushing, laundry systems and irrigation areas.*
 - ii. *Either:*
 - ☐ *A minimum of 50% of the driveway area to constitute permeable paving, annotated on Development and Landscape Plans; or*
 - ☐ *A minimum of 33% of the driveway area to be directed to a minimum 5m² raingarden. Landscape Plans must reflect a cross section of the raingarden, including a submerged zone for efficiency and maintainability purposes, as well as, proposed connection to drainage systems directed to the legal point of discharge. Suitable species must also be specified on the Landscape Plan Planting Schedule.*
 - iii. *All operable windows, doors and vents in elevation drawings.*
 - iv. *Double glazing annotated to all living and bedroom area windows on elevation drawings.*
 - v. *Where measures cannot be visually shown, include a notes table or 'ESD Schedule' providing details of the ESD features and requirements (i.e. dwelling star ratings, energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).*

9.1.2 (cont)

- j) *The following corrections to plans:*
 - i. *The setback between the living area of Dwelling 1 and the west boundary to be correctly nominated.*
 - ii. *The elevation plans to correctly annotate the upper level windows of Dwelling 5 to match the window layout shown on the upper level floor plans.*
 - iii. *The notation of the '6 cubic storage shed' adjacent to the laundry door to the east elevation of Dwelling 3 to be deleted.*
- k) *The cladding colours and materials schedule updated to provide:*
 - i. *A light coloured roof.*
 - ii. *All obscured glazing be manufactured obscured glass.*
- l) *Landscape plan amended to reflect the alterations required above and to replace two proposed Acacia implexa trees (south of garage 1 and east of garage 5) with Eucalyptus radiata, and the planting of one additional Eucalyptus radiata tree within the Dwelling 5 frontage, clear of the canopies of existing trees.*

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.*

Landscaping and Tree Protection

- 3. *Except with the prior written consent of the Responsible Authority, all tree planting and landscaping works as shown on the endorsed plans must be undertaken and completed prior to the occupation of the development, to the satisfaction of the Responsible Authority.*
- 4. *The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. *Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site and nature strip and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
 - a) *Tree Protection Zone distances:*
 - i. *Tree 1 (Lophostemon confertus) – 3.2 metre radius from the centre of the tree base.*
 - ii. *Tree 2 (Eucalyptus leucoxydon) – 4.0 metre radius from the centre of the tree base.*
 - iii. *Tree 3 (Pittosporum undulatum) – 2.0 metre radius from the centre of the tree base.*
 - iv. *Tree 5 (Syzygium paniculatum) – 3.7 metre radius from the centre of the tree base.*
 - v. *Tree 7 (Melaleuca linariifolia) – 2.4 metre radius from the centre of the tree base.*
 - vi. *Tree 9 (Eucalyptus ovata) – 7.9 metre radius from the centre of the tree base.*

9.1.2
(cont)

- vii. Tree 10 (Grevillea robusta) – 5.1 metre radius from the centre of the tree base.*
 - viii. Tree 13 (Eucalyptus cephalocarpa) – 5.8 metre radius from the centre of the tree base.*
 - ix. Tree 14 (Eucalyptus ovata) – 3.7 metre radius from the centre of the tree base.*
 - x. Tree 15 (Eucalyptus ovata) – 6.4 metre radius from the centre of the tree base.*
 - xi. Tree 16 (Eucalyptus ovata) – 5.7 metre radius from the centre of the tree base.*
 - xii. Tree 17 (Eucalyptus ovata) – 5.6 metre radius from the centre of the tree base.*
 - xiii. Tree 19 (Eucalyptus ovata) – 4.5 metre radius from the centre of the tree base.*
 - xiv. Tree 20 (Eucalyptus ovata) – 4.6 metre radius from the centre of the tree base.*
 - xv. Tree 21 (Eucalyptus ovata) – 5.6 metre radius from the centre of the tree base.*
 - xvi. Tree 25 (Eucalyptus sp.) – 2.0 metre radius from the centre of the tree base.*
 - xvii. Tree 26 (dead tree) – 2.9 metre radius from the centre of the tree base.*
 - xviii. Tree 27 (Melaleuca linariifolia) – 2.9 metre radius from the centre of the tree base.*
 - xix. Tree 28 (Eucalyptus botryoides) – 3.3 metre radius from the centre of the tree base.*
 - xx. Tree 29 (Acacia floribunda) – 2.0 metre radius from the centre of the tree base.*
 - xxi. Tree 32 (Corymbia citriodora) – 9.0 metre radius from the centre of the tree base.*
- b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:**
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*

9.1.2
(cont)

- vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 6. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
 - a) A project arborist must be appointed by the applicant or builder. Project arborist 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) The Project Arborist must supervise all approved works within the TPZs of Trees 1, 2, 3, 5, 7, 8, 9, 10, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29 and 32. The project Arborist must ensure that all buildings and works (including site demolition) within the TPZs of the trees do not adversely impact their health or stability now or into the future.**
 - 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 1, 2, 3, 5, 7, 8, 9, 10, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29 and 32.**
 - d) For Trees 1, 2, 3, 5, 7, 8, 9, 10, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29 and 32 no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.**
 - 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.**
 - f) The pruning of Tree 29 is to be undertaken by Council's Parkswide Department.**
 - g) Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified arborist (AQF Level 3, minimum).**
- 7. Only the following trees are allowed to be removed or destroyed:**
 - ☐ **Tree 4 (*Eucalyptus melliodora*), Tree 22 (*Ulmus glabra* 'Lutescens'), and Tree 23 (*Morus nigra*).**
- 8. No other vegetation on site, shown as an existing tree or shrub on the endorsed plan, shall be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority (other than in accordance with a Notice given pursuant to the Local Government Act or vegetation with a trunk circumference of less than 0.5 metre when measured at a point 1 metre above ground level). The on-going maintenance of the retained and planted trees must be undertaken to the satisfaction of the Responsible Authority. If any planted trees die or are removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.**
- 9. Council's Planning Enforcement officer must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection may be carried out 6 months after the completion of the landscaping to ensure that species has been adequately maintained.**

9.1.2

(cont)

Site Layout and Services

- 10. 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.**
- 11. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.**
- 12. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**

Environmentally Sustainable Design

- 13. Prior to the commencement of any buildings or demolition works, an updated Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. This SDA must be generally in accordance with the SDA submitted with the application, but amended to include the following changes:**
 - i. A STORM Assessment or equivalent addressing stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied which includes rainwater tanks of a minimum 3,000 litre capacity for retention purposes for each dwelling.**
 - ii. Rainwater tanks connected to all toilet flushing, laundry systems and irrigation areas.**
 - iii. A commitment that either:**
 - a. A minimum of 50% of the driveway area will constitute permeable paving; or**
 - b. A minimum of 33% of the driveway area will be directed to a minimum 5 m² raingarden.**
 - iv. A complete, published BESS Report, with an acceptable overall score of at least 50% and also which meets the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) to the satisfaction of the Responsible Authority.**
 - v. A commitment that the development will achieve a minimum average NatHERS Energy Efficiency ratings of 6.5 stars reflecting best practice energy efficiency and thermal comfort.**
 - vi. Heating and cooling systems include a minimum 4 star energy efficiency rating.**
 - vii. Hot water systems include a minimum 5 star energy efficiency rating.**
 - viii. Water efficient fixtures and fittings including 4 star WELS toilets, 5 star WELS taps and 3 star WELS showerheads (≤ 7.5 L/min).**
 - ix. Double glazing used to all living areas and bedrooms.**
 - x. Provision for secure bicycle parking for 5 individuals.**

Once submitted and approved to the satisfaction of the Responsible Authority, the SDA will form part of the endorsed plans under this permit.
- 14. The requirements of the SDA must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the dwelling owners and occupiers of the site when constructing and fitting out the dwellings and for the life of the dwellings in accordance with this permit, to the satisfaction of the Responsible Authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.**

9.1.2

(cont)

Construction Management

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

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

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.

Asset Engineering

- 16. 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.**
- 17. 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 commencement 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.**
- 18. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.**
- 19. Prior to works commencing the Applicant/Owner is to submit engineering 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.**
- 20. 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.**
- 21. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.**

9.1.2 (cont)

Waste Engineering

- 22. Any mobile garbage bin placements proposed on Canterbury Road for on-street bin collection service must not cause any obstruction to any infrastructure or cause any danger to traffic/pedestrians. Bins are not to be placed within 1 metre of any infrastructure and are to have a height clearance of 4 metres for collection.**

If the criteria for the on-street bin collection services is unable to be met and the service is rendered inoperable, then the waste collection service will revert to an external private waste collection service and a Waste Management Plan must be resubmitted to Council for approval.

- 23. The approved Waste Management Plan will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the Waste Management Plan. Any revision of the Waste Management Plan or changes to the approved waste system of the development requires Council approval.**

Melbourne Water Condition (Melbourne Water Reference: MWA-1154821)

- 24. If a new or modified storm water connection to Melbourne Water's drains or watercourses is required, prior to the commencement of works, a separate application direct to Melbourne Water must be made.**

Department of Transport Conditions (Department of Transport Reference: 29161/19)

- 25. Prior to the commencement of the use, a sealed access crossover with the edges of the crossover angled at 60 degrees to the road reserve boundary must be constructed to the satisfaction of the Responsible Authority and at no cost to the Department of Transport.**

- 26. Vehicles must enter and exit the land in a forwards direction at all times.**

Expiry

- 27. This permit will expire if one of the following circumstances applies:**

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

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

Permit Notes:

Asset Engineer:

- 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.**

9.1.2 (cont)

- 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, naturestrip 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.***
- G. No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the Relevant Authority. If approval obtained, the property owner is required to enter into a S173 Agreement with Council that requires the property owner to maintain the fire hydrant”***
- H. The applicant must construct a stormwater drain to the legal point of discharge which is external to the site. The stormwater drainage system must be approved by Council prior to any works commencing and be financed by the developer.***
- I. A qualified civil engineer must undertake a flood analysis to determine if the property is in an area liable to flooding. The qualified engineer must set floor levels for the development. Any flood analysis must be certified by the qualified engineer.***
- J. Floor levels need to be amended if vehicle access to the garage cannot be achieved.***
- K. No excavation or trees are permitted within the easement.***
- L. Any relocation of Council assets must be approved by Whitehorse Councils Engineering Department prior to approval of a Building Permit.***

Waste Management Notes

- M. Waste collections for this development are to be completed externally by Council’s waste collection contractor.***
- N. Mobile garbage bin usage is based on individual usage by the occupiers of the development.***
- O. Council issued bins will be required for this development.***
- P. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.***

Department of Transport

- Q. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.***
- B. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.***

9.1.2

(cont)

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Carr

That Council:

- A. Being the Responsible Authority, having caused Application WH/2019/2 for 199 Canterbury Road, BLACKBURN (LOT 1 LP 114506) to be advertised and having received and noted the objections is of the opinion that that the granting of a Planning Permit for the Development of the land for five (5) double-storey dwellings, including associated SLO2 tree removal and buildings and works within 4 metres of SLO2 trees, and alteration of access to a Road Zone Category 1 is not acceptable and will unreasonably impact the amenity of adjacent properties.***
- B. Issue a Refusal to Grant a Permit be issued to the land described as 199 Canterbury Road, BLACKBURN (LOT 1 LP 114506) for the Development of the land for five (5) double-storey dwellings, including associated SLO2 tree removal and buildings and works within 4 metres of SLO2 trees, and alteration of access to a Road Zone Category 1 on the following grounds:***
 - 1. The proposal fails to comply with Clause 12 of the State Planning Policy Framework in relation to the protection and conservation of areas with identified and landscape values.***
 - 2. The proposal fails to comply with Clause 15 of the State Planning Policy Framework in relation to well-designed development that contributes positively to the local urban design and character.***
 - 3. The proposal is contrary to the Local Planning Policy Framework contained in the Whitehorse Planning Scheme, particularly in relation to the following Clauses:***
 - a) Clause 21.05 (Environment);***
 - b) Clause 21.06 (Housing);***
 - c) Clause 22.03 (Residential Development); and***
 - d) Clause 22.04 (Tree Conservation)***
 - 4. The proposed dwellings density does not comply with the prevailing and preferred minimum lot size of 650m2 as recommended by Clause 21.05 (Environment).***
 - 5. The building bulk, size and presentation of the proposed development is not respectful of the existing or preferred character as the building forms will be visually dominant to the surrounding land, contrary to the requirements of the Significant Landscape Overlay Schedule 2.***
 - 6. The site layout does not provide for appropriate landscaping and tall tree planting opportunities throughout the site to achieve the preferred Bush Environment character required by Residential Development Policy and the Significant Landscape Overlay Schedule 2.***
 - 7. The development fails to adequately respond to the statement of nature and key elements of landscape and decision guidelines of Schedule 2 to the Significant Landscape Overlay in that it fails to provide for a reasonable portion of the lot that is free of buildings and hard surface areas to allow for appropriate tree planting and landscaping opportunities on site.***
 - 8. The proposed rear boundary setback for Dwelling 3 adjacent to Masons Reserve is insufficient to maintain the character, scale and density of landscaping required for this adjacent wildlife corridor and parkland.***

9.1.2

(cont)

9. *The open space areas of the dwellings do not provide for reasonable outdoor living areas or service paths, such as paving or decks adjacent to living rooms and paths to garages, clotheslines and sheds; and as such does not accurately represent the final outcome for the site with respect to hard surface coverage, tree impacts and tree planting opportunities.*
10. *The development fails to requirements of Clause 55 (including Standards as varied by the Schedule to the General Residential Zone) including:*
- a) *B1 (Neighbourhood character objective)*
 - b) *B2 (Residential Policy Objective)*
 - c) *B5 (Integration with the Street Objective)*
 - d) *B13 (Landscaping Objective)*
- 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

For

Cr Bennett
Cr Carr
Cr Ellis
Cr Liu
Cr Massoud
Cr Stennett

Against

Cr Barker
Cr Davenport
Cr Munroe

On the results of the Division the motion was declared CARRIED

MELWAYS REFERENCE 62 B1

Applicant:	LY KEYS Projects Pty Ltd
Zoning:	Neighbourhood Residential Zone, Schedule 1 (NRZ1) and adjacent to Road Zone Category 1
Overlays:	Significant Landscape Overlay, Schedule 2 (SLO2)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 18	Transport
Clause 19.03-3S	Integrated Water Management
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.09	Residential 1 Zone
Clause 42.03	Significant Landscape Overlay, Schedule 2
Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Central

9.1.2 (cont)



BACKGROUND

History

- Planning Permit WH/2008/294 was issued 12 June 2008 allowing the removal of nine trees and the pruning of four trees.
- Planning Permit WH/2015/346 proposing use and development of a childcare centre, tree removal and alteration of access to a road in a Road Zone Category 1 was refused under delegation, and VCAT upheld Council's decision (refer to *Sigmar Pty Ltd v Whitehorse CC [2015] VCAT 226 (23 March 2016)*).
- Planning Permit Application WH/2016/1193 proposing a 122 place childcare centre with associated vegetation removal and basement parking was also refused by Council and not supported by VCAT (refer to *Ausco Investment Group Pty Ltd v Whitehorse CC [2018] VCAT 700 (11 May 2018)*).

The Site and Surrounds

The subject site is located on the north side of Canterbury Road in Blackburn, between Lagoon Court and Boulton Road, east of Blackburn Road. The site currently contains a double storey brick, detached dwelling along with a number of mature trees, particularly along the western side of the property.

The site is irregular in shape with a frontage of 36.58 metres to Canterbury Road, a maximum depth of 82.12 metres (along the north boundary) and comprises an overall site area of 2,537m². The site has a very gentle slope down from south-east to north-west. A 2.44 metre wide drainage easement runs along the north (rear) boundary of the site.

9.1.2

(cont)

The arborist report, prepared by Arbor Report Victoria, provides an assessment of 42 trees. Trees numbered 1, 2, 4, 5, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29 and 32 are protected under the Significant Landscape Overlay Schedule 2. A total of 31 trees are located within the subject site, and these trees have a mix of low and medium retention value and are a mix of Brush Box, Yellow Gum, Yellow Box, Himalayan Cedar, Swamp Gum, Silver Stringybark, Pittosporum and Golden Elm. Tables summarising the affected trees on the subject site and adjacent lots are included under the Planning Controls heading below.

Within the immediate context the following is noted:

- The site abuts three residential properties to its west. These properties front Lagoon Court, and No. 1A Lagoon Court provides a setback of 6.5 metres to Canterbury Road.
- To the east, the adjacent lot at 201 Canterbury Road contains a single storey dwelling, setback approximately 37 metres from the front boundary. Planning Permit Application WH/2019/112 has been lodged proposing use and development of land for the purpose of a medical centre, removal of vegetation and alteration of access to a road in a Road Zone Category 1. This application includes the removal of Trees 3 and 32. This application is yet to be determined.
- Further east, at 203 Canterbury Road, is a single storey dwelling on a lot of 1,845m². VCAT recently approved the development of this site for four dwellings comprising two pairs of attached double storey dwellings (Planning Permit WH/2017/789). The proposed dwelling density approved is one dwelling per 461m².
- The rear (north) of the site abuts the Mason Road Retarding Basin, which is under Melbourne Water's control (and contained within the Public Use Zone, Schedule 1). This reserve includes a walking track and presents a park-like quality with a bushland feel. A cyclone wire fence is located along the common boundary with the subject site.
- To the south of the subject site is Canterbury Road, which is a significant six-lane arterial road with east and west bound lanes. Beyond this there are residential lots that are also included within the Significant Landscape Overlay Schedule 2.

The topography within the vicinity of the subject site is undulating. Canterbury Road rises east towards Forest Hill Chase Shopping Centre whilst the low point is adjacent to the subject site. The road rises to the west beyond Lagoon Court. The width of the road and topography produce linear views along the corridor of the canopy trees within the road reservation and frontage setbacks of the dwellings.

A bus stop is located to the west of Lagoon Court, on the north side of Canterbury Road. There is also a bus stop on the south side of Canterbury Road, east of Deanswood Road. The Forest Hill Chase Shopping Centre is located on Canterbury Road, approximately 265 metres to the east of the subject site.

Planning Controls

The proposal triggers the need for a Planning Permit under the following clauses of the Whitehorse Planning Scheme:

Neighbourhood Residential Zone Schedule 1

Pursuant to Clause 32.09-6 a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Pursuant to Clause 32.09-4 a development must meet a minimum garden requirement of 35% (given the overall site area). The development plans indicate an area of 1,144 square metres or 45.09%.

9.1.2 (cont)

Significant Landscape Overlay Schedule 2

Pursuant to Clause 42.03-2 a permit is required for the removal or lopping of protected trees and/or for works within 4 metres of protected trees. The proposed impacts to protected trees are summarised in the table below:

Tree No.	Species	Common Name	Height	Condition	Trigger under SLO9
4	<i>Eucalyptus melliodora</i>	Yellow Box	11m	The three trunks appear to have sprouted from the stump of a tree	Removal
14	<i>Eucalyptus ovata</i>	Swamp Gum	9m	Tree has two trunks. Located in adjacent lot	Buildings and works within 4m
15	<i>Eucalyptus ovata</i>	Swamp Gum	21m	Decay and storm damage. Medium retention value	Buildings and works within 4m
16	<i>Eucalyptus ovata</i>	Swamp Gum	15m	In decline Located in adjacent lot	Buildings and works within 4m
19	<i>Eucalyptus ovata</i>	Swamp Gum	19m	Poor condition with ivy growing up the trunk Medium retention value	Buildings and works within 4m
20	<i>Eucalyptus ovata</i>	Swamp Gum	10m	Significant lean and ivy growing up the trunk Low retention value	Buildings and works within 4m
21	<i>Eucalyptus ovata</i>	Swamp Gum	14m	Some branches previously removed. Located in adjacent lot	Buildings and works within 4m
22	<i>Ulmus glabra</i>	Golden Elm	14m	The base of the trunk is decayed and hollow.	Removal
23	<i>Morus nigra</i>	Mulberry	6m	Serious decay and borer infestation of the trunk	Removal
29	<i>Acacia floribunda</i>	Gossamer Wattle	-	This tree is located in the adjacent reserve and has fallen over.	One branch overhanging the boundary to be lopped to the fenceline.
32	<i>Corymbia citriodora</i>	Lemon Scented Gum	28m	Storm damage to canopy Located in adjacent lot	Buildings and works within 4m

Schedule 2 to the Significant Landscape Overlay sets out a number of 'permit triggers' for buildings and works, by which any application would be considered under its merits and tested against the listed objectives and decision guidelines. The following triggers are relevant to the current application

9.1.2 (cont)

Permit trigger	Assessment
The building is no higher than two storeys or 9 metres.	The dwellings are no higher than two storeys or 9 metres No permit required
The building is set back at least 9 metres from the front boundary for a single storey building or 11 metres for a two-storey building.	Dwelling 1 is two storey and setback 13 metres. Dwelling 5 is two storey and setback 9 metres. Permit trigger- Dwelling 5
The building (except for a garage) is set back at least 1.2 metres from any other boundary for a building wall height of no more than 3.6 metres or 1.5 metres plus half the building wall height if the building wall height is more than 3.6 metres	Dwelling 3 has its garage wall adjacent to the east boundary with the upper level setback 1.8 metres The upper level to Dwelling 4 is setback 3.4 metres Permit trigger- Dwellings 3 and 4
The building is less than 33 per cent of the site area at ground level and 25 per cent of the site area at first floor level, excluding hard surfaces and impervious areas.	The total building area is 747.7 square metres which equates to a site coverage of 29.47%. The first floor building site coverage is 20.46%. No permit required
Hard surfaced and impervious areas (including tennis courts and swimming pools, but excluding buildings) are less than 17 per cent of the site area.	Paving hard surface area is 406.12 square metres which equates to 16% of the site area No permit required
The total area of all buildings and hard surfaces and impervious areas (including tennis courts and swimming pools) are less than 50 per cent of the site area.	The total building and paving hard surface coverage is 45.47% No permit required

Road Zone, Category 1

Pursuant to Clause 52.29 a permit is required to alter the access arrangements (widen crossover and intensify usage) to a road in a Road Zone Category 1.

9.1.2

(cont)

PROPOSAL

When lodged, the application initially sought approval for six double storey dwellings. In response to issues raised by Council officers, the application was amended to five double-storey dwellings. Subsequently to the Consultation Forum discussed below, updated plans were submitted and advertised to objectors. The amendments made in the revised plans are detailed in the Consultation Forum section below. These plans are discussed in this report, and the amendments will be included in the conditions, should a permit issue. The key features of the revised proposal include:

- Widening of the crossover westwards by approximately 2 metres.
- A centrally located common property driveway with Dwellings 1 and 2 located on the western side and Dwellings 3, 4 and 5 located on the eastern side. All dwellings are detached and have separation distances varying between 3 and 7.9 metres at the ground level, and upper level setbacks of at least 5 metres.
- At the site frontage, Dwelling 1 is setback 13.8 metres and Dwelling 2 is setback 9 metres from Canterbury Road.
- Dwelling 5 has its front entrance facing Canterbury Road with remaining dwellings fronting the internal common property driveway.
- Each dwelling provided a double-width garage, kitchen, meals and living area (with additional living area for Dwelling 4) and guest bedroom at ground level and four bedrooms, bathroom, and sitting area (except for Dwelling 4) at first floor level.
- The total floor areas and secluded private open space areas for the proposed dwellings are as follows:

Dwelling	Floor Area (ground and upper levels)	Area of private open space
1	242.3m ²	115.8m ² (western setback), plus approximately 200m ² within the front setback
2	258.6 m ²	138.9m ² (western setback)
3	285.4 m ²	268.1m ² (rear setback)
4	275.9 m ²	75.3m ² (eastern setback)
5	231.6 m ²	65.1m ² (eastern setback) plus approximately 150m ² within the front setback

- The setbacks to the west side boundary vary between 4.8 and 8.57 metres. The setbacks to the east side boundary vary between 1.2 and 7.1 metres, except for the Dwelling 3 garage which is proposed to abut the boundary. The setback to the angled rear (north) boundary vary between 5.4 metres and 16.5 metres.
- The garage to Dwelling 3 is attached to the east boundary.
- External materials include face brickwork at ground level, rendered finish to lightweight cladding at first floor level and tile cladding to hipped roof forms.
- The maximum height is 7.91 metres (Dwelling 5).
- The building site coverage is 29.47%.
- The proposed dwelling density is 1:507.5m².
- No front fencing is proposed.
- The trees to be removed are:
 - Protected Trees 4, 22 and 23.

9.1.2

(cont)

- Trees not protected by the SLO2: Trees 6 (dead), 11, 12, 24, 30, 31, 33, 34 (dead), 35, 36, 37, 38, 39, 40 and 42.
- The trees on the subject site to be retained are:
 - Protected Trees 1, 2, 5, 8, 9, 10, 13, 15, 18, 19, 20, 27 and 28.
 - Trees not protected by the SLO2: Trees 3 and 41.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice on the site frontage. The application received 23 objections, raising the following concerns:

- Neighbourhood Character:
 - Building bulk and form
 - Not in keeping with SLO2
 - Excessive building coverage- exceeding the as-of-right requirement under the SLO2 and the previous childcare centre proposal
 - Insufficient boundary setbacks
 - Inadequate setbacks to Masons Reserve, and chain mesh fencing should be used instead of palings at this boundary
 - Not compliant with the Neighbourhood Residential Zone and the Bush Environment Precinct requirements referenced in Clause 22.03
- Landscaping:
 - Tree removal and lopping - much has already occurred
 - Insufficient landscape areas or tree planting
 - The easement along the rear boundary will limit tree planting opportunities at this interface.
 - Trees 19 and 20 not shown on plans
 - Only one tree with a mature height of 12 metres is proposed. Many replacement trees are dwarf varieties or exotics, and do not reflect the indigenous landscape character of the area or Masons Road reserve to the rear.
 - The proposed landscaping does not reflect the SLO2 landscape character and will not support local wildlife.

9.1.2

(cont)

Consultation Forum

A Consultation Forum was held on 11 December, 2019. Fifteen objectors, three representatives for the applicant and the Planning Officer attended the meeting, which was chaired by Councillor Massoud. The Forum followed an issues-based discussion, expanding on the objections received. Additional concerns raised by objectors included:

- There is no diversity of dwellings proposed, and the dwellings are unsuitable for an ageing population.
- The proposal would set an undesirable precedent.
- VCAT recently refused a Planning Permit Application (WH/2018/1396) for five semi-detached and detached double storey dwellings above a communal basement at 124-126 Blackburn Road, within the SLO2 area.
- Provision of a continuous line of buildings along the east boundary is inconsistent with the preferred Bush Environment character.
- The proposed dwellings have a greater site coverage than the previously refused childcare centres on this site.
- Some of the trees proposed to be removed were replacement trees required by previous planning permits
- Concern that the development statistics (such as number of bedrooms/building coverage/permeability) were incorrectly or inconsistently reported within the application documentation.

In favour of the design response, a representative of the Blackburn Village Residents Group advised that the west boundary was historically a creek and a number of large remnant indigenous trees were located along this interface, and the provision of reduced setbacks to the east boundary was required to provide generous setbacks to these remnant trees to the west.

All parties agreed to the retention of the existing mesh fencing along the northern boundary interface with the Masons Road Retarding Basin.

The applicant agreed that the advertised landscape plan was not consistent with the preferred SLO2 landscape character and advised that they had met with representatives of the Blackburn Village Residents Group and were finalising an improved landscape plan that included tree and shrub species more appropriate to the area, and retention of more of the existing trees. It was agreed that the updated landscape plan would be submitted and circulated to objectors for review, and this has occurred. The key changes in the amended plans are:

- Retention of the existing cyclone wire fence on the rear boundary with the Masons Road Reserve.
- Correction of an error on plans to show retention of Trees 19 and 20.
- Remove references to the previous six dwelling proposal.
- Updated landscape plan incorporating Forum comments and updating canopy tree species and understorey vegetation.

Conditions will give effect to these alterations.

Fifteen objections have been received to the amended plans (twelve from original submitters), which continued to raise the original objector concerns listed above, and added the following additional issues:

- The proposed dwelling density does not comply with the preferred 1:650m² for the SLO2 area.
- No outdoor living areas (decks/paving) have been shown for the dwellings.

9.1.2

(cont)

Referrals

External

Department of Transport

The application was referred to the Department of Transport. The application is supported subject to conditions and notes being placed on the permit.

Melbourne Water

The application was referred to Melbourne Water, who advised that the subject site is not subject to flooding from a Melbourne Water drain or waterway from a storm event which has a 1% chance of occurrence in any given year.

The Authority does not object to the proposal subject to a condition being placed on the permit.

Internal

Engineering and Environmental Services Department

- Transport Engineer

The application has been reviewed by Council's Transport Engineer, who advised that the swept path diagrams indicated a number of turning manoeuvres in a reverse direction which is not considered to constitute ease of access. To address this issue, it is recommended that a condition require the landscape area outside the entry to Dwelling 1 be reduced by 1 metre to improve access.

- Waste Engineer

The application has been reviewed by Council's Waste Management Team. The submitted Waste Management Plan is approved subject to conditions and notes being placed on the permit.

- Assets Engineer

The application has been reviewed by Council's Asset Engineer. The application is supported subject to conditions and notes being placed on the permit.

Planning Arborist

The application has been reviewed by Council's arborist. The application is supported subject to tree protection conditions being placed on the permit.

Parkswide Arborist

Council's Parkswide Arborist has required Tree 29, which is overhanging the subject site, to be pruned by Parkswide staff, and tree protection measures to be observed.

Recreation and Open Space

If the rear boundary fence shared with the Masons Road Retarding Basin is replaced, the existing postholes should be utilised for the new fence, or tree protection measures must be observed for any new postholes.

ESD Advisor

The application is supported, subject to conditions being placed on the permit.

9.1.2

(cont)

DISCUSSION

Consistency with State and Local Planning Policies

The strategic intent of the Planning Policy Framework is to encourage infill development that responds appropriately to the context and character of the neighbourhood. Clause 11.01-1S Settlement of the Scheme directs infill development to areas that are well serviced, close to activity centres and along existing transport routes.

The site is one of the larger lots within the neighbourhood context and enjoys physical and strategic attributes which make it suitable for some form of small scale infill development. The site is located approximately 265 metres west of Forest Hill Chase Shopping Centre and therefore supports the concept of the '20 minute neighbourhood' sought in Clause 15.01-4R Healthy Neighbourhoods- Metropolitan Melbourne and Clause 16.01-2R Housing Opportunity Areas - Metropolitan Melbourne. The site is also located on a main road and Clause 18.02-2R Principal Public Transport Network seeks to increase the diversity and density of development along the Principal Public Transport Network (PPTN) corridors.

Clause 21.06 Housing is informed by *Council's Housing Strategy, 2014* which places the subject site within a 'limited change' area. Limited change areas enable specific characteristics of the neighbourhood, environment or landscape to be protected through greater control over new housing development. These areas represent the lowest degree of intended residential growth in Whitehorse.

Clause 22.03 Residential Development Policy applies and the relevant objectives of Clause 22.03 are as follows:

- To ensure that residential development within the City of Whitehorse is consistent with the built form envisaged for the relevant category of housing change.
- To ensure development contributes to the preferred neighbourhood character where specified.
- To ensure that new development minimises the loss of trees and vegetation.
- To ensure that new development provides adequate vegetation and gardens consistent with the preferred neighbourhood character.

Clause 22.03 references the *Neighbourhood Character Study 2014* which provides specific Bush Environment Guidelines.

Clause 22.04 (Tree Conservation) encourages existing and new trees to have sufficient space and separation from buildings and impervious surfaces to successfully obtain their optimum height and avoid any damage to property in the future.

In the VCAT decision on the four dwelling proposal at 203 Canterbury Road, the Tribunal reviewed Whitehorse's Policies and summarised them as follows:

The Planning Scheme seeks to ensure that development acknowledges and responds to this significance in an appropriate manner. In broad terms, the dominance of vegetation is to be maintained and enhanced, with development having a more subservient role in its appearance. Existing tall trees are to be retained and protected, and further tree planting introduced to contribute to the area's canopy. A bush-like setting is sought. (at paragraph 25)

In relation to the proposal for No. 203 Canterbury Road to the east of the subject site, the Tribunal found that development was acceptable as:

the zone, policies and SLO2 do not prevent change in this area but seek to moderate the extent of development to respond to the special landscape significance of the Blackburn Area. (at paragraph 29)

9.1.2

(cont)

The proposed development, subject to minor variations, is consistent with the objectives and intent of Council's Residential Development Policy for developments within Limited Change and the Bush Environment Precinct areas.

Design and Built Form

The subject site is located in a Bush Environment Precinct. Clause 22.03 Residential Development encourages the following preferred character for this precinct:

Streetscapes dominated by vegetation with subservient buildings frequently hidden from view behind vegetation and tall trees. The buildings will nestle into the topography of the landscape and be surrounded by bush-like native and indigenous gardens, including large indigenous trees in the private and public domains.

Buildings and hard surfaces will occupy a very low proportion of the site. They will be sited to reflect the prevailing front, rear and side setbacks. The larger rear setbacks will accommodate substantial vegetation including large canopy trees. The bushy environs are complemented by street trees and a lack of front fencing. Properties abutting and close to creeks and lake environs will contain more indigenous trees and shrubs that act in part as wildlife corridors.

The subject site is also included within the Significant Landscape Overlay, Schedule 2 (Blackburn Area 2). The area is recognised as having special significance attributed to the quality of the environment, which includes vegetation notable for its height, density, maturity and high proportion of Australian native trees. This in turn contributes to the significance of the area as a valuable bird and wildlife habitat. The Schedule provides a number of landscape objectives to be achieved, which can be summarised as retaining the dominance of vegetation cover in keeping with the bush character environment and encouraging development that retains an inconspicuous profile. The Schedule also includes a number of 'decision guidelines' which test a development's responsiveness to a preferred neighbourhood and landscape character.

It is considered that the proposal balances the urban consolidation outcomes of the Planning Policy Framework with the preferred landscape outcomes in the objectives and decision guidelines of the Neighbourhood Residential Zone Schedule 1 (NRZ1), the Significant Landscape Overlay Schedule 2 (SLO2), Clause 22.03 Residential Development and Clause 22.04 Tree Conversation.

Clause 21.05 Environment recommends that lot sizes in the SLO2 are generally in accordance with the prevailing minimum lot size of 650m², in response, the proposal will produce a dwelling density of one dwelling per 507m². Despite the reduced dwelling density, as discussed below, the proposed development is able to achieve a high level of compliance with both the as-of-right requirements of the SLO2 and with Schedule 1 to the Neighbourhood Residential Zone.

In proximity to the subject site, the VCAT decision approving the development of two pairs of attached double storey dwellings (WH/2017/789) at 203 Canterbury Road, allowed a dwelling density of one dwelling per 461m². In its decision, the Tribunal considered the key issues of neighbourhood character, the landscape objectives of the SLO2 and amenity impacts to surrounding properties. The Tribunal found that:

- The built form of the semi-detached dwellings was appropriate within the existing neighbourhood character.
- Sufficient landscaping was able to be retained/planted around the dwellings to achieve the preferred landscape character.
- Minimum rear setback of 5.5 metres was allowed to the Masons Road Retarding Basin.

Overall, the proposed development provides five detached dwellings and will be spacious and well-landscaped to maintain the Bush Environment Character of the area.

9.1.2

(cont)

By contrast, the proposed five dwellings over a common basement at 124-126 Blackburn Road WH/2018/1396 that was recently refused at VCAT proposed a dwelling density of 1:661m², but although the dwelling density was compliant, the extent of basement excavation and the scale of the dwellings and limited setbacks resulted in an unacceptable outcome. This demonstrates the value of a more holistic approach to the assessment of an application, as is undertaken in this report, and indicates that measuring compliance or non-compliance with specific policy directions cannot, in isolation, be considered an appropriate measure for planning outcomes.

Canterbury Road differs in its character compared with the surrounding local residential streets, such as Lagoon Court, which has no footpaths and where there is a very strong presence of tall native and indigenous canopy trees in the public and private realms. In contrast, a number of residential properties near to the subject land fronting Canterbury Road, have high front fencing and some lots to the east are less vegetated than the subject land and properties to its west. There is also medium density housing approved nearby. These features demonstrate capacity for a more robust form of housing within the subject site, and equally, can still reflect the overarching landscape qualities expected within an SLO2 area.

The Precinct Guidelines encourage the provision of a single vehicle crossover as a means of *minimising car accommodation visible to the streetscape*. The development provides for a centrally located crossover and meandering driveway with generous landscape buffers. This avoids any visual impact of car accommodation when viewed from the streetscape and provides opportunity for an open front garden setting, and for the provision of landscaping through the centre of the subject site.

The Precinct Guidelines identify front setbacks within the Precinct *'as generally 6 to 8 metres with new and infill developments usually displaying reduced front setbacks'*. The proposed setback to Canterbury Road for Dwelling 1 is 13.8 metres and the setback for Dwelling 5 is 9 metres. These setbacks are generous, allow for the retention of Trees 1, 2, 5, 8, 9 and 10 as well as the planting of two additional proposed trees (one *Acacia implexa* and one *Eucalyptus radiata*) within the site frontage. The retained and proposed trees will filter views of the built form from the streetscape.

No front fence is proposed, which will achieve an open site frontage and allow views of the trees and landscaping within the front setback, in keeping with the Bush Environment Precinct Character set out in Clause 22.03. The ground level of the subject site is slightly lower than the Canterbury Road footpath level, and an existing retaining wall at the site frontage is proposed to be retained. Existing low retaining walls supporting the existing vehicle accessway are proposed for removal, but replacement retaining walls are not indicated on the plans. It is anticipated that these will be required to allow the accessway to transition from the Canterbury Road level down into the subject site, and a condition will require them to be shown.

The side and rear setbacks throughout the lot are mostly generous and respond to the existing trees. For example, the living area to Dwelling 1 is setback 7.5 metres from the west boundary to allow for the retention of Tree 13; Dwelling 2 is setback between 7.5 and 8.5 metres from the west boundary to allow for the retention of Trees 15, 19 and 20 and Dwellings 2 and 3 are setback between 5.4 and 16.5 metres from the north boundary to allow for the retention of Trees 21, 25, 27, 28 and 29. As discussed in the Consultation Forum, the trees along the west boundary are the most significant remnant vegetation located on the lot, and the provision of generous setbacks from these trees to maintain their future health is consistent with the objectives of the SLO2.

9.1.2

(cont)

Where there are fewer design constraints along the east boundary, the development has reduced side setbacks. This includes placement of the garage to Dwelling 3 adjacent to the boundary, with Dwellings 3 and 4 otherwise setback a minimum of 1.2 metres. These reduced setbacks are adjacent to garages and carports located within the adjoining lot to the east and do not impact on any vegetation. It is noted that Dwelling 1 at the Canterbury Road frontage is setback 7.1 metres from the east boundary, which will allow for a sense of spaciousness at the site frontage.

The predominantly wide boundary setbacks are complemented through ground level separation between dwellings. This includes a minimum separation of 7.9 metres between Dwellings 1 and 2 and a minimum of 3 metres between all other dwellings. This separation allows for planting opportunities and maintains and reinforces the rhythm of spacing between and around buildings.

The upper levels also enjoy generous setbacks to front, side and rear boundaries. For the most part, the upper levels are recessed from the ground floor below and with varying materials and hipped roof forms, to assist with reducing the perception of visual bulk. However the upper levels are large and could benefit from design variations to reduce their prominence within the landscape. The suggested changes include:

- Remove bedroom 4 to Dwelling 4. This will allow meaningful views through the site from the east (which are currently 'blocked' by bedroom 4).
- The Dwelling 3 ensuite to the master bedroom reduced so that it aligned with the wall of the walk-in-robe. Again, this will improve viewlines at this interface.
- The removal of bedroom 4 of Dwelling 2. This will significantly reduce the mass of built form of this upper level and remove the potential for overlooking from its west-facing window.

The development proposes a site coverage of 29.47% with the total first floor building area equating to 20.46%. This meets Standard B8, as varied by the Schedule to the Zone (which encourages a ground level maximum site coverage of 40%) and is below the 'permit trigger' requirements listed within the SLO2. This demonstrates the ability to meet a preferred built form character and respond to the features of the site (including capacity for tree retention).

The heights of the dwellings are below the mandatory limit identified within the NRZ1 and the permit trigger requirements under the SLO2. This contributes to the dwellings maintaining an inconspicuous profile within the setting.

Interface with Mason Road Flood Basin

The north boundary of the site abuts the Mason Road Flood Basin. This is a sensitive interface and the preferred character statement for the Bush Environment states, *'properties abutting and close to creeks and lake environs will contain more indigenous trees and shrubs that act in part as wildlife corridors'*. Objectors to the proposal identified concerns with inadequate setbacks to Masons Reserve. The proposed retention of the existing cyclone wire fencing also addresses objectors' concerns.

9.1.2

(cont)

The ground floor walls of Dwellings 2 and 3 are setback between 5.4 and 16.5 metres and the dwellings vary in height between 7 and 7.1 metres. Whilst the dwellings will be larger and closer than most of the other nearby dwellings that abut the flood basin, the proposal provides acceptable responses as follows:

- Trees 25, 26, 27, 28 and 29 are located along the park interface (both within the park and the subject site). These trees will provide a significant visual buffer to proposed Dwellings 2 and 3.
- Although the presence of a 2.4 metre wide easement along the rear boundary limits the areas available for new tree planting, the landscape plan provides for a further two *Eucalyptus polyanthemos* trees within the rear setback to Dwelling 2.
- As referenced above, it is recommended that the upper level bedroom 4 of Dwelling 2 be removed, reducing the visual bulk of the development when viewed from the reserve.

Tree Removal and Landscaping

A landscape character objective of the SLO2 is to encourage the retention of vegetation to maintain a bush character environment. The application seeks the removal of 18 trees across the site to accommodate the development, of which only Trees 4, 22 and 23 are protected under the SLO2. The remaining trees are either dead (Trees 6 and 34) or are not large enough to warrant protection. The application has been reviewed by Council's Planning Arborist, who has advised that given the species of vegetation, age, health and growth characteristics, the loss of the proposed trees is not of concern.

The decision guidelines require consideration of a development's '*potential to achieve an average density of one tree reaching a height of over 15 metres to each 150 square metres of site area*'. Given the site area, this equates to 17 trees. The proposal seeks to retain the following trees on the subject site:

Tree No	Species	Height	Retention value
1	<i>Lophostemon confertus</i> – Brush Box	7m	Medium
2	<i>Eucalyptus leucoxylon</i> – Yellow Gum	8m	Medium
3	<i>Pittosporum undulatum</i> - Sweet Pittosporum	6m	High
5	<i>Syzygium paniculatum</i> – Magenta Cherry	9m	Medium
8	<i>Cedrus deodara</i> – Himalayan Cedar	16m	High
9	<i>Eucalyptus ovata</i> – Swamp Gum	20m	Low
10	<i>Grevillea robusta</i> – Silky Oak	21m	Medium
13	<i>Eucalyptus cephalocarpa</i> – Silver Stringybark	10m	Medium
15	<i>Eucalyptus ovata</i> – Swamp Gum	21m	Medium
18	<i>Pittosporum undulatum</i> - Sweet Pittosporum	7m	Low
19	<i>Eucalyptus ovata</i> – Swamp Gum	19m	Medium
20	<i>Eucalyptus ovata</i> – Swamp Gum	10m	Low
27	<i>Melaleuca linarifolia</i> – Snow in summer	6m	Medium
28	<i>Eucalyptus botryoides</i> – Southern Mahogany	11m	Medium
41	<i>Camellia japonica</i> - Camellia	3m	Low

9.1.2

(cont)

Ten of the retained trees on the subject site have the potential to reach mature heights of 15 metres hence, to meet the density requirement, a further seven trees are required. The landscape plan proposes a further eight trees with a mix of species including, *Acacia implexa* – Lightwood, *Corymbia ficifolia* – Dwarf Flowering Gum, *Eucalyptus polyanthemos* – Red Box and *Eucalyptus radiata* – Narrow-leaved Peppermint. These are predominantly indigenous species and four of the proposed trees have mature heights of 15 metres, so three additional tall trees are required to achieve a compliant tall tree density.

To achieve the required tree density, conditions will require the replacement of two proposed *Acacia implexa* trees (south of garage 1 and east of garage 5) with *Eucalyptus radiata*, capable of reaching 15 metres mature height, and the planting of one additional *Eucalyptus radiata* within the Dwelling 5 frontage, clear of the canopies of existing trees. It is noted that the existing and proposed trees are well-setback from the proposed dwellings, giving them the best opportunity to achieve mature growth and maintain tree health into the future.

Of the trees to be retained within the subject site and trees on adjoining lots, there is no encroachment greater than 10%, however it is recommended that the shed serving Dwelling 3 is relocated eastwards clear of the TPZ of Tree 21. It is anticipated that site cuts will be required for the provision of utility service connections such as electricity and water, and these have the potential to impact trees. In addition to the required tree protection measures, a condition will require the locations of service trenches to be shown on the plans to ensure that they do not unreasonably impact on retained trees.

Amenity

Clause 55.04 sets out a number of objectives and standards that seeks to ensure the amenity of adjoining residential lots is not unreasonably impacted. When tested against the standards, the development does not cause any loss of daylight to adjoining windows, does not cause any overlooking and will not cause overshadowing to adjoining areas of secluded private open space.

Standard B18 (Walls on boundaries) as varied by the Schedule 1 to the Neighbourhood Residential Zone discourages walls on boundaries, although the SLO2 allows for a garage wall abutting a boundary. The garage to Dwelling 3 adjacent to the east boundary produces acceptable outcomes as:

- There are other examples of garage walls on side boundaries in the vicinity along Canterbury Road.
- The garage is setback a significant distance from Canterbury Road so as not to be visible.
- The height of the wall is 2.85 metres however will be partially cut into the ground, therefore will sit 1.8 metres above natural ground level, keeping the building form inconspicuous and only marginally higher than the 1.7 metre high timber paling fence on the east boundary.

A condition of the permit will require the east elevation of Dwelling 5 to correctly notate the upper level windows to reflect the upper level floor plan (i.e. the east-facing master bedroom window and sitting room windows are not shown). These windows will not need to be screened as they will overlook the front setback area of 201 Canterbury Road.

In addition, further plan corrections are required to correct the dimensioned west boundary setback of the Dwelling 1 living room, and to remove a shed notation from beside the Dwelling 3 laundry door.

9.1.2

(cont)

Car Parking

Clause 52.06 specifies car-parking rates that are applicable to this application at a rate of two spaces for a dwelling with three or more bedrooms. Each dwelling is allocated a double garage that satisfies the provision.

The site has a frontage to Canterbury Road that is a designated road within a Road Zone Category 1. The car parking arrangement has been designed to allow vehicles to enter and exit the site in a forwards direction, and the Department of Transport has accepted the proposed vehicle access, subject to standard conditions.

As the subject site is located within the Principal Public Transport Network, no visitor car spaces is required, however one visitor space has been provided, located between Dwellings 4 and 5. This is a commendable outcome for this site, given its location on Canterbury Road.

Objectors Concerns not Previously Addressed

- The proposed dwellings have a greater site coverage than the previously refused childcare centres on this site.

The more recent Tribunal decision on Planning Permit Application WH/2016/1193 proposing a single storey childcare centre above a basement car park was refused by the Tribunal primarily on built form and landscape character grounds. In contrast to the previous childcare centre, the proposed development achieves landscaped building breaks throughout the centre of the subject site, and is a sufficiently different application from the previous proposal that the 'Repeat Appeal Principle' does not apply.

- Some of the trees proposed to be removed were replacement trees required by previous Planning Permits

Planning Permit WH/2008/294/A allowed tree removal on the subject site, subject to a condition requiring the replanting of eight additional trees, in order to achieve the preferred tall tree density of 1:150m². Whilst the removal of replacement plantings is not ideal, these trees have not yet reached a height to make a significant contribution to the landscape character. Further, the retention of these trees would place an unreasonable burden on the subject site which is otherwise suitable for some form of redevelopment. In association with redevelopment of the subject site as proposed, the retention of the most significant trees on the site has been prioritised. The conditions of approval for this development also include replacement tree planting generally in accordance with the preferred tall tree density.

- Concern that the development statistics (such as number of bedrooms/building coverage/permeability) were incorrectly or inconsistently reported within the application documentation.

Car parking has been provided in accordance with the proposed number of bedrooms per dwelling, and other development statistics such as building coverage and permeability have been checked. Some corrections to plans are required, as discussed above.

- No outdoor living areas (decks/paving) have been shown for the dwellings.

The application has been assessed as presented, and if additional works (paving or decking) are proposed in the future, additional Planning Permit applications may be required if the proposed works trigger consideration under the SLO2.

9.1.2

(cont)


CONCLUSION

The proposal for construction of development of the land for five double-storey dwellings, including associated tree removal and buildings and works within 4 metres of protected trees, and alteration of access to a Road Zone Category 1 is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Neighbourhood Residential Zone Schedule 1 and the objectives and decision guidelines of the Significant Landscape Overlay Schedule 2.

A total of 23 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved.

ATTACHMENT

- 1 WH/2019/2 Plans 

Strategic Planning

9.1.3 Amendment C219 to the Whitehorse Planning Scheme Municipal Wide Significant Landscape Overlay Consideration of Planning Panel report

FILE NUMBER: SF19/394
ATTACHMENT

SUMMARY

Amendment C219 to the Whitehorse Planning Scheme implements the findings of the Municipal Wide Tree Study (Part 1 - 2016 and Part 2 - 2019) to retain and enhance tree canopy in the City of Whitehorse. The Amendment seeks to apply Schedule 9 to the Significant Landscape Overlay (Clause 42.03) on a permanent basis to all residential land that does not already have a permanent SLO in place. In addition, the Amendment makes consequential changes to local policy clauses in the Whitehorse Planning Scheme to support the proposed tree controls.

Exhibition of the Amendment took place from 18 July until 19 August 2019 and a total of 307 submissions were received to the Amendment. An independent Panel hearing was held on 2, 4, 5 and 6 December 2019 to consider the submissions and the Amendment.

This report informs Council about the Planning Panel recommendation, which is that Amendment C219 should be adopted as exhibited, subject to amending Schedule 9 to the SLO to the Panel preferred version.

It is recommended that Amendment C219 be adopted, in accordance with the Panel report.

RECOMMENDATION

That Council, being the Planning Authority, and having considered the Panel Report for Amendment C219 under section 27 of the Planning and Environment Act 1987 ('the Act'):

- 1. Support the key findings and recommendations given in the Panel Report at Attachment 1.***
- 2. Adopt Amendment C219 with the Panel preferred version of Schedule 9 to the Significant Landscape Overlay, as per Appendix D of the Panel Report and at Attachment 2.***
- 3. Submit the adopted Amendment to the Minister for Planning for approval under section 31 of the Act with the appropriate fee.***
- 4. If the Amendment is not approved by 30 April 2020, submit a request to the Minister for Planning under section 20(4) of the Act to extend the existing interim Schedule 9 to the Significant Landscape Overlay for a further 6 months (until 31 December 2020) or until the Minister for Planning determines to approve or refuse the Amendment under section 35 of the Act.***
- 5. Advise all submitters to Amendment C219 of this resolution.***

9.1.3
(cont)

MOTION

Moved by Cr Davenport, Seconded by Cr Massoud

That Council, being the Planning Authority, and having considered the Panel Report for Amendment C219 under section 27 of the Planning and Environment Act 1987 ('the Act'):

- 1. Support the key findings and recommendations given in the Panel Report at Attachment 1.***
- 2. Adopt Amendment C219 with the Panel preferred version of Schedule 9 to the Significant Landscape Overlay, as per Appendix D of the Panel Report and at Attachment 2.***
- 3. Submit the adopted Amendment to the Minister for Planning for approval under section 31 of the Act with the appropriate fee.***
- 4. If the Amendment is not approved by 30 April 2020, submit a request to the Minister for Planning under section 20(4) of the Act to extend the existing interim Schedule 9 to the Significant Landscape Overlay for a further 6 months (until 31 December 2020) or until the Minister for Planning determines to approve or refuse the Amendment under section 35 of the Act.***
- 5. Introduce free arborist services for tree removal applications under VicSmart, as per Council Officer report, commencing on 1 July 2020 (if the planning scheme amendment is approved by the Minister, or an extension granted)***
- 6. Advise all submitters to Amendment C219 of this resolution.***

AMENDMENT

Moved by Cr Barker

That Council, being the Planning Authority, and having considered the Panel Report for Amendment C219 under section 27 of the Planning and Environment Act 1987 ('the Act'):

- 1. Support the key findings and recommendations given in the Panel Report at Attachment 1.***
- 2. Adopt Amendment C219 with the Panel preferred version of Schedule 9 to the Significant Landscape Overlay, as per Appendix D of the Panel Report and at Attachment 2.***
- 3. Submit the adopted Amendment to the Minister for Planning for approval under section 31 of the Act with the appropriate fee.***
- 4. If the Amendment is not approved by 30 April 2020, submit a request to the Minister for Planning under section 20(4) of the Act to extend the existing interim Schedule 9 to the Significant Landscape Overlay for a further 6 months (until 31 December 2020) or until the Minister for Planning determines to approve or refuse the Amendment under section 35 of the Act.***
- 5. Introduce subsidised arborist services for tree removal applications under VicSmart, as per Council Officer report, commencing on 1 July 2020 (if the planning scheme amendment is approved by the Minister, or an extension granted)***
- 6. Advise all submitters to Amendment C219 of this resolution.***

The Amendment LAPSED for want of a Seconder

The Motion moved by Cr Davenport, seconded by Cr Massoud was then put and
CARRIED

9.1.3 (cont)

BACKGROUND

Council commenced the *Municipal Wide Tree Study* in December 2015 as a direct result of concerns that the neighbourhood character of Whitehorse will be diminished if trees are removed or lopped. This work recognised that current, as well as future trees, contribute to the landscape and neighbourhood character of the municipality, as well as providing fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. The Study ultimately recommended that Council extend the Significant Landscape Overlay (SLO) across all residential land that is not already covered by an SLO.

On 26 May 2017 Council submitted a request to the Minister for Planning (the Minister) to approve Amendment C191 to the Whitehorse Planning Scheme (Planning Scheme) to apply the SLO on an interim basis to all residential land that does not already have tree protection controls in place under an existing permanent SLO. Council also sought authorisation to prepare and exhibit Amendment C196 to apply the same controls on a permanent basis.

On 28 December 2017 the Minister approved Amendment C191, which came into effect on 8 February 2018 and introduced Schedule 9 to the SLO (SLO9) on an interim basis until 31 December 2018. The interim SLO9 required a planning permit for removal, destruction or lopping of trees with a height of 5 metres or more or a trunk circumference of 1 metre or more at 1 metre above the ground.

The Minister refused Council's request to prepare and exhibit Amendment C196, instead directing Council to undertake further strategic work before submitting a new request to apply the same controls on a permanent basis.

On 18 December 2018 the Minister extended the lapse date for the interim SLO9 by 6 months until 30 June 2019 (Amendment C214). Council engaged planning consultants to assist in undertaking the further strategic work, titled *Municipal Wide Tree Study, Part 2: Additional Analysis in Garden Suburban and Bush Suburban Character Precincts*, March 2019. The further work was adopted by Council at its meeting on 18 March 2019.

On 3 April 2019 Council submitted a new request to the Minister to prepare and exhibit Amendment C219 to permanently apply SLO9. On 27 June 2019 Council received notice that the Minister had authorised Council to prepare and exhibit Amendment C219. On 28 June 2019 the lapse date for the interim SLO was extended via Amendment C223 by a further 1 year until 30 June 2020 to allow the completion of the amendment process for the permanent controls.

Amendment C219 proposes additional planning permit exemptions beyond those within the interim controls, being:

- Trees located less than 3 metres from the [existing] wall of a dependent person's unit or dwelling
- Trees located less than 3 metres from an [existing] in-ground swimming pool
- specified environmental weeds
- Trees affecting public utilities including powerlines, services within easements and the like
- Street trees in line with Council's Street Tree Policy
- Trees required to be removed, destroyed or lopped in order to construct or carry out buildings or works approved by a Building Permit issued prior to 8 February 2018
- Trees that may require separate approval to remove, destroy or lop as part of an existing permit condition, a plan endorsed under a planning permit or an agreement under section 173 of the *Planning and Environment Act 1987*

9.1.3 (cont)

Exhibition of the Amendment took place from 18 July until 19 August 2019. A total of 307 submissions were received (303 submissions were received during the exhibition period and four [4] late submissions were received). At the meeting on 16 September 2019 Council resolved to request that the Minister for Planning appoint an independent Planning Panel to consider the submissions received to the Amendment. The Panel Hearing was held on 2, 4, 5 and 6 December 2019.

All submissions were referred to the Planning Panel and 27 submitters spoke at the Panel Hearing, including local residents, community groups and land owners. Council called expert evidence in planning and arboriculture.

The Panel Report (refer Attachment 1) was received by Council on 23 January 2020 and was released to the public on 30 January 2020, in accordance with the Council policy of releasing Panel reports within 7 days of receipt.

DISCUSSION

Summary of Panel Report

The Panel recommended that Amendment C219 be adopted as exhibited, subject to amending SLO9 to the Panel preferred version.

The Panel summarised their main conclusions under the following hearings:

- Strategic justification
- The Municipal Wide Tree Study
- Individual issues
- Form and content of the Amendment

Strategic justification

The Panel noted that the "Amendment is supported by a considerable body of work and analysis" (p11 of Panel Report). The Panel commented that "the role that...trees play...in defining the character of an area is well established in *Plan Melbourne*, the Planning Policy Framework (PPF) and local policy" (p11 of Panel Report).

The Panel noted that Council has undertaken a range of studies to establish the justification for the Amendment. The Panel concluded that the "Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes" (p 11 of Panel Report).

The Municipal Wide Tree Study

The Panel concluded that the Discussion Paper identified that "tree cover was an essential element" to the character of the municipality, as well as the eastern region of Melbourne. The Panel identified as a consistent theme that tree cover is decreasing across the municipality, which is reinforced in *Living Melbourne (Living Melbourne: Our Metropolitan Urban Forest, 2019)*, and work undertaken by RMIT (*Interim Report: Urban Vegetation Cover Analysis Eastern Region, 2018*).

The Panel concluded that "the work presented in the three documents that make up the Study is substantial and comprehensive and an appropriate basis for the introduction of broader tree protection in the municipality" (p 18 of Panel Report). The Panel acknowledged that there may be pressure between protecting trees and increased housing, however also that planning needs to balance competing interests such as these and that the SLO9 does this in a reasonable way.

9.1.3 (cont)

The Panel concluded that the Tree Study is an appropriate basis for the permanent introduction of the proposed controls and that SLO9 will not have an impact on housing growth. The Panel also found that SLO9 is an appropriate tool for the protection of trees across the municipality, including in the Bush Suburban and Garden Suburban character areas.

Individual issues

Safety hazard and dead, dying and dangerous trees

The issues examined by the Panel were whether the introduction of SLO9 will cause safety concerns about trees in residential areas, and whether the permit exemptions applying to dead, dying and dangerous trees are appropriate.

Several submitters raised concerns about the safety of large canopy trees in residential areas. Council submitted that trees on private property are the responsibility of the landowner, and that SLO9 will not change such responsibility. Council also submitted that SLO9 will not prevent the removal, destruction or lopping of dead, dying or dangerous trees.

The Panel recognised the concerns about safety and agreed with Council that landowners are responsible for maintaining trees on their property. The Panel concluded that tree safety is correctly considered by the Amendment, particularly by the permit exemptions relating to dead, dying and dangerous trees.

The Panel concluded that an additional decision guideline could be included which deals with the provision of replacement trees where trees are removed or destroyed, which will support the landscape character objective included in SLO9 relating to planting of canopy trees. The Panel also recommended that Council's arborist provide pre-application assessment to provide initial advice on the health of the tree to help determine whether or not a permit is required.

Imposition on private property rights and cost burden

The issues examined by the Panel were whether the SLO9 imposes restrictions over private property rights and whether the Amendment imposes burdensome costs for a planning permit to remove a tree.

Council's substantive position put forward to the Panel was that the SLO9 is the best control to protect and reinforce the importance of canopy trees in contributing to the significant neighbourhood character of Whitehorse. Furthermore "trees should be protected to ensure that landscape values are not compromised by development" and "there are benefits from applying this form of control [the SLO9] in limiting unfettered removal of trees" (p 24 and 26 of Panel Report).

Several submitters believe that the Amendment is an imposition on private property rights and does not allow individual choice in removing single trees for aesthetic or amenity purposes. Some submitters also consider the cost for a permit to remove a tree is burdensome.

The Panel acknowledged these concerns however concluded that the imposition on private property rights is acceptable given the broader community benefits that result from the protection and replacement of canopy trees and their contribution to neighbourhood character.

The Panel also concluded that the cost of the permit process is reasonable, and that it could be further mitigated for individual tree removal applications. In this regard the Panel concluded that Council should consider waiving the permit fee for VicSmart tree removal applications and engage an arborist to provide the assessment on such applications.

9.1.3 (cont)

Consistency with SLO1-8

The Panel examined whether the controls in the SLO9 should be the same as those in SLO1-8.

Several submitters wanted SLO9 to replicate the existing SLOs 1-8. Council submitted that the additional work undertaken concluded that the height and girth requirements, amongst other differences, was appropriate for SLO9.

The Panel identified that SLO9 generally applies across the GRZ, NRZ and RGZ areas (Garden Suburban and Bush Suburban Character areas) where some redevelopment is expected to occur, whereas SLOs 1-8 covers mostly NRZ and Bush Environment Character areas. The Panel concluded that it is appropriate for the controls of SLO9 to differ from those in the existing SLOs 1-8.

Intent of the controls

The Panel considered whether the Amendment would have a detrimental effect on canopy tree protection and enhancement.

Several submitters were concerned that the Amendment will not achieve its intention and that it was not clear enough in supporting replacement planting. Some submitters stated that the Amendment fails to address the issues around higher density development which they believe is the significant cause of tree loss. Submitters also believe that the Amendment will result in residents removing trees before they reach 5 metres in height.

Council's arboricultural expert stated that it was unlikely that the new controls would result in a reduction in new trees being planted. Council's expert also submitted that it was unlikely that a landowner would cut down a tree before it reaches 5 metres in height given the effort and costs required to remove trees of this size.

The Panel found that many submitters believe SLO9 does not go far enough, while other submitters believe it goes too far. The Panel states that there are higher level policies that address housing density and that these should be addressed elsewhere in the planning scheme. Council already has policies to guide housing growth and development across the municipality. The Panel accepted the evidence that the controls will not discourage landowners from planting trees. The Panel concluded that SLO9 provides an acceptable level of control over tree loss and from 'moonscaping' practices.

Application of SLO9 to public land

The Panel considered whether SLO9 should be applied to private and public land.

One submitter questioned why SLO9 does not also cover public land, including road reserves and public parks. Another queried the need for different mechanisms for tree protection between private and public land.

Council submitted that the *Whitehorse Urban Forest Strategy* provides guidance on tree management on public land that is owned and/or managed by Council. The Strategy contains a Tree Management Plan that also provides guidance for trees in parks and reserves.

The Panel concluded that the exemptions relating to public land are acceptable and that it is not necessary to expand SLO9 over public land as the *Whitehorse Urban Forest Strategy* provides guidance to manage trees on public land.

Other issues

One submitter queried why his property was covered by the VPO3 and SLO9, and the need to have two similar controls on his land. The Panel acknowledged that they are similar controls however they also concluded that the controls have different objectives and it is therefore acceptable for a property to be covered by both.

9.1.3 (cont)

Other submitters wanted additional trees added to the list of environmental weeds which would not require a planning permit to be removed. Conversely, another submitter felt a larger list of environmental weeds would diminish the existing canopy cover as many mature canopy trees are also environmental weeds.

The Panel agreed that an extensive list of exempt weed species would have an adverse impact on canopy tree cover across the municipality. The panel concluded that the list of environmental weeds included in SLO9 is appropriate.

Form and content of the Amendment

The Panel concluded that the changes proposed to the Municipal Strategic Statement and existing local policies at Clause 21.05 (Environment), Clause 21.06 (Housing), Clause 22.03 (Residential Development) and Clause 22.04 (Tree Conservation) of the Planning Scheme are reasonable and support the introduction of SLO9. The Panel noted that Council resolved at its meeting on 16 September 2019 to make changes to SLO9 as a result of considering submissions. These changes are supported by the Panel as being logical and beneficial and are included in Attachment 2.

The Panel questioned whether the scope of the landscape objectives in SLO9 at sub section 2 were broad enough, and felt that there should be additional objectives that relate to the protection of landscape character. The Panel suggested the following additional objectives:

To retain and enhance canopy tree cover of the Garden and Bush Suburban Neighbourhood Character Areas

To ensure that development is compatible with the landscape character of the area.

The exhibited SLO9 included an exemption relating to trees:

A permit is required to remove, destroy or lop a tree.

This does not apply to:

- *A tree less than 5 metres in height and having a single trunk circumference of less than 1.0 metre at a height of 1.0 metre above ground level; or...*

The Panel questioned whether any consideration has been given to redrafting to improve clarity of the exemption. During the Panel hearing, Council drew the Panel's attention to a VCAT decision (*Ausgood Development Pty Ltd v Whitehorse CC [2018] VCAT 690*) where the interpretation of the permit exemption was considered. The VCAT decision concluded that "a tree having either a height of 5 metres or more or a circumference of more than 1.0m requires a permit under SLO9" (p 42 of the decision).

Council advised the Panel that it was satisfied with the proposed wording on the permit exemption and relies on the VCAT decision as to how the exemption should be interpreted.

In considering the VCAT decision and other evidence, the Panel believed that the wording of the exemption could be amended to improve its clarity in line with the VCAT decision and Council's intent with what the exemption seeks. The Panel has provided their preferred wording as follows:

A permit is required to remove, destroy or lop a tree.

This does not apply to:

- *A tree that has both:*
 - *A height of less than 5 metres; and*
 - *A single trunk circumference of less than 1.0 metre at a height of 1.0 metre above ground level.*

9.1.3 (cont)

Response to Panel's report

Officers welcome the overall recommendation of the Panel to adopt SLO9 as exhibited with minor changes. In particular, officers support the Panel's conclusions about the policy basis at State and Local level for increasing tree canopy cover across metropolitan Melbourne.

The Panel has suggested several minor changes to SLO9, including the addition of new landscape character objectives and a new decision guideline. Officers are satisfied with these minor changes as they reinforce that the retention and enhancement of tree cover is important to the municipality and contributes to the neighbourhood character of the City of Whitehorse.

The Panel has also concluded that the exemption provisions around tree height and width should be redrafted to make them clearer. Officers have sought legal advice on the recommended changes and are advised that the drafting recommended by the Panel reflects the VCAT decision referenced above. Officers are satisfied with this suggestion and believe that the change provides further clarity for those using the controls.

Beyond the above changes to the planning provisions, the Panel has also suggested that Council:

- Should consider the provision of pre-application advice from a qualified arborist about the health of the tree (page 24 of Panel Report)
- Should consider waiving the permit fee for VicSmart tree removal applications and engaging an arborist to provide an assessment and report on these applications (page 27 of Panel Report).

It is noted that there is further guidance under the Panel's discussion for both of these issues, which are each discussed below.

Pre-application advice

The Planning Scheme, as it currently exists, contains multiple overlay controls that require permission for the removal of trees and vegetation that meet specific criteria. These same controls also provide circumstances where removal of trees and/or vegetation is exempt from the need for a planning permit. One of the more commonly used exemptions is where a planning permit is not required to remove a tree *"which is dead or dying or has become dangerous to the satisfaction of the responsible authority"*.

The Panel has suggested that Council consider the provision of a service that offers qualified arboricultural advice on the health of a tree on private property. Council's Statutory Planning Unit currently offers this service, where a landowner can contact Council and seek approval for a tree on their land to be assessed as dead, dying or dangerous. All such requests are given to Council's Planning Enforcement officers to make an assessment of the tree on-site. If the tree can clearly be identified as dead, dying or dangerous, a Planning Enforcement officer will provide that advice to the land owner and a permit will not be required. If it is not clear, an assessment of the tree will be undertaken by one of Council's consulting arborists. There is no fee required for an assessment to be undertaken by Council's Planning Enforcement officer, nor when an assessment is undertaken by one of Council's consulting arborists.

If the land owner requires this advice be provided in writing, as with all other requests for planning advice, a fee of \$190 is required for written confirmation. The exception to this is if the tree in question poses an immediate danger, in which case advice is immediately provided in writing to enable the tree to be removed.

9.1.3 (cont)

In the event that a tree is assessed to not meet the exemption criteria; that is, it is not assessed as dead, dying or dangerous, land owners will be advised that a planning permit is required should they wish to seek removal of the tree. This would usually be through the VicSmart application process. If a land owner seeks this advice in writing, pays the requisite fee, and subsequently lodges a VicSmart application for the tree to be removed, the fees for the provision of the written planning advice are transferred to cover the VicSmart application fee, which are comparable. Council officers believe that this process is operating satisfactorily and will continue to be offered as it stands.

Waiver of fee and subsidisation of arborist

A review of other Councils with similar planning controls, shows that for applications for a small number of trees, Councils are often providing the arborist assessment at a subsidised rate. Officers have also reviewed the Panel's suggestions to provide the arborist assessment and waive the VicSmart fee. Given Council has already approved the salary of an arborist for these controls, it is considered that Council could subsidise the entire cost of the arborist assessment for VicSmart applications. It is suggested that this should be capped at set number per year due to the tendency for some applicants to lodge numerous VicSmart applications at one time. Officers suggest capping the subsidy to 3 applications per year. This would result in a saving of \$300-\$500 (per tree) for the applicant.

VicSmart fees for tree removal are a statutory fee of \$199.90. Council received 581 VicSmart applications in 2018-19 of which a significant majority were for tree removal. To waive this fee would result in lost income of at least \$100,000 per year. This is just under the cost of employing an arborist, but does not cover the entire cost of assessing these applications. When fees under the *Planning and Environment Act 1987* were reviewed in 2016, it was determined that the cost of assessing VicSmart applications should be partially borne by Council. The VicSmart fee of \$199.90 was determined on this basis. As such, Council considers that the waiver of the VicSmart fee is not acceptable. Waiver of the fee can, however, be considered on an individual basis.

Allowing the removal of more than one tree per VicSmart application has been identified by the Statutory Planning Unit as a provision that could be reviewed (due to the lesser administrative burden of assessing a small number of trees). This could be further investigated as a local variation to the VicSmart control which allows Councils to specify types of applications that can be assessed through the VicSmart application process. In undertaking this review, Council could also consider works within 4 metres of a protected tree through the VicSmart process.

Reviewing the VicSmart controls will be presented to Council at a future meeting.

CONSULTATION

Exhibition of the Amendment occurred in the form prescribed by the *Planning and Environment Act 1987*. Exhibition took place from Thursday 18 July until Monday 19 August 2019. Exhibition involved the direct notification of all affected owners and occupiers of properties in the municipality affected by the proposed Amendment, totalling 81,947 letters. The notification of properties included a cover letter, information flyer and the statutory Notice of Preparation of Amendment. Prescribed Ministers, local Members of Parliament, public authorities, arborists and community groups were also notified.

The Notice of Preparation of Amendment was published in the Whitehorse Leader on 15 July 2019 and in the Victoria Government Gazette on 18 July 2019. A notice also appeared in subsequent weeks of the Whitehorse Leader until the end of the exhibition period and an article was published in the August edition of the Whitehorse News. Information was also available on the Council webpage, Council's telephone on hold message and the Council OurSay landing page. Multi lingual information was available on the Council webpage and in the information flyer and letter to all affected owners and occupiers.

9.1.3 (cont)

Council officers presented the Amendment to Elgar Contact's July 2019 meeting at their request. For the duration of the exhibition period copies of the Amendment documents were available for viewing at the following locations:

- Planning Counter at the Whitehorse Civic Centre
- Council's Customer Service Centres at Box Hill Town Hall and Forest Hill Chase Shopping Centre
- Libraries at Nunawading, Box Hill, Blackburn and Vermont South
- Sportlink, Vermont South
- Aqualink Nunawading and Aqualink Box Hill
- Burwood Neighbourhood House
- Bennettswood Neighbourhood House
- Kerrimuir Neighbourhood House
- Morack Public Golf Course
- Council's website
- Department of Environment, Land, Water and Planning's (DELWP) website

As noted earlier in the report, a total of 307 submissions were received. 303 submissions were received during the exhibition period and four (4) late submissions were received.

If the Amendment is ultimately approved, it is anticipated that all affected owners and occupiers would be notified by mail to advise of the changes to the Planning Scheme.

FINANCIAL IMPLICATIONS

Costs associated with the planning scheme amendment process, such as exhibition costs and statutory fees, are typically covered by the ongoing operational budget of Council. In this instance, funds were allocated as a 2019/20 budget initiative for the direct notification to owners and occupiers.

Charges associated with an independent panel vary depending on the duration of the panel hearing and the number of Panel members appointed. The Panel for Amendment C219 ran for 1 week and was comprised of two panel members (including the Panel Chair). Charges also cover any travel or accommodation required by panel members.

Council's planning panel representation includes expert witness (covered by a separate 19/20 budget initiative) and legal representation and advice (covered by Council's operational budget).

9.1.3 (cont)

Refer to the table below for financial details.

	Expenditure (excl. GST)
1. Exhibition costs (operational budget)	
Direct notification	\$87,000.00
Whitehorse Leader	\$3,700.00
Government Gazette	\$200.00
Translation of text	\$300.00
2. Statutory fees (operational budget)	
Consideration by the Minister of a request to approve the amendment	\$481.30
Consideration by Minister of a request to extend existing interim controls)	\$3,998.70
3. Planning Panel Charges (operational budget)	
Charge from Planning Panels Victoria, including Panel Member fees, travel, accommodation and project support	\$40,000.00
4. Council's Planning Panel Representation (operational budget plus \$60,000 budget initiative)	
Includes expert witnesses, legal representation and advice	\$128,514.00
5. Direction notification if Amendment is approved	\$87,000.00
Total Expenditure	\$351,194.00

The Council Report on 18 July 2016 noted that additional staff will be required to assess any additional applications that may arise after the introduction of SLO9. This was intended to include up to 3 arborists, up to 2 enforcement officers and 1 administrative officer, which (as reported at the time) would cost approximately \$499,000 pa (plus 12.5% oncosts such as superannuation) for salaries (based on arborists, rather than planning staff). There will be \$163,000 upfront capital costs which would include overheads such as office space and fleet vehicles etc. These costs were adopted as part of the 2017/18 budget process, noting that the costs associated with additional staff will be ongoing. Council has used some of this budget to employ additional enforcement staff and contract arborist support. Appointment of staff to all of the anticipated roles would be made should the SLO9 become permanent.

POLICY IMPLICATIONS

Direction 6.4 of *Plan Melbourne 2017-2050* is to 'Make Melbourne cooler and greener'. This direction outlines the benefits of urban greening and notes that Melbourne needs to maintain its urban forest of trees and vegetation on properties. Additionally Policy 6.4.1 is to 'Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest'. This policy notes that "residential development provisions must be updated to mitigate against the loss of tree canopy cover and permeable surfaces as a result of urban intensification".

Resilient Melbourne has developed a new strategy for metropolitan Melbourne called *Living Melbourne*, which sets out key actions to increase canopy cover across metropolitan Melbourne and has been endorsed by DELWP and many other government agencies including Whitehorse Council. Specific actions in *Living Melbourne* relating to canopy cover are listed as part of "Action 3: Scale up greening in the private realm", and includes:

- 3.1 Strengthen regulations to support greening in new subdivisions and developments – to benefit human health and wellbeing, and increase biodiversity
- 3.2 Strengthen regulations to protect canopy trees
- 3.3 Encourage private landholders to protect and enhance the urban forest and expand greening activities by offering incentives for planting, installing and maintaining natural infrastructure

9.1.3 (cont)

Strategic Direction 2 of the *Council Plan 2017-2021* is to “*Maintain and enhance our built environment to ensure a liveable and sustainable city*”. Actions to support this include activities which protect neighbourhood character. The Amendment therefore seeks to support the Council Plan by protecting current and future canopy trees which contribute to the neighbourhood character and streetscape.

Council has also adopted an *Urban Forest Strategy 2018*, which sets a municipal wide minimum target of 30% canopy cover by 2030. As Council controlled land accounts for only 10% of the municipality, additional tree cover will need to be achieved on private land. If Council is going to achieve this canopy cover it must not only protect existing canopy trees, but also facilitate the planting of new canopy cover across both public and private land. The Amendment seeks to assist this by implementing a municipal wide SLO which allows Council to require the replanting of trees if they are permitted to be removed.

Adopting Amendment C219 will strengthen the discussion about the roles and values of vegetation within the City of Whitehorse, as the Amendment includes reference in the Municipal Strategic Statement to the *Urban Forest Strategy* and its 30% tree canopy target. Amending Clause 22.04 (Tree Conservation) will strengthen the objectives to enhance tree canopy cover across the municipality and provide further refinement to provisions relating to buildings and works, as a consequence of introducing SLO9.

Extending the SLO controls on a permanent basis to the remaining residential areas not already covered by SLO1 – SLO8 will create new permit requirements for these areas. However Amendment C219 will introduce additional planning permit exemptions that previously were not included in the interim controls. Exemptions such as those relating to environmental weeds will clarify the permit requirements for landowners and remove the administrative burden for the removal of identified weed species. Land owners will need to clarify with Council where the permit exemptions apply, to ensure it is to Council's satisfaction.

The Amendment therefore reinforces the direction of *Plan Melbourne* and *Living Melbourne* as well as the commitment in Council's *Urban Forest Strategy* to increase the canopy cover across the municipality to 30% by 2030.

CONCLUSION

Amendment C219 proposes to permanently apply SLO9 which was originally introduced on an interim basis by Amendment C191 on 8 February 2018.

The Panel Report recommends that the Amendment be adopted as exhibited subject to amending SLO9 to the Panel preferred version, which includes the changes made by Council after considering the submissions. The Panel concluded that the Amendment is well founded and strategically justified and should proceed subject to addressing specific issues discussed in the Panel Report. The Panel also concluded that the permanent introduction of SLO9 will not have an adverse impact on housing growth in the municipality and that the SLO9 is an appropriate tool for the protection of canopy trees.

The Panel has recommended several minor changes to SLO9, including the addition of new landscape character objectives and decision guidelines. The Panel has also recommended that the exemption provisions around tree height and width should be redrafted to make them clearer. In addition to the post-exhibition changes proposed by Council following consideration of submissions, officers recommend that the minor changes and redrafting by the Panel be adopted.



The interim SLO9 is due to expire on 30 June 2020. Officers recommend also requesting an extension to the interim controls to ensure that trees are protected while the Minister for Planning considers approval of Amendment C219.

9.1.3

(cont)

For the reasons outlined in this report, it is recommended that Amendment C219 be adopted, in accordance with the Panel report. As part of this recommendation, all submitters would be advised accordingly and the Amendment, if adopted by Council, would be submitted to the Minister for Planning for approval.

ATTACHMENT

- 1 Amendment C219: Panel Report 
- 2 Amendment C219: Clauses for adoption w/ tracked changes 

Attendance

Cr Stennett left the Chamber at 7:49 pm and returned at 7:51pm.

9.1.4 Strategic Planning Update

FILE NUMBER: SF10/90

SUMMARY

This report outlines progress with key strategic planning projects since September 2019 and recommends that this update report be acknowledged.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Munroe

That Council note the report on progress with Strategic Planning projects.

CARRIED UNANIMOUSLY

BACKGROUND

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

DISCUSSION

The following is a summary of the current status of key projects being undertaken through the Strategic Planning Unit. The last update to Council was provided at its meeting on 16 September 2019.

Key planning scheme amendments and their status include:

Amendment C219 - Municipal Wide Tree Controls, Significant Landscape Overlay (SLO9)

Council is pursuing Amendment C219 to the Whitehorse Planning Scheme (Planning Scheme) to apply a permanent Significant Landscape Overlay, Schedule 9 (SLO9) to all residential areas of the City that do not have permanent SLO controls in place. The Amendment implements the *Municipal Wide Tree Study*. Further work undertaken as part of this Study, and required by the Minister for Planning to support Amendment C219, included an assessment of the landscape character of the municipality to demonstrate the significance of the areas across which the tree controls are proposed to apply. This further work was adopted by Council at the meeting on 18 March 2019.

The amendment was placed on exhibition from 15 July until 19 August 2019. Council received 307 submissions in response to Amendment C219 and having considered these at its meeting on 16 September 2019, Council resolved to refer the Amendment and the submissions to an independent Panel hearing. The Panel hearing was held from 2 - 6 December 2019 and 27 submitters presented. The Panel's advice to Council was received on 23 January 2020 and is being considered in a separate report.

Interim controls under SLO9 have been in place since 8 February 2018 and at this stage remain in place until 30 June 2020 so that the amendment process for the permanent controls under Amendment C219 through the 'normal' process can be concluded. This will protect trees while Council progresses the amendment for the permanent SLO9.

Updates on the amendment are provided on Council's website at:

<https://www.whitehorse.vic.gov.au/planning-and-building/whitehorse-planning-scheme>

9.1.4

(cont)

Amendment C216 – Heritage Overlay, 42-48 Glenburnie Road, Mitcham

Amendment C216 to apply the Heritage Overlay (HO) to 42-48 Glenburnie Road, Mitcham was initiated from an application on 23 November 2018 for report and consent under Section 29A of the *Building Act 1993* to demolish the dwelling and outbuildings. This was preceded by a notice of refusal to grant planning permit WH/2018/45 on 7 November 2018 for 10 double storey dwellings on the property on non-heritage grounds such as the intensity of the development and the impact on the amenity and landscape character of the Glenburnie Road area.

Amendment C216 to apply a permanent HO on the property was initially authorised for exhibition by the Minister for Planning (under delegation) on 24 January 2019. Following discussions with DELWP officers about tree protection under the HO and the extent of application of the overlay to the site, the conditions of authorisation were updated on 28 May 2019.

Exhibition of Planning Scheme Amendment C216 took place from 26 September – 28 October 2019. No submissions were received and the Amendment was considered and adopted by Council at its meeting on 9 December 2019. The Amendment was subsequently lodged with the Minister for approval on 23 December 2019 and a decision is pending. The interim HO for the site, approved by the Minister via Amendment C215, remains in place until 31 March 2020. On 28 February, the Minister approved Amendment C225 to extend the interim HO until 29 January 2021 to allow the process for introduction of permanent controls to be completed, however the amendment is yet to be gazetted.

Parallel to the amendment process, an appeal by the proponent against Council's refusal of the planning permit application resulted in substituted plans being submitted to VCAT for a less intense and more sensitive development that retains the existing house on the site. The substituted plans were approved by the Tribunal on 26 September 2019. It is however still relevant to apply the HO to the site to protect the heritage place into the future and should the current proposal not proceed.

Amendment C213 – Student Accommodation Policy Update

During 2018 a review of student accommodation in Whitehorse was undertaken and the resultant Student Accommodation Background Paper and Strategy documents were adopted by Council on 20 August 2018. The Strategy informed an update to the existing Student Accommodation Policy at Clause 22.14 of the Whitehorse Planning Scheme which has been in place for approximately 10 years.

After being authorised by the Minister on 16 April 2019, Amendment C213 was exhibited from 29 August to 30 September 2019. No submissions were received. The Amendment was adopted by Council at its meeting on 25 November 2019, with however, a change in line with its 20 August 2018 resolution to increase the car parking rates as follows:

Update the revised local policy for Student Accommodation Policy at Clause 22.14 with the following car parking rates:

- For purpose built student accommodation within a Metropolitan Activity Centre, provide car parking at a rate of at least 0.3 spaces per bed [increasing from 0.1 spaces per bed in existing Clause 22.14].
- For purpose built student accommodation within Major Activity Centres, within 500 metres of a tertiary education institution or on a site abutting the Principal Public Transport Network, provide car parking at a rate of at least 0.45 spaces per bed [increasing from 0.25 spaces per bed in existing Clause 22.14].

9.1.4

(cont)

While this adopted change to the car parking rates is contrary to the 24 June 2019 resolution and the conditions of authorisation to revert to the parking rates currently contained within the policy at Clause 22.14, the updated Amendment was lodged with the Minister for approval on 23 December 2019. A decision is yet to be received.

Amendment C220 – Residential Corridors Built Form Study, Design and Development Overlay (DDO)

The *Residential Corridors Built Form Study* produced draft development guidelines for those areas in the municipality along key road corridors where the linear application of the Residential Growth Zone (RGZ) interfaces with land in the Neighbourhood Residential Zone (NRZ) and the General Residential Zone (GRZ). The Study included community consultation and focused primarily on the major east-west tram and road corridors, specifically:

- Burwood Highway, generally between Elgar Road, Burwood and Hanover Road, Vermont South.
- Whitehorse Road in Mont Albert, Laburnum and Nunawading.

In summary, along these residential corridors, Council proposes to seek:

- A mandatory building height limit (6 storey)
- Mandatory front, side and rear building setbacks
- Guidance for the pedestrian interface to new development, shadowing of open space, the wind impact of buildings and site landscaping expectations.

The Study was adopted by Council at its meeting on 29 January 2019 where it resolved to initiate a planning scheme amendment to implement the recommendations of the Study. Consultant input has been sought on drafting of a proposed DDO (Schedule 11) as set out in the Study and authorisation for Amendment C220 was sought from the Minister on 11 October 2019. The DELWP subsequently requested further information on 16 December 2019, principally to address:

- The mandatory nature of the proposed controls.
- The intent and the perceived impact of the proposed controls on housing yield.

Council officers met with DELWP on 7 January 2020 to discuss the Department's concerns and provided a response with further information on 24 January 2020. If authorisation for the Amendment is received, the community's next opportunity to comment on the proposed controls will be through the statutory exhibition process.

Activity Centres

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

Box Hill Metropolitan Activity Centre (MAC)

For over 10 years, actions by the Strategic Planning Unit relating to the Box Hill MAC have been largely guided by the existing Box Hill Structure Plan (adopted in 2007) and broadly include:

- Urban design, landscape and strategic planning advice on major developments;
- Engagement with relevant departments across the organisation and external stakeholders to progress the Structure Plan; and
- Preparation of planning scheme amendments.

9.1.4

(cont)

In late 2018 Council embarked on a review of the vision and strategic directions for the Box Hill MAC. Consultants for the project (lead by MGS Architects) have now undertaken 3D modelling of the MAC, analysis of growth and development in the MAC and two phases of community consultation in February and July/August 2019. The consultant team are now compiling a draft updated Structure Plan and accompanying draft urban design framework to progress the longer term strategic vision for the Box Hill MAC. This is expected to be presented to Council in the coming months.

Several other projects specifically for the Box Hill MAC are being undertaken concurrently across Council. These include the Box Hill Integrated Transport Strategy, Community Infrastructure Assessment, Open Space Strategy Review and Urban Realm Treatment Guidelines. The Strategic Planning Unit is closely involved with each of these projects, and likewise officers from these projects are involved in the review of the vision and strategic directions.

Updates on the project are included on the project web page at:

<https://www.whitehorse.vic.gov.au/vision-box-hill>

Tally Ho Major Activity Centre – Review of Commercial 1 Zone

A review of the Tally Ho Major Activity Centre was completed in 2018/19 to assess whether the existing Commercial 1 Zone changed through the State zone reforms in 2013, is the most appropriate zone to achieve the vision for the centre as a major business and employment hub in the eastern region into the future.

The report prepared by Urban Enterprise found that residential development in the activity centre allowed under the existing Commercial 1 Zone is unlikely to complement the existing commercial uses and economic strengths of Tally Ho.

At its meeting on 26 August 2019, Council resolved to release the report for a period of consultation before deciding whether to commence a planning scheme amendment process to rezone land. The consultation commenced in March 2020.

Nunawading, Mitcham and MegaMile Activity Centre - Structure Plan Update

The *Nunawading/MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan* was adopted by Council in 2008. A Background Review completed in 2018 analyses the key policy changes, major projects and development that has occurred in the 10 years since the Plan's adoption and will inform an update of the Structure Plan.

Hansen Partnership has been appointed to update the Structure Plan so that it addresses local aspirations for a dynamic and well performing Activity Centre that also complies with State government requirements. Given the complexity of the structure planning process, the project is proposed over two financial years. Funding in this year's budget will complete Phase 1 of the project, followed by Phase 2 in 2020/21 (subject to budget approval).

9.1.4

(cont)

Phase 1 of the project will deliver:

- A Summary Paper based on the Background Review 2018
- Technical reports:
 - Provide population, economic, land use demand projections
 - Analysis of traffic, parking, access, mobility and permeability, with consideration to: the '20 minute neighbourhoods' concept in Plan Melbourne; '*movement and place*' analysis using the Transport for Victoria framework; and car parking provision and management
- Built Form Report:
 - Analysis of the urban structure of the Activity Centre
 - Preparation of built form options and urban design principles that set a general theme for the centre
- Developer contributions feasibility assessment for the future social, recreational and community infrastructure needs of the Activity Centre
- An Issues and Opportunities Paper based on analysis in the above reports and arranged around the key themes of: activities; buildings; access; and spaces.

Phase 2 will primarily deliver:

- A Structure Plan
- An Implementation Plan for both statutory amendments to the planning scheme and amenity, transport, access, and public space improvements, and the like.
- Documents for a future planning scheme amendment

A community engagement plan will guide this work to ensure the community and stakeholders have input to the project.

Burwood Heights Major Activity Centre – Former Burwood East Brickworks Site

An overall development plan for the former brickworks site at 78 Middleborough Road, Burwood East was initially endorsed by Council on 28 February 2018 and subsequently amended on 27 December 2018. The development plan guides future planning permit applications for each stage of this major development.

Multiple planning permits have now been granted for the site and construction is in progress for major site infrastructure, residential development and an aged care facility. The Burwood Brickworks retail centre is completed and opened in December 2019. Strategic Planning continues to play a role in the assessment of applications and review of detailed design of key public spaces being delivered, such as the Urban Plaza and Village Green, against the requirements of the development plan. Updates on the project are included on Council's web site at:

<https://www.whitehorse.vic.gov.au/burwood-heights>

Heritage

Heritage Assistance Fund

The Heritage Assistance Fund (HAF) provides grants up to \$2,000 from the funding pool of \$40,000 to eligible owners and occupiers of properties in the Heritage Overlay to assist with the ongoing maintenance of their heritage properties. The HAF assists with various heritage preservation works including external painting, repairs and restorative works.

9.1.4

(cont)

Applications for this year's round of funding closed on 16 September 2019 and 48 applications were received through Council's new on-line grants program called *Smarty Grants*. All applications were initially assessed by Council's Heritage Advisor and then presented to the Heritage Steering Committee on 14 October 2019 which recommended 22 recipients for the funding. To date 10 recipients have completed their projects the remaining HAF funded projects are to be completed by 31 May 2020.

Heritage Advisor

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

The contract for Heritage Advisor services provided by Coleman Architects Pty Ltd expired in February 2020 and tenders for the service for the next four (4) years closed on 15 January 2020. The competitive process assessed three (3) tenders and Coleman Architects were awarded the new contract.

Heritage Framework Plan 2020

At the Special Committee of Council on 14 October 2019, it was resolved:

That Council:

1. *Notes that the City of Whitehorse Post 1945 Heritage Study dated June 2016 contains a number of properties not acted upon in the last 3 years.*
2. *Notes that the Whitehorse Heritage Review 2012 contains a number of properties not acted upon in the last 7 years.*
3. *Receives a report on the proposed approach to reviewing the potential heritage properties from the Whitehorse Heritage Review 2012 and the Post 1945 Heritage Study.*

Council's Heritage Advisor is preparing a Framework Plan outlining a process for ongoing assessment and management of heritage places in the City of Whitehorse which will replace the 2008 Framework Plan and address Council's resolution. The updated Framework Plan will be reviewed by the Heritage Steering Committee before being reported to Council.

Other Major Council Projects

Built Environment Education and Awards Program

The Built Environment Education and Awards Program, comprises an education event and the awards program being held on alternate years.

- The awards (last held in June 2019) aim to showcase the best in design and recognise the people who contribute to good design and sustainable practice within the City of Whitehorse.
- The education event, being held in June this year as part of the Sustainable Living Week program, seeks to address areas of interest in the municipality's built environment. Work has been undertaken to scope possible themes and presenters for the educational event which links back to ideas showcased in previous award winning projects. The educational event is typically very well attended.

The 2019 Built Environment Award winners can be viewed at:

<https://www.whitehorse.vic.gov.au/waste-environment/sustainability/built-environment-awards>

9.1.4

(cont)

The Good Landscape Guide

Landscape guidelines have been available for several years to assist planning permit applicants to prepare better quality, relevant landscape plans. The *Good Landscape Guide* updates the guidelines to a more simplified, user friendly, web-based tool, and expanded with sustainability themes such as 'green' infrastructure and more emphasis on valuing trees in development outcomes. The updated guidelines will be available on Council's web site in April/May.

Building Reflectivity

As part of an initiative in the 2019/2020 budget, preliminary work has been carried out to investigate issues around building reflectivity, specifically highlighted by recent development in Box Hill. The first stage of the study has been completed and included literature review of planning controls regulating reflectivity, local, national and global precedent review, identification of other matters of a legal or planning nature that should be considered and areas for further investigation. The study arises from concern about the visual impact (near and far views) and glare safety issues.

A separate report will be prepared for Council outlining the findings of this work.

Significant Tree Assistance Fund

At the Special Committee meeting of Council on 12 November 2018, it was resolved:

That Council:

1. *Recognises that Whitehorse Residents are impacted by the significant tree register;*
2. *Consider guidelines for providing grants to owners of properties which have a tree on the significant tree register to assist with maintenance of those trees;*
3. *Refer the matter to the 2019/2020 Budget.*

Council subsequently approved \$40,000 in the current financial year to assist residents with maintenance of significant trees, being those trees covered by the Vegetation Protection Overlay (Schedules 1, 3 and 5) in the Whitehorse Planning Scheme. Council's Tree Education Officer has drafted guidelines to administer the funds which cover application requirements, the criteria for assessment of applications and the process for distribution of funds. The draft guidelines will be the subject of a separate report to Council. In addition to the grant money, Council also approved funding (\$14,120 per annum, ongoing) for staff resources to administer the fund.

State Government Projects

SMART Planning - Planning Policy Framework

As part of the Smart Planning reforms by the State government following the *Reforming the Victoria Planning Provisions Discussion Paper* in late 2017, Planning Schemes across Victoria are proposed to be rewritten to align with the new thematic policy structure introduced as part of State Amendment VC148 on 31 July 2018. This provided a structure to integrate State, Regional and Local content of planning schemes. For Whitehorse City Council it is intended that this will largely be a policy translation of the planning scheme to remove unnecessary duplication in policy content within each theme and to streamline operation of policy.

Reform of the Planning Policy Framework will be undertaken by DELWP in consultation with Council's across Victoria in stages. It has not yet been confirmed when work on the Whitehorse Planning Scheme will commence. The project will involve considerable officer time to liaise with the DELWP and to ensure that important content of the Whitehorse Planning Scheme is not misinterpreted, diluted or removed. Funding of \$30,000 (excl. GST) is included in Council's 2019/2020 budget to assist with this work and may be required in the 2020/2021 budget to align with the Department's timing on this project.

9.1.4

(cont)

Plan Melbourne

The Implementation Plan that accompanies the metropolitan planning strategy, *Plan Melbourne 2017–2050*, identifies preparation of Land Use Framework Plans (LUFP) for each of the six metropolitan regions. Whitehorse is located in the Eastern Region and is represented on the region's Economy and Planning Working Group (EPWG) established by the State government to develop work plans to implement *Plan Melbourne* including the preparation of the LUFP. Preparation of the LUFP is in progress and has included workshops with Councils in the eastern region. Draft plans were expected from State Government in 2019, however these are being reviewed by DELWP "*in light of government election commitments including the Suburban Rail Loop, new demographic data and information from other Plan Melbourne actions*". It is anticipated that DELWP will update the EPWG on progress with the Eastern Region LUFP in the near future.

More information about Plan Melbourne can be found on the State Government web site at:

<http://www.planmelbourne.vic.gov.au/home>

Victorian Auditor General's Office (VAGO) – Audit: Supporting Communities through Development and Infrastructure Contributions

The VAGO is undertaking an audit of several metropolitan and regional Councils (including Whitehorse City Council) plus key agencies "*to determine whether development and infrastructure contributions provide the required infrastructure to new and growing communities as intended*". (VAGO web site).

The outcome of the audit, which is expected to be tabled in Parliament in March 2020, "*will examine whether the development and infrastructure contribution schemes effectively support the creation of essential infrastructure for new and growing communities*".

For more information visit the VAGO web site:

<https://www.audit.vic.gov.au/report/supporting-communities-through-development-and-infrastructure-contributions>

Major Infrastructure Projects

The Strategic Planning Unit, in conjunction with other Departments of Council, provides input to major State government infrastructure project drawing on Council's existing strategies and planning policies. Recently, projects have included:

- North East Link Project
- Suburban Rail Loop
- Mont Albert Level Crossing Removal Project

CONSULTATION

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

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

9.1.4 (cont)

FINANCIAL IMPLICATIONS

All of the projects require resources and funding for tasks including consultation, preparation, exhibition and consideration of amendments, consultant advice and investigations, including government processes e.g.: panel hearings etc. Funding for the projects discussed in this report was either provided in the recurrent budget or via specific budget line items as new budget initiatives.

POLICY IMPLICATIONS

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

Engineering and Environmental

9.1.5 Draft Box Hill Integrated Transport Strategy

ATTACHMENT

SUMMARY

Council is developing an Integrated Transport Strategy for the Box Hill Metropolitan Activity Centre (MAC). The Draft Box Hill MAC Integrated Transport Strategy was prepared over the past year in collaboration and consultation with key stakeholder reference groups. Council officers are seeking endorsement from Council to commence community exhibition and consultation on the draft strategy.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Barker

That Council:

- 1. Note the Draft Box Hill Integrated Transport Strategy.***
- 2. Endorse the Draft Box Hill Integrated Transport Strategy for community exhibition and consultation.***

CARRIED UNANIMOUSLY

BACKGROUND

The draft Box Hill Integrated Transport Strategy (ITS) is being developed during the 2019/20 financial year, following on from the Background Study that was completed during 2018/19.

AECOM Australia were appointed by Council as its primary consultant to guide the development of the draft Box Hill ITS following the tender process.

DISCUSSION

The draft Box Hill ITS provides a strategic framework over the next 10 years that aims to deliver improvements to the transport network for all modes, including walking, cycling, public transport, and motor vehicles. It aims to prioritise the most efficient transport modes to make the best use of the limited space available.

The draft Box Hill ITS has been developed around three themes:

1. A transport network that supports a safe, healthy, inclusive community.
2. A transport network that supports a sustainable and liveable community.
3. A transport network that supports a vibrant local economy.

The draft Box Hill ITS Action Plan includes 61 actions which can be grouped under different categories, as described below. Note that some actions extend across multiple categories.

- Action type
 - Delivery (20 Actions) – Council has the authority and is responsible to design, construct and upgrade infrastructure or implement the action.
 - Policy (5 Actions) – Council has the authority and is responsible for creation of policy change.
 - Advocacy (29 Actions) – Council is required to advocate and work with others (i.e. State Government) to deliver the action.

9.1.5

(cont)

- Planning (30 Actions) – Council is required to undertake further planning and investigation to better understand the action.
- Timeframe
 - Immediate (20 Actions) 0 to 2 years
 - Short term (27 Actions) 3 to 5 years
 - Medium term (12 Actions) 6 to 9 years
 - Long term (5 Actions) 10+ years
- Transport mode
 - Walking (33 Actions)
 - Cycling (23 Actions)
 - Public Transport (22 Actions)
 - Motor Vehicle (28 Actions)

CONSULTATION

As part of the development of the draft Box Hill ITS, Council's consultant has undertaken various forms of community consultation including:

- Values based engagement using Place Score. This approach uses the 'Care Factor' survey to identify the place attributes that are most important to a person, as well as the 'Place Experience Assessment' to measure how the place performs against these attributes. By combining the results of the two assessments, the place attributes that people care the most about and are performing the lowest can be identified.
- Discussion forums on key transport topics, using the Our Say Platform.
- Two Issues and Opportunities workshops with community groups/local stakeholders and professional stakeholders including the Department of Transport
- Movement and Place workshop with the Department of Transport.
- Two Drop in sessions in the Box Hill Mall (Thursday 10 October 2019 and Saturday 12 October 2019, 12noon to 2pm)
- The development of five discussion papers on the key transport issues, with feedback collected using a quick poll and more detailed online survey.
- Setting up a Stakeholder Reference Group and hosting two meetings with this group.

The exhibition period for the draft Box Hill ITS is proposed to commence from Tuesday 17 March 2020 to Tuesday 21 April 2020 (5 week exhibition period). It is acknowledged that this period includes the Easter Break and therefore an additional week for consultation has been provided.

During the exhibition period, further community engagement for the draft Box Hill ITS will include the following activities:

- The third Stakeholder Reference Group meeting to gather additional feedback from the key stakeholders and interest groups in Box Hill.
- Online survey using Council's Our Say Platform that will have targeted questions on specific topics, as well as providing the opportunity for general feedback.
- Use of the online street design tool 'Streetmix.org' which provides an interactive tool to design a street cross-section. Users will be able to demonstrate their preferred street layout, which will demonstrate their priorities in terms of pedestrians, cyclists and motor vehicles.

9.1.5

(cont)

Following the exhibition period, Council officers will incorporate the feedback and submissions received from the community and key stakeholders and report its findings back to Council in June 2020.

FINANCIAL IMPLICATIONS

	Budget	Expenditure
Transport Team Budget (3410 – 2799)	\$ 258,065.00	
Total Budget	\$ 258,065.00	
Consultant Fees to Develop the Box Hill Integrated Transport Strategy		\$ 283,871.50
Less GST		- \$ 25,806.50
Net Cost to Council		\$ 258,065.00
Total Expenditure		\$ 258,065.00

Preliminary estimates to implement Actions from the Strategy total approximately \$5.5 million over the 10 year strategy, with approximately \$4.5 million in new capital works and \$1 million in new operational costs.

POLICY IMPLICATIONS

As transport is integral to most aspects of life, by providing access to employment, education and social services and staying connected with friends and family, the draft Box Hill ITS links to all five Strategic Directions of the Council Plan, while primarily addressing **Strategic Direction 2: Maintain and enhance our built environment to ensure a liveable and sustainable city.**

The draft Box Hill ITS is supported by the Whitehorse Integrated Transport Strategy 2011, the Whitehorse Community Road Safety Strategy 2013 and the Whitehorse Cycling Strategy 2016.

The draft Box Hill ITS has been developed alongside the Review of the Strategic Direction for Box Hill and Box Hill Structure Plan Review.

ATTACHMENT

- 1 Final Draft Box Hill ITS Public 

9.1.6 Road Improvements in Linum Street, Laurel Grove North and Boongarry Avenue, Blackburn: Reconciliation of Special Charge Scheme

FILE NUMBER: SF06/183

SUMMARY

The purpose of this report is to finalise costs for the Road Improvements in Linum Street, Laurel Grove North and Boongarry Avenue Special Charge Scheme (The Scheme). It is recommended that the final apportionment of costs to property owners be adopted.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council adopt the final apportionment of costs in the Special Charge Scheme for Road Improvements in Linum Street, Laurel Grove North and Boongarry Avenue, Blackburn.

CARRIED UNANIMOUSLY

BACKGROUND

At its meeting on 18 July 2016 Council resolved to declare a 'Special Charge Scheme' for Road Improvements in Linum Street, Laurel Grove North and Boongarry Avenue, Blackburn (The Roads). Construction of The Scheme has now been completed.

DISCUSSION

Final costs have been calculated for the scheme. It is considered that the design objectives for the project have been achieved.

In finalising the design and after a detailed review was undertaken during construction it was decided to include some additional drainage and other road pavement improvement works. These works were not seen as being an essential part of the special charge scheme funded by residents but were desirable from Council's perspective given that Council will assume responsibility for the road on completion of The Scheme. These additional works were also required to reduce the potential of properties flooding in future and becoming a potential liability risk to Council. It was considered necessary to carry out these works now in conjunction with The Scheme.

The additional work undertaken is to be borne by Council and is consistent with Tender Evaluation Report (Contract 30030) – Road Improvements in Linum Street, Laurel Grove North & Boongarry Avenue, Blackburn which was adopted by Council on 20 August 2018. This report states that Council will pay all costs above the estimated cost provided to residents through the Special Charge Scheme declaration process.

The implementation of this Special Charge Scheme proved to be a challenging project requiring the balancing of competing goals, varied expectations of residents, managing the responsibilities of Council as the Responsible Road Authority, drainage authority and financial responsibilities to the ratepayers of the municipality.

These challenges were compounded by the changing nature of rainfall patterns which required a higher level of construction than anticipated to deal with the potential flooding of properties, the undermining of swale drains and road pavement as a result of the more frequent high intensity storms.

Despite these challenges it is considered that the overall objectives of the Road Improvements in Linum Street, Laurel Grove North and Boongarry Avenue, Blackburn have been met.

9.1.6

(cont)

Council's total contribution to the scheme is \$356,424.72 (ex GST) and the contribution by owners will remain at \$670,000.00 which is in accordance with the estimated cost to be recovered from owners when the scheme was adopted and declared by Council. The apportionment cost table is attached as Appendix A.

Council's contribution to the scheme was funded from the 2019/2020 Capital Works budget from drainage and road construction allocations.

CONSULTATION

There was extensive consultation with property owners in the preparation of this scheme. Resident information nights, resident meetings, surveys as well as the formal process of providing notice to owners. Submissions were submitted by some property owners and were addressed as part of the scheme process. This included all statutory requirements under the Local Government Act 1989.

FINANCIAL IMPLICATIONS

A comparison between the estimated costs and actual costs for the project is shown below.

	As Tendered	Actual
Costs for Road Improvements	\$ 843,990.42	\$ 1,026,424.72
Council contribution (drainage & road pavement)	\$ 173,990.42	\$ 356,424.72
Final cost to be apportioned to landowners	\$ 670,000.00	\$ 670,000.00
 Council's Contribution (ex. GST)	 \$ 173,990.42	 \$356,424.72

The net result will mean property owners contribute the original declared costs previously advised to them.

POLICY IMPLICATIONS

The special charge scheme has been adopted in accordance with Council's Special Charge Scheme Policy.

Attendance

Cr Davenport left the Chamber at 8:12pm and returned at 8:13 pm.

9.1.7 Tender Evaluation (Contract 30233) Newhaven Road Reconstruction

FILE NUMBER: SF19/2358

SUMMARY

To consider tenders received for the provision of Contract 30233 – Newhaven Road Reconstruction and to recommend the acceptance of the tender received from Fercon Pty Ltd, for the amount of \$667,975, including GST and to consider the overall project expenditure.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Bennett

That Council accept the tender and sign the formal contract document for Contract 30233 for the Newhaven Road Reconstruction received from Fercon Pty Ltd (ABN 43 116 527 363), of 6 Swanston St Preston VIC 3072, for the tendered amount of \$667,975, including GST; as part of the total expected project expenditure of \$872,743, excluding GST.

CARRIED UNANIMOUSLY

BACKGROUND

The contract is for the road reconstruction of Newhaven Road, Burwood East, between Highbury Road and Maidstone Avenue. The project is included in the 2019/20 Capital Works Program.

The works include the removal and reconstruction of concrete kerb and channel, removal and reconstruction of concrete vehicle crossings, installation of drainage, profiling, asphalt resurfacing, minor footpath improvements, reinstatement and ancillary works.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 18 January 2020 and were closed on 11 February 2020. Four (4) tenders were received.

The tenders were evaluated against the following criteria:

- Cost to Council;
- Capability;
- Credibility;
- Project Construction Methodology & Delivery; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

Fercon Pty Ltd has undertaken similar projects of this nature for Council in the past including Glen Ebor Avenue and Parkside Street, Blackburn and Chester Street, Surrey Hills, and for other local government municipalities. Fercon Pty Ltd have also advised that they can complete the works within the nominated timeframe (weather and supply of materials permitting).

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

CONSULTATION

The project has been undertaken in consultation between Council's City Works, ParksWide and the Transport teams.

Advance notification of proposed works has been provided.

Construction notification will be provided to all residents at least seven (7) days in advance of the proposed commencement date for the works.

9.1.7

(cont)

FINANCIAL IMPLICATIONS

	Budget	Expenditure
Capital Works Funding Account No. W254 (Reconstruction Newhaven Road Burwood East)	\$ 672,000	
Committals to date		\$ 5,000
Total Remaining Budget	\$ 667,000	
Preferred tenderer's lump sum offer (including GST)		\$ 667,975
Less GST		-\$ 60,725
Net cost to Council		\$ 607,250
Plus Contingencies (15%)		\$ 91,088
Plus Project Management Fee (10%)		\$ 60,725
Plus Provisional Items		\$ 113,680
Total Expected Project Expenditure (excl. GST)		\$ 872,743

The shortfall in funding of \$205,743 is proposed to be reforecast from Capital Works Account W103 – Local Roads Rehab / Resurface.

Contingencies are set aside for any unforeseen items that may impact on construction such as rock, contaminated material or additional works that are identified requiring attention during construction. These funds may or not be used during the construction of the project.

Provisional items allow for works such as replacement of any damaged footpath bays that may be found within the limit of works, rectification of any failed sections of pavement identified during the works, sealing of the drainage trench(s) (if required or determined during the construction of the works) and provision of an asphalt surface treatment. These items will only be used during the works if found to be deemed necessary and enacted in writing by Council to the Contractor.

9.1.8 Kerbside Waste Service Contracts and Food Organics and Garden Organics (FOGO) service

FILE NUMBER: 20/18960

SUMMARY

Council's current suite of kerbside waste and recycling collection contracts are due to expire on 30 June 2021, requiring a new tender process in 2020 to ensure continuity of service. Council's Waste Management Strategy 2018-2028 included an action to publically tender for a new suite of kerbside collection contracts in 2020 and outlined a potential change to Council's waste and recycling collection services from 1 July 2021, including the introduction of a combined Food and Garden Organics (FOGO) service.

This report summarises the consideration given to developing an updated and best practice set of contract specifications to enable a public tender process to commence in late March 2020 for the new kerbside waste and recycling collection services. The tender specifications will seek a response to several options for introducing a FOGO service as well as a separate glass collection in response to the Victorian Government announcement on a four bin collection on 24 February 2020. A report for subsequent consideration by Council ahead of awarding kerbside waste and recycling collection contracts will be provided by 30 September 2020.

MOTION

Moved by Cr Bennett, Seconded by Cr Massoud

That Council:

- 1. Endorses the public tender and evaluation process for a new suite of kerbside waste and recycling collection contracts as outlined in this report.***
- 2. Approves a phased introduction to a food organics and garden organics collection (FOGO) starting with an optional fortnightly service from 1 July 2021, in order to divert food waste away from landfill.***
- 3. Conducts a trial of FOGO in areas with multi occupancy dwellings and cultural and linguistically diverse community members ahead of introducing a universal FOGO service to all households tentatively in 2024.***
- 4. Conducts compositional bin audits prior to and after FOGO implementation phases in order to track and measure progress towards waste reduction targets.***
- 5. Receives a further report on the progress of FOGO and trials ahead of introducing a universal FOGO service.***
- 6. Receives a further report on the outcomes of the kerbside waste and recycling collection contracts tender evaluation, for consideration to award new kerbside collection contracts to guarantee service continuity.***

AMENDMENT

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. Endorses the public tender and evaluation process for a new suite of kerbside waste and recycling collection contracts as outlined in this report.***
- 2. Includes consideration of waste and recycling collection vehicles with best practice noise reduction measures in the kerbside waste and recycling tender specifications.***

9.1.8

(cont)

3. ***Approves a phased introduction to a food organics and garden organics collection (FOGO) starting with an optional fortnightly service from 1 July 2021, in order to divert food waste away from landfill.***
4. ***Conducts a trial of FOGO in areas with multi occupancy dwellings and cultural and linguistically diverse community members ahead of introducing a universal FOGO service to all households tentatively in 2024.***
5. ***Conducts compositional bin audits prior to and after FOGO implementation phases in order to track and measure progress towards waste reduction targets.***
6. ***Receives a further report on the progress of FOGO and trials ahead of introducing a universal FOGO service.***
7. ***Receives a further report on the outcomes of the kerbside waste and recycling collection contracts tender evaluation, for consideration to award new kerbside collection contracts to guarantee service continuity.***

**The Amendment moved by Cr Barker, seconded by Cr Davenport was then put and
CARRIED UNANIMOUSLY**

**The Motion moved by Cr Bennett, Seconded by Cr Massoud, as amended, was then
put and CARRIED UNANIMOUSLY**

BACKGROUND

Council currently provides three kerbside waste and recycling bin collection services: General Garbage, Recycling, and Garden Organics, along with a bookable hard waste collection. The three bin services are undertaken by two different contractors, JJ Richards & Sons for the collection of General Garbage and Garden Organics bins, and Visy Recycling for the collection of Recycling bins. Hard waste is collected by WM Waste Management.

- Currently, the following kerbside collection services are provided:
- Garbage – 80 litre garbage bin collected weekly funded within Council rates, with the option of a larger 120 litre or 240 litre bin at a user-pays fee.
- Recyclables – 240 litre recycle bin or 360 litre bin for those needing extra bin space collected fortnightly, funded within Council rates.
- Garden Organics – optional 240 litre green waste bin collected fortnightly at a user-pays fee
- Two Bookable hard waste collections per financial year within Council rates, with the option for residents to book further collections at a fee

All of the services above are provided under contract by specialist waste and recycling contractors. In recent years the waste and recycling contracts have been aligned so that they all end at the same time, allowing Council to go out to tender for all three kerbside bin collections under the one tender. Combined tenders provide value for money for Council through:

- Discounts provided by the contractor for multiple services
- Efficiency of management of one contractor for a number or all services
- Efficiencies in tendering processes

Council's current kerbside waste and recycling collection contracts are due to expire on 30 June 2021 and it is expected that a food organics and garden organics (FOGO) collection would commence along with the new kerbside contracts starting 1 July 2021. In order to ensure kerbside services can be delivered as needed and with enough time for purchase of plant, equipment and delivery of required infrastructure and education for a FOGO service, the waste and recycling collection contracts must be tendered and awarded in 2020.

9.1.8

(cont)

Council's waste and recycling collection contract specifications have been completely reviewed and updated to reflect contemporary service needs, community expectations for a reliable and high quality service, and industry best practice.

In Whitehorse, around 44% of the contents of the garbage bin is food waste. Food diverted away from landfill can be processed at an Organics Processing Facility into high quality compost. Council has an existing organics processing contract that has the flexibility to support the introduction of a food waste into the current Garden Organics service.

Many Councils have commenced or are about to embark on the FOGO journey. In Victoria this includes 8 metropolitan councils and 16 regional councils who have implemented full FOGO services or trials, and 15 metropolitan and 11 regional councils that are currently preparing for implementation. Our neighbouring Booroondara Council is due to start a FOGO service from 4 May 2020, which will likely receive interest from our community.

Waste management consultants MRA Consulting have been engaged to independently assess Council's FOGO options moving forward. MRA analysed the cost implications of existing, alternative and future waste service and FOGO options, FOGO learnings from other councils, identified possible risks, and suggested an implementation plan that phases in a FOGO service in a staged manner. A summary of the MRA analysis and recommendations are included in this report.

DISCUSSION

Kerbside Waste and Recycling Collection Contract considerations

The new kerbside waste and recycling contracts will specify higher performance standards and include more requirements for innovation and the use of technology to improve customer service and outcomes for the community. The tender specifications also invite the tenderers to offer further value-added measures that might improve Council's environmental performance.

The contract parts to be tendered will include:

- Part 1: Kerbside Garbage Bin Collection Service
- Part 2: Kerbside Food Organics and Garden Organics Bin Collection Service (FOGO)
- Part 3: Kerbside Recycling Collection Service
- Part 4: Hard and Bundled Garden Waste Collection Service
- Part 5: Kerbside Glass Recycling Collection Service

The contracts will be up to a 10-year schedule of rates service contracts. This includes rates for and changes to the frequency of collection anticipated for a FOGO service during the contract period. The core contract period will be 7 years with options to extend the contract (subject to satisfactory performance) for a further 2 years + 1 year.

A Procurement Plan has been developed based on Council's Procurement Policy requirements for large and complex tenders. The tender schedule and evaluation approach reflects the scale of the services, long-term nature of the contracts, and the need for specialist technical and waste industry knowledge. Evaluation criteria have been set to ensure the successful tenderers meet the ongoing essential service needs and community focus.

The evaluation criteria are:

Price	35%
Capability	35%
Credibility	20%
Value-added options	5%
Sustainability	5%
Total	100%

It is anticipated that the tender outcomes will be presented to Council in either August or September 2020 depending on how the tender evaluation progresses.

9.1.8

(cont)

Hard Waste and Bundled Prunings Service

Contract specifications will seek the cost of the current booked hard waste service with an option to collect from just inside the resident's property, rather than on the nature strip. Such an option will likely be more expensive as it takes extra time to collect hard waste items and may pose additional risks for the contractor in entering private property. Such a service however, would minimise scavenging, dumping and would improve the street appearance.

Improving the online service booking arrangements, tracking booked collections and maximising resource recovery and recycling will all be factors to be considered as part of the new hard waste tenders.

The tender evaluation report to be considered by Council in August/September 2020 will contain more detailed discussion on the different service options, standards and prices.

Glass Recycling Service

At the time of writing this report (24 February 2020), the Victorian Government announced a plan to require councils to implement a separate glass recycling collection service. As part of a package of measures, Councils would be expected to implement from 2023 - 2027. Other measures include the introduction of a Container Deposit Scheme that provides financial rebates/refunds on recyclable beverage containers when returned to approved deposit points.

While details of the State Government plan are yet to be announced or developed, it is clear that there is a strong expectation on local government to play a key role in capturing glass separately for recycling. Initial State Government funding of \$129M has been announced to support the changes, including funding for the glass recycling bin roll-out, education campaigns, and a new dedicated recycling authority to oversee the changes. The level of support to encourage a viable market for the collected glass is yet to be made clear.

It is recommended that Council's new kerbside waste and recycling tender specifications include a separate glass recycling collection, indicatively on a fortnightly basis in order to understand possible costs of a future glass collection service. Two Melbourne councils have recently introduced a separate glass recycling collection service – Yarra and Hobsons Bay, so their experience will be helpful in defining a suitable level of service.

The timing of when a separate glass recycling collection might be introduced is yet to be determined. Council will need to review its recycling processing contract arrangements prior to its expiration on 30 June 2023. It is anticipated that there will be a continuation with the current commingled recycling bin service until that date, which will also allow time for the market to evolve to process separately collected glass. A viable end-market for recycled glass must be in place to make the separate collection of glass worthwhile.

Including the glass collection as a separable component in the next suite of kerbside waste and recycling collection contracts enables Council to consider this service separately if needed, and does not lock Council into awarding a contract if there are no suitable tenders at this early stage.

An update will be provided once more of the details of the Victorian Government Recycling Plan are clarified. The announcement refers to the State Government working with the recycling industry and councils to develop the details of the Plan over the coming months.

The glass collection component is only part of what is needed to set up and deliver a suitable glass recycling service. Council will need to roll out a 4th glass recycling bin to all households, provide each household with information on how to use the service correctly, and manage the ongoing delivery and quality aspects of the service to minimise contamination etc. There is also likely to be a gate fee required to pay for processing the glass into a new product, as the end-market for recycled glass products may not yet be sufficiently viable to cover the costs of processing the glass.

9.1.8

(cont)

FOGO Service options

The tender specifications will include a FOGO service with clear direction to the tenderers on how and when the FOGO service will progress here at Whitehorse. MRA Consulting conducted a Multi Criteria Analysis to rank a number of possible service options against economic, social, environmental and policy considerations. Six options for the kerbside waste FOGO collections were modelled, including an assessment of how the FOGO service will interact with the garbage collection service. The main aim of a FOGO service is to extract as much food waste as possible from the garbage bin and therefore divert waste from landfill into a recycled compost product.

The modelling assumes that garbage will continue to be landfilled for the first 4 years of the new contract until 2024 before garbage is potentially processed by advance waste processing technology facility that is expected to commence indicatively from 2025 onwards. Garbage disposal costs are likely to increase significantly when advanced waste processing of garbage becomes necessary. As stated below in this report the Victorian Government announced increases in the landfill levy which further increases the cost of garbage disposal significantly.

The FOGO options modelled were:

1. Business As Usual (BAU) – the current Garden Organics service and weekly garbage collection.
2. Opt-in fortnightly FOGO – include food waste into current optional kerbside garden organics bin, collected fortnightly. Garbage collected weekly.
3. Fortnightly FOGO service – universal (compulsory) food waste and garden organics bin service to all residents, collected fortnightly. Garbage collected weekly.
4. Weekly FOGO service - universal (compulsory) food waste and garden organic bin service to all residents, collected weekly. Garbage collected fortnightly.
5. Fortnightly FOGO with weekly Garbage collection, and garbage disposed via Transfer Station after Suez landfill closes - universal (compulsory) food waste and garden organic bin fortnightly service to all residents, garbage still collected weekly
6. Weekly FOGO with fortnightly Garbage collection, and garbage disposed via Transfer Station after Suez landfill closes - universal (compulsory) food waste and garden organic bin service to all residents with garbage collected fortnightly.

A Net Present Value (NPV) was calculated over the core waste contract period of 7 years, divided by the total number of households serviced to give a per-household cost. The costing also includes any revenue that Council generates through the rates and/or waste service charges, waste collection costs, transfer station costs, the gate fees of facilities, costs of education and roll out of any kitchen caddies and compostable liners.

An initial analysis ranked a further option 7 which was a weekly FOGO with fortnightly collection of 80 litre garbage bins only, instead of the mix of 120 litre and 80 litre garbage bins currently out in the community. This was ranked initially as the best option. However, the 80 litre fortnightly garbage option carries considerable bin capacity risk. On average a full 80 litre garbage bin holds approximately 12 kg of waste. Based on waste bin audits in 2015, there would likely be around 16kg of waste not able to be put into either the recycling or FOGO bin each fortnight.

With the 80 litre bin-only option, a large number of households would likely not have enough waste disposal capacity, requiring them to exchange to larger garbage bins. Currently around 12,700 households have a 120 litre garbage bin to meet their capacity needs, therefore the option to make the 80 litre garbage bin the only size garbage bin is not considered to be practical.

9.1.8

(cont)

There are further risks to consider with the 80 litre bin-only option including;

- High contamination in both the recycling and FOGO bins due to insufficient garbage bin capacity
- High community dissatisfaction with bin capacity and collection frequency
- A subsequent bin replacement would be necessary causing inconvenience to affected residents and incurring associated costs

Two alternate scenarios have been presented to address this garbage capacity issue, including prioritising community accessibility with the current mix of 120 litre and 80 litre bins. The model also looks at including the cost of a bin roll-out to those in need of larger garbage bins, which is an estimated cost at around \$3.72million. These were then ranked accordingly. (Table 1).

Table 1. Rankings and Net Present Value of different FOGO and garbage service options

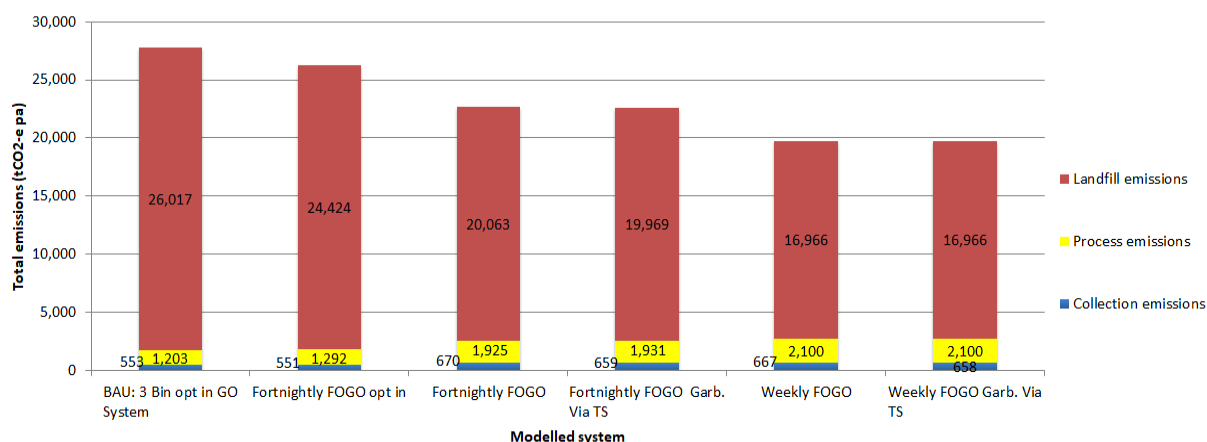
Option	System Options	NPV (\$/h'hold)	Recovery Rate	Ranking with larger bin roll out	Ranking considering community accessibility
1	BAU: 3 Bin opt in Garden Organics System	\$87.08	45%	6	4
2	Fortnightly FOGO opt in	\$90.91	48%	4	1
3	Fortnightly FOGO	\$101.89	61%	3	2
4	Fortnightly FOGO Garb. Via TS	\$106.40	62%	5	3
5	Weekly FOGO	\$95.50	67%	1	4
6	Weekly FOGO Garb. Via TS	\$99.37	68%	2	6
Key					
	Lowest ranked option				
	Highest ranked option				

FOGO Greenhouse gas emissions

The majority of emissions associated with kerbside waste collections are from landfill disposal, as this generates methane which is a 20 times more potent greenhouse gas than carbon dioxide (CO₂). Figure 1 shows emissions calculated for each FOGO service option which includes emissions from waste collection, transfer, processing and landfill.

9.1.8 (cont)

Figure 1. Annual greenhouse gas emissions for the various FOGO service options



Kitchen Caddies and Compostable liners

Results of food waste diversion from landfill by other FOGO councils and social research conducted within metropolitan Melbourne shows the easiest use and best results are achieved when households are provided with a kitchen benchtop caddy and compostable liners. Food waste can be placed directly into the caddy, separating it from other waste placed in the garbage bin. This also removes some of the 'yuck' factor when dealing with food waste, which is often a barrier to households utilising the service. Some processing technologies and facilities are unable to break down compostable bags or liners which has resulted in some councils not having this option. Council's processing contractor has confirmed they will be able to accept an approved compostable liner.

Diversion from landfill further increases when garbage bins are collected fortnightly and FOGO collected weekly. The best FOGO service to date from a Victorian council are those with both a kitchen caddy and liners provided, along with a weekly FOGO service and fortnightly Garbage service.

Table 2. Waste to landfill diversion achieved in Victoria with caddies and liners

Council	System	Diversion from landfill
Bass Coast Shire Council	Weekly FOGO (caddies & liners) Fortnightly Garbage Fortnightly Recycling	77.2%
Wodonga City Council	Weekly FOGO (caddies & liners) Fortnightly Garbage Fortnightly Recycling	71.43%

9.1.8 (cont)

Table 3. Waste to landfill diversion achieved in Victoria with no caddies and liners

Council	System	Diversion from landfill
Wyndham City Council	Fortnightly FOGO Weekly Garbage Fortnightly Recycling	35.78%
Moonee Valley City Council	Fortnightly FOGO (caddies only) Weekly Garbage Fortnightly Recycling	41.67%
Colac Otway Shire Council	Fortnightly FOGO (caddies only) Weekly Garbage Fortnightly Recycling	47.79%

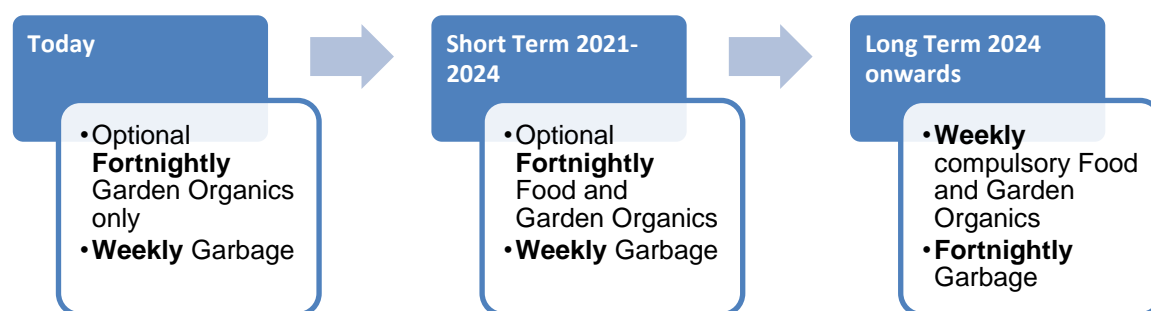
Diversion rates further increase when caddies and liners are used in combination with weekly FOGO services:

- Weekly FOGO service (with caddies and liners) and fortnightly garbage service – average landfill diversion rate 62.81%.
- Fortnightly FOGO service (with caddies and liners) and weekly garbage service – average landfill diversion rate 55.28%.

FOGO implementation

In order to divert the most waste from landfill, reduce emissions and have a FOGO collection widely accepted and used by the community, a phased approach to delivering a FOGO service is recommended. This includes the first step of including food waste in the current garden organics service in years 1-3 of the new waste contract and then transitioning to a universal or compulsory food waste service weekly, with the garbage collected fortnightly in year 4 of the contract. This will allow those in the community already keen for a food waste collection to start participating, while allowing Council to trial and refine the service further before making it universal/compulsory. This is especially important in areas with lots of apartments and unit dwellings where space for bins may be an issue, to properties that currently don't have a garden bin, and to households where it may be more difficult to communicate with, including where English is not a first language.

Figure 2. Progression of FOGO service implementation



A compulsory (universal) weekly FOGO service from commencement of the new kerbside contracts is not recommended for the following reasons:

- Increased contamination, as it is a big adjustment for residents to adapt to
- Difficulties for larger families ie. nappies, larger household waste volumes.

9.1.8

(cont)

A trial run before a full roll-out will allow us to understand the FOGO implementation challenges specific to Whitehorse, identify any gaps or issues raised by the community who are not used to using an organics bin, and prepare Council staff and resources for the full roll-out. This will also allow time for Council to address charging of waste and any larger bin roll-outs that may be required. Residents will gain prior notice of Council's intent to introduce the service and provide a focus point for community discussion and feedback. The new waste contract specifications will request rates for both fortnightly and weekly garbage and FOGO collections to accommodate possible future changes.

Table 4. Waste contract procurement and FOGO timeline

February 2020	<ul style="list-style-type: none"> Waste contract procurement plan Waste contracts probity plan FOGO implementation plan Finalisation of tender specifications
End of March 2020	<ul style="list-style-type: none"> Waste and recycling contracts tender advertised
April 2020	<ul style="list-style-type: none"> Waste and recycling contracts tender open FOGO communication plan
May 2020	<ul style="list-style-type: none"> Waste and recycling contracts tender close Contract tender evaluation commences
June- July 2020	<ul style="list-style-type: none"> Waste and recycling contracts tender evaluated
August/ September 2020	<ul style="list-style-type: none"> Council consideration of tender outcome and FOGO provisions, and contract award
November 2020 – June 2021	<ul style="list-style-type: none"> Preparation for new contracts Ordering trucks, FOGO caddies, Liners Roll out FOGO community education FOGO 'before' Spring compositional bin audits FOGO 'before' Autumn compositional bin audits
May 2021	<ul style="list-style-type: none"> Start of new waste contracts including optional FOGO
1 July 2021	<ul style="list-style-type: none"> FOGO 'after' Spring compositional bin audits
August/September & November 2021	<ul style="list-style-type: none"> FOGO 'after' Autumn compositional bin audits
May 2022	<ul style="list-style-type: none"> FOGO trials in multi-unit and Culturally and Linguistically Diverse areas
July 2022 – July 2024	<ul style="list-style-type: none"> Possible introduction of compulsory/universal fortnightly FOGO services
1 July 2024	

Bin audits and data collection

Council's last compositional bin audits which scientifically calculate the waste contents of the three different types of kerbside bins was in 2015. In order to track the success of the service changes in 2021, a series of 'before' and 'after' compositional bin audits are required. Detailed analysis of a sample of the actual bin contents will help to identify where there is a need for improvement, how the community is responding, and help to prepare community education and possible further service tweaks.

9.1.8

(cont)

Waste generation by households changes over time, as do the types and proportion of waste. This includes seasonal changes from summer to winter periods, especially with organic material. It is proposed that 'before' audits be conducted in November 2020 (spring), then again in May 2021 (autumn) to account for the seasonal changes ahead of the FOGO implementation, then in August or September 2021 to track progress in the first couple of months after the change to opt in FOGO, then again in November 2021 and May 2022 to allow for comparison with the previous year data. Further audits would be needed ahead of any further changes to a compulsory FOGO service expansion and in areas participating in any trials.

CONSULTATION

Extensive community consultation was undertaken in developing Council's Waste Management Strategy 2018-2028. There was strong community endorsement for introducing a food organics and garden organics service, as well as continuing to support recycling.

When the new waste and recycling collection contracts commence on 1 July 2021, residents should experience a seamless change to the new kerbside waste and recycling collection services and have an option for a new food into the garden organics bin if they opted into this service. This aligns with the expectations raised during the community consultation process.

A comprehensive implementation plan, incorporating a communications plan, will be established to support residents to use the new food in the green organics bin service. The plan will provide guidance from 12 months before the program begins through to post-implementation. It draws upon findings from MWRRG, Victorian and New South Wales councils and Community-Based Social Marketing behaviour change theory.

A communications plan will be developed along with the Communications team and Knox City Council who are planning a similar FOGO service at the same time as Whitehorse, to support the various stages of the plan. This will ensure a regional consistent approach and cost savings on producing materials. The implementation plan will be implemented with support from the MWRRG, Sustainability Victoria and other Council teams.

The procurement plan for the waste and recycling collection contracts has been developed in conjunction with Council's Finance team. The Procurement and Finance teams will be an integral component providing procurement support and advice during the tender process.

FINANCIAL IMPLICATIONS

The kerbside waste and recycling collection contracts are amongst the largest service contracts awarded by Council, due to their scope and up to 10-year duration. The contracts require the contractor to supply new trucks from the commencement of the contract, which is a substantial up-front capital investment by the contractor. These costs are typically amortised over the duration of the contract, making it more affordable by Council to set a minimum 7-year core contract period.

The waste and recycling industry is facing significant issues that are likely to drive the cost of providing waste and recycling collections up by much more than CPI for the next suite of kerbside collection contracts. The extent of the increase is not able to be estimated at this time.

The annual value of the current waste and recycling collection contracts is as follows:

Garbage collections	\$3.43M p.a
Recycling collections	\$1.93M p.a
Garden organics collections (*FOGO costs will likely be higher)	\$1.31M p.a
Hard waste collections	<u>\$1.88M p.a</u>
Total	\$8.55M p.a

The overall projected expenditure for the next suite of kerbside waste and recycling contracts over the core term plus possible extensions (ie. 10 years) is anticipated to be at least \$94M. (Excludes glass recycling costs)

9.1.8

(cont)

These services are envisaged to be part of a possible separate waste services charge in the future, with participating households paying a separate waste charge that covers the cost of these services. The service packages will vary depending on which services are used by the community.

The additional cost to provide a FOGO service will have some offsetting savings as the amount of garbage going to landfill that contains food waste reduces. The overall service cost is expected to increase when the FOGO service is extended to become universal or compulsory on a weekly basis, however the modelling shows that the cost per household remains affordable. The FOGO service will not capture all of the food waste, but it is expected to capture a significant proportion of food waste that currently goes to landfill.

The cost of processing combined food and garden organics is currently less than the cost of sending food waste to landfill. The savings compared with landfill will increase over time because the cost of landfill will rise substantially in coming years, while the organics processing cost is fixed under contract until 2030.

On Wednesday 26 February 2020, The Honourable Lily D'Ambrosio MP, Minister for Energy, Environment and Climate Change, released the Victorian Government's 10-year policy and action plan (Plan) for waste and recycling known as Recycling Victoria. The Plan provides a platform to reform the recycling system by transforming how household recyclable material is recycled for reuse and outlines the landfill levy increases over the next 3 years.

The Plan provides four ambitious new targets as follows:

1. Divert 80 per cent of waste from landfill by 2030, and an interim target of 72 per cent by 2025.
2. Cut total waste generation by 15 per cent per capita by 2030.
3. Halve the volume of organic material going to landfill between 2020 and 2030, with an interim target of 20 per cent reduction by 2025.
4. Ensure every Victorian household has access to food and garden organic waste recycling services or local composting by 2030.

The Victorian landfill levy is currently one of the lowest across Australia. Through its Plan, the Victorian Government has increased the landfill levy over the next 3 years to align it with other states thereby preventing Victoria from becoming the dumping ground for waste. Currently Victoria's landfill levy is \$65.90 per tonne compared with landfill levy in NSW and South Australia at around \$140 per tonne. The metropolitan landfill levy will increase \$20/tonne per year over the next 3 years, commencing in FY 2020/21 through to 2022/23. The Victorian landfill levy increase recognises the social, economic and environmental value of recycling and supports a shift to a circular economy. Every \$10 per tonne increase in the landfill levy will add approximately \$280k per annum to Council's kerbside garbage disposal costs, unless a significant garbage tonnage reduction can be achieved with FOGO.

Upfront costs of FOGO

Introducing a FOGO service requires an upfront cost to supply kitchen caddies and liners and additional education material and activities to all participating households. A further capital cost is incurred when the optional FOGO service is extended to become universal or compulsory to all households, because of the need to supply the additional organics kerbside bins to those not already using the garden organics service. Currently, about 43,800 households use the garden organics service, so an estimated 20,000 to 25,000 additional FOGO bins would be needed for a universal service.

9.1.8

(cont)

A common practice is to require service providers to amortise bin roll-out costs over the entire contract period for newly introduced services. Conversations with Knox Council indicate a willingness to share education resources and possibly combine roll-out of any caddies and liners through a shared supply contract. Providers of both the caddies and liners have advised a collaborative tender between both Knox and Whitehorse would bring significant savings from initial indicative costs provided. This would not be possible with a contract amortised arrangement, however amortisation spreads the upfront cost over time.

An estimate of the annual repayments using the amortised approach is approximately \$195,000 per year for 7 years from 1 July 2021. This is compared with an estimated one-off upfront payment of \$1.03M for a separate roll-out project in early 2021 prior to FOGO service commencement.

The FOGO tender documents will seek tender costings for each of these funding options.

Total Kerbside Waste and Recycling Service costs

A detailed evaluation of the various service options and costs, including FOGO will be reported to Council in August/September 2020, based on the waste contract tender outcomes. This will include a comparison with Council's existing kerbside collection service costs and an indication of the service costs over the 10-year contract period.

POLICY IMPLICATIONS

Council adopted the ten year *Rubbish to Resource!* Waste Management Strategy 2018-2028 in December 2018. The strategy identifies further Council actions for minimising waste to landfill and maximising resource recovery, and the need for continual improvements to Council's Kerbside waste and recycling services. This includes the implementation of a kerbside Food Organics and Garden Organics (FOGO) service from 2021. The new FOGO service, in addition to the existing kerbside services could potentially help to boost diversion from landfill considerably, meeting Council's target of 60% diversion by 2023.

A FOGO service also aligns with Council's Sustainability Strategy 2016-2022 and emissions reduction efforts to be carbon neutral by 2022.

Business and Economic Development

9.1.9 Investment and Economic Development Strategy Extension 2020-2022

ATTACHMENT

SUMMARY

Building on the success of the Whitehorse Economic Development Strategy 2014-2019, the Whitehorse Investment and Economic Development Strategy Extension 2020-2022 has been prepared to continue Council's role in guiding continued business and employment activity to support a strong economic future for the City of Whitehorse.

The Economic Development Strategy Extension 2020-2022 seeks to affiliate with the timing of the next Whitehorse Council vision and plan. The purpose of the report is to seek Council's support to release the Economic Development Strategy Extension 2020-2022 for public consultation.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Davenport

That Council approve the release of the Investment and Economic Development Strategy 2020-2022 extension for public consultation in April 2020.

CARRIED

A Division was called.

Division

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

On the results of the Division the motion was declared CARRIED

BACKGROUND

Legislative Framework

The Investment and Economic Development Strategy Extension (I&EDSE) 2020-2022 considers the primary economic objectives under the *Local Government Act 1989 Part 1A, Section 3C, items 2 (a), (c) and (d)*. In seeking to achieve the primary objective of a council and in accordance with the *Local Government Act 1989* (the Act), a council must have regard to the following objectives:

- To promote the social, economic and environmental viability and sustainability of the municipal district;
- To promote appropriate business and employment opportunities;
- To improve the overall quality of life of people in the local community.

In seeking to achieve these objectives, the role of council is further specified within the Act as providing leadership by establishing strategic objectives and monitoring their achievement.

9.1.9

(cont)

DISCUSSION

The Economic Development Strategy 2014-2019 has delivered a number of successful programs and projects and recent highlights include: Whitehorse Business Week, Mitcham Mall activation, Box Hill Logo competition, Industrial Precinct Economic Review and hosting the Mainstreet Australia Conference.

The I&EDSE 2020-2022 aims to expand on the Economic Development Strategy 2014-2019 and seeks to update, simplify and better align with current and future trends. Importantly, the I&EDSE 2020-2022 seeks to affiliate with the timing of the next Whitehorse Council vision and plan.

The I&EDSE 2020-2022 will come under the Whitehorse Council Plan 2017-2021 Strategic Direction 5: Support a healthy local economy.

CONSULTATION

SGS Economics and Planning were engaged to perform an economic analysis of the Whitehorse economy to form part of the I&EDSE 2020-2022.

The draft Strategy has been informed by preliminary consultation with selected internal stakeholders from the following areas:

- Investment & Economic Development
- Sustainability
- Community Development
- Strategic Planning
- Urban Design
- Arts and Culture
- Engineering & Environmental Services
- Strategic Marketing and Communications
- Leisure and Recreation
- Finance and Corporate Performance

The following external benchmarking was conducted as part of the preliminary consultation process:

- Biennial Business Performance Survey (2019) and Whitehorse Industrial Precinct Survey (2019)
- Maroondah Council: BizHub
- Desktop research of economic development strategies from various local government authorities and education institutions
- Melbourne East Regional Economic Development Group and Eastern Region Executive Group values and directions were considered.

The proposed external consultation will include but not be limited to a Leader advertisement, social media posts, Down to Business newsletter advertisement and notifications to Boost program participants, Whitehorse Business Group members, precinct trader associations and key business stakeholders.

FINANCIAL IMPLICATIONS

The development of the I&EDSE 2020-2022 has been funded through the Investment & Economic Development Unit's 2019/2020 operational budget.

All actions detailed in the I&EDSE 2020-2022 will be funded through the recurrent budget over the next two years. Any actions/projects that require funding beyond the budget will be obtained through partnerships and private/public sector stakeholders through grant programs and sponsorship.

9.1.9

(cont)

	Budget	Expenditure
Advertisement in the Leader	1000	
Down to Business	0	
Social Media Posts	0	
Direct notification to identified stakeholders	0	
Total Budget	1000	

POLICY IMPLICATIONS

The I&EDSE2020-2022 is prepared to outline the role Council provides in business and employment activity to continue to support a strong economic future for the City of Whitehorse.

ATTACHMENT

- 1 Draft Extension Strategy 2020 - 2022 

9.2 HUMAN SERVICES

9.2.1 Nunawading Hub Fees and Charges

SUMMARY

The purpose of this report is to advise of the new fees and charges for the tenant and general user groups for use of the new Nunawading Community Hub.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Munroe

That Council:

- 1. Having considered the proposed schedule of fees and charges for the Nunawading Hub, include the list of fees and charges in Council's Draft Budget 2020/21.**
- 2. Note Licence Agreements will be developed for Nunawading U3A and Whitehorse Arts Association.**

CARRIED UNANIMOUSLY

BACKGROUND

Nunawading Community Hub (NCH) is currently under construction at the site of the old Nunawading Primary School and is due to be completed mid-2020. NCH will accommodate a variety of community and sporting groups currently operating out of the Nunawading Community Centre and the Silver Grove precinct, including Nunawading U3A (U3A), Whitehorse Arts Association (WAA), Nunawading Lapidary Club (NLC), Eastern Access Community Health (EACH) and the Blackburn Vikings Basketball Association (BV).

NCH will consist of a single court multipurpose indoor stadium, multi-functional classrooms and meeting rooms, specially fitted out spaces for dance, art counselling and lapidary activities and a communal kitchen with teaching area. Council's Meals on Wheels service will also be accommodated within the new facility. NCH will also provide users with a carpark for 200+ vehicles.

The Nunawading Community Hub will accommodate existing Nunawading Community Centre and Silver Grove precinct user groups and will have scope to provide spaces for hire to other Community and Sporting user groups.

DISCUSSION

Council officers undertook an investigation as to a fee model and occupancy arrangements that is fair, accessible and sustainable for the existing and future users of the Hub. In recommending a schedule of fees and charges, consideration was given to the following parameters:

Benchmarking – across Whitehorse departments and like Councils.

9.2.1

(cont)

Existing financial arrangements – the NCH will accommodate existing community user groups that have current and historical fees and leases in place.

- The higher profile of the NCH – the current Silver Grove user groups are accommodated in outdated separate spaces and buildings. The NCH will be a large, state of the art new building on Springvale Road. It is expected to attract considerable attention from the local and broader community due to its location and size.
- Community relationships and history.
- Financial means (capacity to pay) for community groups.

The proposed categories of hire are as follows:

1. Standard Rate – any organisation or individual who are not registered as a not for profit group. This includes user groups not based within Whitehorse.
2. Whitehorse Community Rate – Whitehorse based groups that are classified as not for profit

NB: Eligible not for profit groups are required to be legally registered as a Charity or an Incorporated Association and can include Non-Government Organisations.

3. Seniors Rate – seniors groups whose membership is open to people 60 years and over and/or have the words elderly in their name. This must be specified in the organisation's rules or constitution and/or their advertising.

Room Hire Rates

A schedule of rates for the various rooms within the NCH has been devised applying a base rate of 50c per square metre as the standard rate. The Whitehorse Community Rate is calculated at a 50% discount on the Standard rate. No distinction will be made between regular or casual hirers.

Most current user groups are expecting to pay a higher room hire rate in the new facility.

The table below compares the difference between the current and proposed rates for existing user groups.

Community Group	Current Fee at Existing Venues	Anticipated hours per week (p/w) Nunawading Hub	NCH Room Rate/ Hr	No of Weeks	NCH Total	Difference b/n current & anticipated cost
*JCH Round Dancing	\$20/hour	Dance Space 4.5 hrs p/w	\$41	40	\$7,380	\$3,780
*JCH Cultural Dancing	\$20/hour	Dance Space 2 hrs p/w	\$41	40	\$3,280	\$1,680
*Rock City Church	\$20/hour	Dance Space 5 hrs p/w	\$41	52	\$10,660	\$5,460
*Whitehorse Square Dancing	\$20/hour	Dance Space 3 hrs p/w	\$41	40	\$4,920	\$2,520
*Qing Yin Dance Club	\$20/hour	Dance Space 1.5 hrs p/w	\$41	40	\$2,460	\$1,260
Arts Nunawading	\$14 p/h	Meeting Rm 2 1 hr p/w	\$15			+ \$1

9.2.1

(cont)

Community Group	Current Fee at Existing Venues	Anticipated hours per week (p/w) Nunawading Hub	NCH Room Rate/ Hr	No of Weeks	NCH Total	Difference b/n current & anticipated cost
Victory Life Ministry	\$28 p/h	Meeting Rm 2 1hr p/w	\$15ph			-\$13

*Currently use Jaycees Hall in Silver Grove

The following groups are currently paying the seniors rate, therefore there will be no change at the new Hub as they will remain on the seniors rate – Whitehorse Activities Club, Chinese Women’s Association and Liangmeng Aushina Seniors Choir.

It is proposed that there is a three-year transition to pay the full new room rates so that by year 3 all groups are paying the proposed Whitehorse community rate.

Groups Requiring Special Consideration

U3A Nunawading will be one of the primary tenants of Nunawading Community Hub. Special consideration is required in relation to the occupancy arrangements for U3A Nunawading given the significant number of hours used by the group. The group have approximately 2,000 members and offer approximately 220 hours of activity from Silver Grove venues each week excluding stadium use.

U3A Nunawading currently uses the following venues in addition to Nunawading Community Centre. These include the Seniors Hall, Seniors Meeting Room, Jaycees Hall, Anglers Club and Building 14 in Silver Grove. The group also use a range of facilities outside the Silver Grove precinct including a Computer Centre in Mahoneys Road, Forest Hill, AdventCare Activity Centre, Eley Park Community Centre (for Tai Chi), table tennis at Kilsyth Sports Stadium, Bowls at Blackburn Bowls Club, Golf at Morack Public Golf Course and Regis Aged Care for exercise classes. U3A spent \$42,290 on room hire in 2018/19.

It is proposed that Council enter into a Licence Agreement with U3A as an ‘anchor’ tenant with the fee set at \$50,000 in Year 1. Whilst this fee is slightly more than what the group are currently paying for use of Nunawading Community Centre and Silver Grove precinct facilities, given the surplus generated each year by the group and in light of the higher quality facilities, it is felt this is well within the capacities of the organisation to meet this fee.

WAA currently has exclusive use of some rooms for an annual fee at Nunawading Community Centre. Under the proposed fees and charges structure for the NCH, they would not be able to afford to pay by the hour for their usage therefore it is proposed that a Licence Agreement also be entered into with WAA (also an anchor tenant). The fee would be \$4,200 in Year 1. Whilst this fee is slightly more than what the group are currently paying for Silver Grove precinct facilities (\$4,070), it is felt this is reasonable given the group are anticipating fee increases.

9.2.1

(cont)

The above Licence Agreements would include a schedule of prescribed usage and any room hire over and above this schedule would be charged at the Whitehorse Community Rate. Both the U3A and WAA fees would be subject to annual increases in line with CPI. The term of the Licence Agreements will be for a 3 year period with an annual increment of 4% in accordance with Council's Property Lease and Licence Policy.

Legal advice from Maddocks Lawyers confirms that the proposed Licence Agreements require exemption via a Council resolution if a different pricing schedule is to be adopted to that specified within Council's Property Lease and Licence Policy. The fees proposed for U3A and WAA provide flexibility and are commensurate with the fees both groups are paying at present.

Stadium Hire Rates

The stadium hire rates at NCH will be consistent with all stadium hire rates across Whitehorse Council operated facilities. The single court at Nunawading Community Centre is not a full sized compliant court therefore the proposed fee is reflective of a full sized modern compliant court. The percentage fee increase will be between 12%-29% for current groups as outlined in the table below.

Community Group/Individual	Current Fee/ Hr	Hours of Use – Peak/ Off Peak Per Week	Proposed NCH Fee/ Hr
Blackburn Vikings Basketball Association	\$45.00	13 hours - peak	\$58.00
Chevaliers Fencing	\$45.00	4 hours - peak	\$58.00
Social Group A	\$45.00	2 hours - peak	\$58.00
Social Group B	\$45.00	2 hours - peak	\$58.00
Thornburn Ladies' Badminton	\$38.00	5.5 hours - off peak	\$43.00
Social Badminton	\$38.00	7 hours - off peak	\$43.00
JT Ultra Badminton Association	\$45.00	6 hours - peak	\$58.00
Zoroastrian Association of Vic.	\$16.00	2 hours - peak	\$22.00
Social Group C	\$45.00	1 hour - peak	\$58.00
Social Group D	\$45.00	1 hour - peak	\$58.00
Westside Badminton	\$16.00	1 hour - peak	\$22.00
Social Group E	\$38.00	1.5 hours - peak	\$43.00
Social Group F	\$45.00	3 hours - peak	\$58.00
Social Group G	\$45.00	1 hour - peak	\$58.00
Social Group H	\$16.00	2 hours - peak	\$22.00
Social Group I	\$45.00	2 hours - peak	\$58.00

It is proposed that the new stadium fee is implemented over a two year period.

9.2.1

(cont)

Lease Arrangements

There are two external groups that will exclusively occupy space within the NCH. The groups are NLC and U3A.

NLC is a member based not for profit club that is financially self-supporting that caters generally to its own interest group and have been assessed as a Category 2 tenant according to Council's Property Lease and Licence Policy. A lease fee of \$4,808 per annum plus GST would be applicable for their purpose built space within the NCH.

U3A have been assessed as a Category 2 tenant according to Council's Property Lease and Licence Policy. A lease fee of \$1,012 per annum plus GST would be applicable for their 47.4m² office space.

The NLC and U3A leases will be for a term of 9 years with an annual 4% increment in accordance with Council's Property Lease and Licence Policy.

CONSULTATION

Benchmarking with neighbouring Councils was undertaken and the findings were used as the basis for workshops with relevant Council Officers from Community Development and Leisure and Recreation Services.

Legal advice was sought from Maddocks Lawyers in relation to the draft fees and charges and implications in relation to Council's Property Lease and Licence Policy, retail Leases Act 2003 and S190 of the Local Government Act 1989.

FINANCIAL IMPLICATIONS

The 2020/21 NCH fees and charges schedule is based on the following assumptions:

- Existing users from the Nunawading Community Centre and Silver Grove precinct will transfer their activities to NCH.
- The fees for the existing users are scaled up over 3 years for room hire and 2 years for stadium use/hire.
- New users will hire the facilities at the scheduled rates.

POLICY IMPLICATIONS

The proposed Licence arrangements for U3A Nunawading and Whitehorse Arts Association sit outside Council's Property Lease and Licence Policy and require an exemption via a Council resolution.

9.2.2 Intention to Lease East Burwood and Mitcham Tennis Clubs

SUMMARY

Council has two tennis club leases they being East Burwood Tennis Club and Mitcham Tennis Club that have expired and are now on overhold. A new lease has been prepared for the two clubs. The leases have been prepared based on a term of eleven years and four months with no further option periods subject to sections 190 and 223 of the Local Government Act 1989.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Stennett

That Council:

- 1. In accordance with sections 190 and 223 of Local Government Act 1989, give notice of Council's intention to lease the land know as:***
 - East Burwood Tennis Club located at 300 Burwood Highway, Burwood East, and;***
 - Mitcham Tennis Club located at 68 Dunlavin Road, Nunawading******for a total lease term of eleven years and four months with no further option periods, with a proposed commencement date of 1 June 2020.***
- 2. Authorise the Manager of Property & Rates to undertake the administrative procedures necessary to enable Council to carry out its functions under Sections 190 and 223 of the Local Government Act 1989, in relation to these matters.***
- 3. Appoints Council's Special Committee to consider and hear any submissions at the meeting to be held at Whitehorse Civic Centre Council Chamber 379-397 Whitehorse Road, Nunawading on Monday 11 May 2020 at 7:00pm.***

CARRIED UNANIMOUSLY

BACKGROUND

Council has two tennis club leases they being East Burwood Tennis Club and Mitcham Tennis Club that have expired and are now on overhold. A new lease has been prepared for the two clubs. The leases have been prepared based on a term of eleven years and four months with no further option periods subject to sections 190 and 223 of the Local Government Act 1989.

DISCUSSION

There are currently ten active tennis clubs and one combined tennis and bowls club operating on Council land across the municipality. Bluebell Hill Tennis Club's lease expires in March 2025 and the further eight clubs have leases which expire in September 2031. All with no further option periods subject to sections 190 and 223 of the Local Government Act 1989.

This report addresses the final two clubs, East Burwood and Mitcham Tennis Clubs both of which require a new lease. New leases have been prepared with a term of eleven years and four months with no further option period subject to sections 190 and 223 of the Local Government Act 1989. This aligns with the remaining terms of the above mentioned eight clubs to allow a consistent management approach.

Officers have developed the new lease and maintenance schedule based on Council's standard template which are consistent with the other tennis club leases. They are both a category two tenant land and building lease.

The rental schedule, which is discussed below, includes phasing in year 1 and 2 which is in line with Council's *Property Lease and Licence Policy* (The Policy).

9.2.2

(cont)

Governance Requirements

In accordance with sections 190 and 223 of the Local Government Act 1989, if Council desires to enter into a lease for 10 or more years (including option periods) it must give public notice of its intention to lease land.

Pursuant to section 223 (1) of the Local Government Act 1989, Council will consider and, if required, hear any submissions received in regard to the proposal to lease the land.

Key processes that are proposed if endorsed by Council are:

- Saturday 21 March 2020: Public Notice advertisement (In the Age newspaper and on Council's website)
- Monday 20 April 2020: Public submissions close
- Monday 11 May 2020: Special Committee to hear any submission/s (if required)
- Monday 25 May 2020: Report to Council for consideration

CONSULTATION

East Burwood Tennis Club and Mitcham Tennis Club representatives have been consulted as part of the lease preparations. Officers from Council's Leisure and Recreation Services and Property and Rates Department met with East Burwood on Thursday 16 January 2020 and Mitcham on Wednesday 5 February 2020.

Key points from each lease were discussed in the meeting and the clubs were provided with draft leases and maintenance schedules to take and discuss with their committees. Meetings were positive and both clubs have advised they are comfortable to enter into a new lease agreement.

A public notice advertising Council's intention to lease the properties for a period of eleven years and four months with no further options will be placed in the Saturday edition of The Age on Saturday 21 March 2020.

The public notice gives the general public 28 days from the date of the notice to make a written submission. Any person making a submission and requesting to be heard in support of their written submission is entitled to appear in person, or may be represented by a person acting on their behalf.

FINANCIAL IMPLICATIONS

The rental fees over the eleven years and four month term for each respective club is outlined below. The rents have been worked out based on the number of courts occupied and have parity with the eight tennis clubs that have been granted leases.

	East Burwood Tennis Club	Mitcham Tennis Club
Year 1*	\$185	\$110
Year 2*	\$370	\$220
Year 3	\$560	\$330
Year 4	\$580	\$340
Year 5	\$600	\$350
Year 6	\$625	\$370
Year 7	\$650	\$390
Year 8	\$675	\$410
Year 9	\$700	\$430
Year 10	\$725	\$450
Year 11	\$750	\$500

* Year 1 and 2 are phased rates.

9.2.2

(cont)

The estimated cost associated with administering the process outlined in Section 190 of the Local Government Act is \$7,500 + GST. This amount can be found within existing budget.

POLICY IMPLICATIONS

Council Property Lease and Licence Policy (April 2012).

Local Government Act (1989).

9.3 CORPORATE

PROCEDURAL MOTION

Moved by Cr Barker, Seconded by Cr Davenport

That report items 9.3.1, 9.3.2 and 9.3.3 be considered together and the recommendations adopted.

CARRIED UNANIMOUSLY

9.3.1 Intention to Lease Land 96-106 Springvale Road, Nunawading

FILE NUMBER: SF08/271

SUMMARY

This report advises Council of a proposed lease option term being added to an existing substation lease over part of the Council owned land known as the Nunawading Hub located at 96-106 Springvale Road, Nunawading and to authorise the statutory process in accordance with Section 190 of the Local Government Act 1989.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. In accordance with Sections 190 and 223 of the Local Government Act 1989, give notice of Council's intention to grant a further term of twenty (20) years via a "Deed of Variation" to the existing thirty (30) year lease for part of the land known as 96-106 Springvale Road, Nunawading to United Energy Distribution Pty Ltd with a nominal annual rental of one dollar (\$1), if demanded, and with a commencement date of 22 March 2049.***
- 2. Authorise the Manager of Property & Rates to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act 1989, in relation to this matter.***
- 3. Appoints Council's Special Committee to consider and hear any submissions at the meeting to be held at Whitehorse Civic Centre Council Chamber 379-397 Whitehorse Road, Nunawading on Monday 11 May 2020 at 7:00pm.***

CARRIED UNANIMOUSLY

BACKGROUND

At Council's ordinary meeting of 10 December 2018 Council considered and resolved the following:

"That Council:

- 1. Having completed the public notice process in accordance with Sections 190 and 223 of the Local Government Act 1989 and having received no submissions, resolve to grant a lease over part of the Council owned land known as the Nunawading Hub located at 96-106 Springvale Road, Nunawading to United Energy Distribution Pty Ltd for a total lease term of thirty (30) years, with a nominal annual rental of one dollar (\$1), if demanded, and with a proposed commencement date of 1 December 2018.***
- 2. Authorise the Manager of Property & Rates to sign the lease."***

9.3.1

(cont)

The thirty (30) year lease (the lease) granted by Council on 10 December 2018 related to a new substation being located on Esdale Street, the substation provides electricity to the Nunawading Hub located at 96-106 Springvale Road, Nunawading.

Both Council and United Energy have signed the lease.

However, since signing the lease United Energy, via their lawyers, have requested an option for a further term of twenty (20) years via a "Deed of Variation" be added to the lease.

Given that the substation is required to provide electricity to the Nunawading Hub, Council Officers recommend granting the additional twenty (20) years.

Council's Lawyers, Maddocks, have verbally advised that because the proposed option term is longer than ten years, Section 190 of the *Local Government Act 1989* (the LGA) applies.

Section 190 of the LGA states the following:

"Restriction on power to lease land:

- 1) *A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.*
- 2) *Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.*
- 3) *If the lease is to be-*
 - a) *For 1 year or more and-*
 - i. *The rent for any period of the lease is \$50 000 or more a year; or*
 - ii. *The current market rental value of the land is \$50 000 or more a year; or*
 - b) *For 10 years or more; or*
 - c) *A building or improving lease-the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.*
- 4) *A person has a right to make a submission under section 223 on the proposed lease."*

DISCUSSION

The proposed further term of twenty (20) years will be an option term exercised at the discretion of United Energy Distribution Pty Ltd; the option term will commence at the expiry of the lease. The lease was fully executed on 22 March 2019 and consequently, the option period will commence on 22 March 2049, expiring on 21 March 2069.

Given that Council and United Energy Distribution Pty Ltd currently have an agreed lease for the substation, it is recommended that subject to the completion of the required statutory obligations mentioned above and below that the twenty (20) year option term be added to the lease via a "Deed of Variation", rather than the parties negotiating a new lease.

It is important to note that the "Deed of Variation" will only add the twenty year (20) option term, it will not change the terms of the lease.

Governance Requirements

In accordance with Sections 190 and 223 of the LGA shown above, if Council proposes to enter into a lease for 10 or more years (including option terms) it must give public notice of its intention.

Pursuant to Section 223 of the LGA, Council will consider and, if required, hear any submissions received in regard to the proposal to lease the land.

9.3.1

(cont)

Key processes that are proposed if endorsed by Council are:

- Saturday 21 March 2020: Public Notice advertisement (In the Age newspaper and on Council's website)
- Monday 20 April 2020: Public submissions close
- Monday 11 May 2020: Special Committee to hear any submission/s (if required)
- Monday 25 May 2020: Report to Council for consideration

CONSULTATION

The public notice gives members of the public the opportunity to make a written submission regarding Council's proposal to increase the lease term by twenty (20) years.

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

Additionally, the public notice will be displayed on Council's website for the duration of the twenty eight (28) day public notice period.

FINANCIAL IMPLICATIONS

The substation was constructed at Council's request, meaning that Council is the primary beneficiary of the substation. Consequently, it is deemed appropriate that the rent payable under lease, for the duration of the initial lease term and the proposed option period be a nominal rent of one dollar (\$1) per annum, if demanded.

All expenses associated with the lease and the statutory process will be borne by the Property & Rates Department's 2019/20 recurrent budget and these expenses are estimated to be approximately \$10,000 + GST.

POLICY IMPLICATIONS

Council's "Property Lease and Licence Policy".

9.3.2 Intention to Lease Land-379-399 Whitehorse Road, Nunawading

FILE NUMBER: SF08/271

SUMMARY

This report advises Council of a new lease for a proposed substation over part of the Council owned land known 379-399 Whitehorse Road, Nunawading and seeks authorisation to commence the statutory process in accordance with Section 190 of the Local Government Act 1989.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. In accordance with Sections 190 and 223 of the Local Government Act 1989, give notice of Council's intention to grant a single term fifty (50) year lease for a substation over part of the Council owned land known as 379-399 Whitehorse Road, Nunawading to United Energy Distribution Pty Ltd with a nominal annual rental of one dollar (\$1), if demanded, and with a likely commencement date of 1 June 2020.***
- 2. Authorise the Manager of Property & Rates to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act 1989, in relation to this matter.***
- 3. Appoints Council's Special Committee to consider and hear any submissions at the meeting to be held at Whitehorse Civic Centre Council Chamber 379-397 Whitehorse Road, Nunawading on Monday 11 May 2020 at 7:00pm.***

CARRIED UNANIMOUSLY

BACKGROUND

The Council owned property located at 379-399 Whitehorse Road, Nunawading (the Subject Property), is the site for the proposed Whitehorse Centre which is due commence construction in 2020.

The future electricity needs of the proposed Whitehorse Centre necessitates the need for a new electrical substation, which is to be located on the northern boundary of the Subject Property abutting Carter Avenue.

The substation being located on the boundary enables Council to maintain ownership and control of the electrical infrastructure, namely the onsite electrical cabling, from the proposed substation's location across the Subject Property; thereby reducing any potential impediment relating to the development of the Whitehorse Centre.

United Energy is the power authority in the Nunawading area and will be the lessee. Zinfra acts on behalf of United Energy in relation to infrastructure requests; however, Zinfra will not be a party to the lease.

Zinfra confirmed the required substation area is approximately 41m² based on 6.40 metres x 6.40 metres dimensions. This area is required to provide adequate clearances and allows for 24 hour access.

It is important to note that the lease does not grant any easements over Council owned land.

United Energy, via their lawyers, have requested a fifty (50) lease term for the substation and because this proposed lease term is greater than ten (10) years, Section 190 of the *Local Government Act 1989* (the LGA) applies.

9.3.2

(cont)

Section 190 of the LGA states the following:

“Restriction on power to lease land:

- 1) *A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.*
- 2) *Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.*
- 3) *If the lease is to be-*
 - a) *For 1 year or more and-*
 - i. *The rent for any period of the lease is \$50 000 or more a year; or*
 - ii. *The current market rental value of the land is \$50 000 or more a year; or*
 - b) *For 10 years or more; or*
 - c) *A building or improving lease-the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.*
- 4) *A person has a right to make a submission under section 223 on the proposed lease.”*

DISCUSSION

Governance Requirements

In accordance with Sections 190 and 223 of the LGA shown above, if Council proposes to enter into a lease for ten (10) or more years (including option terms) it must give public notice of its intention.

Pursuant to Section 223 of the LGA, Council will consider and, if required, hear any submissions received in regard to the proposal to lease the land.

Key processes that are proposed if endorsed by Council are:

- Saturday 21 March 2020: Public Notice advertisement (In the Age newspaper and on Council's website)
- Monday 20 April 2020: Public submissions close
- Monday 11 May 2020: Special Committee to hear any submission/s (if required)
- Monday 25 May 2020: Report to Council for consideration

CONSULTATION

The public notice gives members of the public the opportunity to make a written submission regarding Council's proposal to grant the fifty (50) year lease.

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

Additionally, the public notice will be displayed on Council's website for the duration of the twenty eight (28) day public notice period.

FINANCIAL IMPLICATIONS

The substation is being constructed at Council's request, meaning that Council is the primary beneficiary of the substation. Consequently, it is deemed appropriate that the rent payable under the lease, for the duration of the lease, be a nominal rent of one dollar (\$1) per annum, if demanded.

9.3.2

(cont)

All expenses associated with the proposed lease and the statutory process will be borne by the Property & Rates 2019/20 recurrent budget and these expenses are estimated to be approximately \$10,000 + GST.

POLICY IMPLICATIONS

Council's "Property Lease and Licence Policy".

9.3.3 Intention to Lease Land: 653-661 Elgar Road, Mont Albert North

FILE NUMBER: SF08/271

SUMMARY

This report advises Council of a new lease for a proposed “pole-mounted” substation over part of the Council owned land known as Elgar Park located at 653-661 Elgar Road, Mont Albert North and to authorise commencement of the statutory process in accordance with Section 190 of the Local Government Act 1989.

This report also seeks resolution to rescind the 19 November 2018 resolution of Council granting lease approval for a proposed “at-grade” substation also located at Elgar Park.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. Rescind the Council resolution of 19 November 2018 granting a lease over part of the Council owned land known as Elgar Park located at 653-661 Elgar Road, Mont Albert North to United Energy Distribution Pty Ltd for a total lease term of fifty (50) years, with a nominal annual rental of one dollar (\$1), if demanded, and with a proposed commencement date of 1 December 2018.***
- 2. In accordance with Sections 190 and 223 of the Local Government Act 1989, give notice of Council's intention to grant a single term fifty (50) year lease for a “pole-mounted” substation over part of the Council owned land known as 653-661 Elgar Road, Mont Albert North to United Energy Distribution Pty Ltd with a nominal annual rental of one dollar (\$1), if demanded, and with a likely commencement date of 1 June 2020.***
- 3. Authorise the Manager of Property & Rates to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act 1989, in relation to this matter.***
- 4. Appoints Council's Special Committee to consider and hear any submissions at the meeting to be held at Whitehorse Civic Centre Council Chamber 379-397 Whitehorse Road, Nunawading on Monday 11 May 2020 at 7:00pm.***

CARRIED UNANIMOUSLY

BACKGROUND

At Council's ordinary meeting of 19 November 2018 Council considered and resolved the following:

“That Council:

- 1. Having completed the public notice process in accordance with Sections 190 and 223 of the Local Government Act 1989 and having received no submissions, resolve to grant a lease over part of the Council owned land known as Elgar Park located at 653-661 Elgar Road, Mont Albert North to United Energy Distribution Pty Ltd for a total lease term of fifty (50) years, with a nominal annual rental of one dollar (\$1) if demanded, and with a proposed commencement date of 1 December 2018..***
- 2. Authorise the Manager of Property & Rates to sign the lease.”***

The fifty (50) year lease (the lease) granted by Council on 19 November 2018 related to a proposed “at-grade” substation, replacing the redundant substation abutting the South Pavilion at Elgar Park.

9.3.3

(cont)

The proposed “at-grade” substation required a leased area of approximately forty one (41m²) square metres for a fifty (50) year lease term.

As the lease term for the “at-grade” substation exceeded ten (10) years, Council completed the required statutory process in accordance with Section 190 of the *Local Government Act 1989* (the LGA) and as mentioned above granted the lease on 19 November 2018.

Since the resolution granting the lease for the proposed “at-grade” substation, a different substation proposal was developed by the parties and this proposal involves a “pole-mounted” substation being located on 653-661 Elgar Road, Mont Albert North.

The “at-grade” substation was never constructed.

As the “pole-mounted” substation replaces the “at-grade” substation, the lease for the “at-grade” substation is therefore redundant and it is recommended that Council rescind the 19 November 2018 resolution.

However, United Energy, via their lawyers, have requested a new fifty (50) lease (the new lease) for the “pole-mounted” substation and because the proposed new lease term is greater than ten (10) years, Section 190 of the *Local Government Act 1989* (the LGA) applies.

Section 190 of the LGA states the following:

“Restriction on power to lease land:

- 1) *A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.*
- 2) *Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.*
- 3) *If the lease is to be-*
 - a) *For 1 year or more and-*
 - i. *The rent for any period of the lease is \$50 000 or more a year; or*
 - ii. *The current market rental value of the land is \$50 000 or more a year; or*
 - b) *For 10 years or more; or*
 - c) *A building or improving lease-the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.*
- 4) *A person has a right to make a submission under section 223 on the proposed lease.”*

DISCUSSION

Governance Requirements

In accordance with Sections 190 and 223 of the LGA shown above, if Council proposes to enter into a lease for 10 or more years (including option terms) it must give public notice of its intention.

Pursuant to Section 223 of the LGA, Council will consider and, if required, hear any submissions received in regard to the proposal to lease the land.

Key processes that are proposed if endorsed by Council are:

- Saturday 21 March 2020: Public Notice advertisement (In the Age newspaper and on Council's website)
- Monday 20 April 2020: Public submissions close
- Monday 11 May 2020: Special Committee to hear any submission/s (if required)
- Monday 25 May 2020: Report to Council for consideration

9.3.3

(cont)

CONSULTATION

The public notice gives members of the public the opportunity to make a written submission regarding Council's proposal to grant the new fifty lease.

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

Additionally, the public notice will be displayed on Council's website for the duration of the twenty eight (28) day public notice period.

FINANCIAL IMPLICATIONS

The "pole-mounted" substation is being constructed at Council's request, meaning that Council is the primary beneficiary of the substation. Consequently, it is deemed appropriate that the rent payable under the new lease, for the duration of the new lease, be a nominal rent of one dollar (\$1) per annum, if demanded.

All expenses associated with the new lease and the statutory process will be borne by the Property & Rates 2019/20 recurrent budget and these expenses are estimated to be approximately \$10,000 + GST.

POLICY IMPLICATIONS

Council's "Property Lease and Licence Policy".

9.3.4 Continuous Improvement Project Merchant Fees

SUMMARY

Council incurs all merchant fees charged by our banking provider (\$292,499 in 2017/18 and \$331,931 in 2018/19) when customers choose to pay for any Council transaction using a credit or debit card. This report recommends that Council surcharge credit card payments (at a standard rate based on the bank cost of acceptance calculation) only to those customers who choose this payment option resulting in a reduced budget cost of approximately \$230,000 per annum when modeled against trends in 2017/18.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Davenport

That Council:

- 1. Surcharge merchant fee costs to customers who choose to pay by credit card.**
- 2. Set a standard rate based on bank cost of acceptance calculation (0.56%), reviewed annually.**

CARRIED UNANIMOUSLY

BACKGROUND

In 2019 under the Continuous Improvement Program a project was undertaken to first understand the cost distribution of merchant fee costs across Council and provide a recommendation for merchant fees optimisation in balance with fair and equitable options for our customers.

Council incurs all merchant fees charged by the bank when consumers pay for any council transaction using a card, be it credit or debit. In 2017/18 Council incurred merchant fee of \$292,499 and these costs increased by a further \$39,432 in 2018/19.

The Reserve Bank of Australia allows businesses to recover the cost of accepting different payment methods but prevents them from surcharging excessively, it is a requirement that merchant fee surcharging rates are reviewed annually.

Businesses incur costs when they accept a payment from a customer, different payment methods can have very different costs. For example, cards that provide significant rewards to consumers are typically more expensive for merchants. Surcharging provides business with the ability to pass the cost of accepting more expensive payment methods back to the customers who choose to use those methods.

Merchant fees are the costs charged by banks for the processing of card payments, these are calculated by three attributes:

Merchant service fees:

- Fees relating to servicing your merchant facility – paid to the Merchant (Commonwealth Bank Australia)
- This is a flat fee of 0.0250% for all types of cards

Credit Interchange fees:

- Our banking provider (Commonwealth Bank Australia) collects this fee set by Visa/MasterCard and pays it to the cardholders bank
- This fee varies from 0.1100% to 2.0543% according to the card (domestic, corporate, premium, international, etc.)

9.3.4

(cont)

Scheme fees:

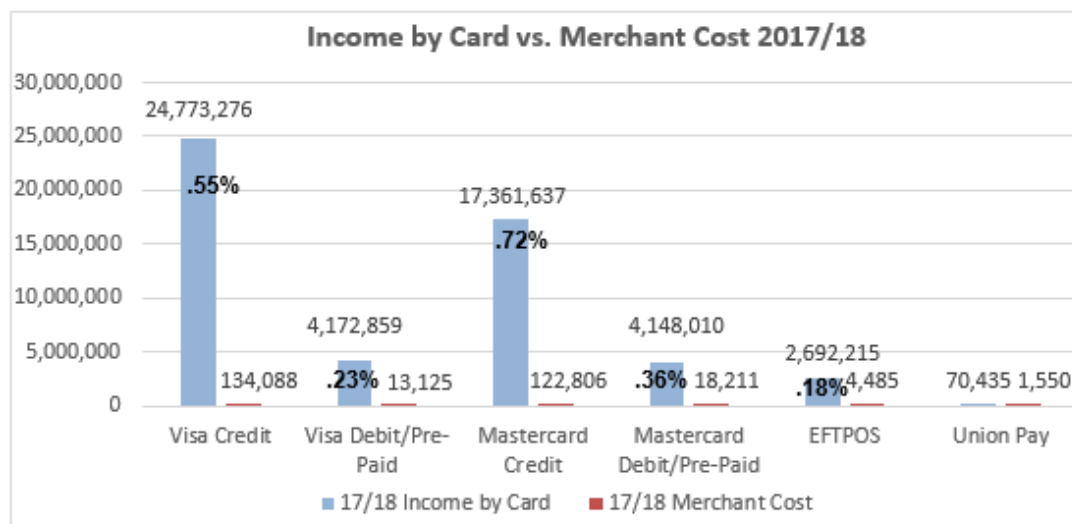
- Fees set by Visa/MasterCard for processing debit and credit transactions
- Paid to the scheme, Visa or Master
- Varies according to the card type CBA, Non-CBA or International from 0.0097% to 1.1000%

DISCUSSION

Council incurs costs for card payment options provided to customers, \$292,499 in 2017/18 and \$331,931 in 2018/19. Council has the right through standards set by the Reserve Bank of Australia to apply a surcharge to card payments encouraging customers to use less expensive or free payment methods holding down payment costs whilst helping to reduce the costs charged to all customers.

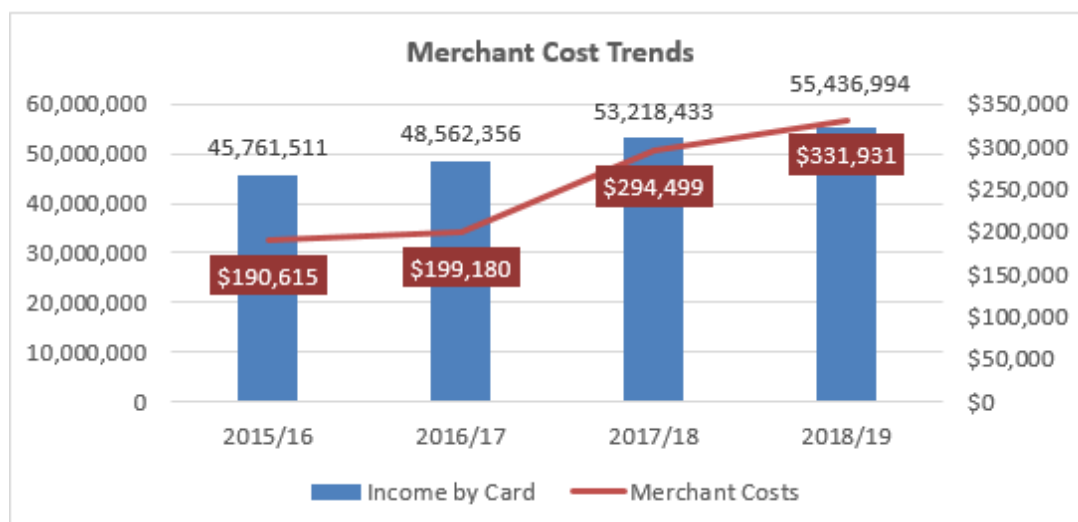
Of the 53 million income paid by card in 2017/18, 84% is attributed to credit cards and 16% to debit cards indicating that majority of customers are choosing to transact by credit card.

When choosing credit card options, the majority of customers transact with Visa Credit at a rate of 0.55%, resulting in a merchant cost of \$134,088, followed by MasterCard Credit with a rate of 0.72% and a merchant cost of \$122,806. Refer to graph below:



The trend of merchant fee costs for Council have increased over the last four years, most significantly in 2017/18 when the Reserve Bank of Australia reviewed and implemented a standardised bank card processing fee structure. This along with customer choice trends in the uptake of card payments promoted further with extended options to pay online and card merchant incentives through rewards programs we expect these costs to continue to increase.

9.3.4 (cont)



Modelling of three options against 2018/19 data applying current cost of acceptance bank rates are outlined below with a recommendation for option one:

<i>Option 1 (Recommended) Credit Card Only Standard Rate</i>	<i>Option 2 Credit and Debit Cards Standard Rates</i>	<i>Option 3 Credit and Debit Cards Variable Rates</i>
<i>Only for credit cards Debit cards free option Ease of communication Ease of administration Supports online options</i>	Credit and debit cards Fee for all card payments Ease of communication Ease of administration	Credit and debit cards Fee for all card payments Extensive list of rates to communicate and administer
<ul style="list-style-type: none"> • Credit rate 0.56% • Union Pay rate 2.20% • Amex 1.4% (Introduce) 	<ul style="list-style-type: none"> • Standard debit rate 0.20% • Standard credit rate 0.56% • Union Pay rate 2.20% • Amex 1.4% (Introduce) 	<ul style="list-style-type: none"> • Visa Credit rate 0.56% • Visa Debit rate 0.22% • MasterCard Credit 0.87% • MasterCard Debit 0.36% • Eftpos rate 0.20% • Union Pay rate 2.20% • Amex 1.4% (Introduce)
Based on 2018/19 data: Merchant Cost: \$331,931	Based on 2018/19 data: Merchant Cost: \$331,931	Based on 2018/19 data: Merchant Cost: \$331,931
Recovery Costs: \$240,940 73% Cost Recovery	Recovery Costs: \$267,173 80% Cost Recovery	Recovery Costs: \$329,854 99% Cost Recovery

It is recommended that in balancing ease of communication with customers, administrative efficiencies and recovery costs that Council adopt a standard surcharge credit card rate of 0.56% based on the cost of acceptance calculation that is annually generated from our banking provider (Commonwealth Bank Australia) and maintains debit card payment options as free without surcharge for customers.

The benefits of a standard rate is primarily that it's simple to communicate and understood by customers whilst recovering 73% of merchant costs resulting in a reduced budget cost of approximately \$230,000 per annum when modeled against trends in 2018/19.

The current cost of acceptance calculations are:

- Visa Credit, 0.56%
- Visa Debit/Pre-Paid, 0.22%
- MasterCard Credit, 0.87%
- MasterCard Debit/Pre-Paid, 0.36%
- EFTPOS, 0.20%

9.3.4

(cont)

The recommended Council payment options for cards are:

Card Type	Surcharge Fee
MasterCard or Visa	0.56%
Union Pay	2.20%
Amex	1.4%
Debit/Prepaid/EFTPOS	No Fee

Based on the understanding that in 2017/18 84% of our customers chose to pay with credit card and only 16% by debit card, our optimal recovery is on credit card with debit card remaining a free payment option for customers to pay by card free of charge.

Of the \$292,499 in merchant fees incurred by Council in 2017/18, 81% of these costs are generated from the 6 service merchants below of which Rates contribute to 52% of these costs:

1. Rates, \$155,061
2. Nunawading Customer Service, \$30,370
3. Waste and Recycling Centre, \$15,287
4. Parking Infringements, \$16,711
5. Parking Meters, \$11,244
6. Aqualink Box Hill Direct Debit, \$11,001

In reviewing the council service merchants (summarised in table below) it is recommended that nine of the twelve service merchants apply a surcharge. The exceptions are:

- Home and Community Services based on vulnerable clients with low impact merchant costs.
- Childcare and Whitehorse Centre based on separate fee structures where is applied there is a risk that Council may duplicate banking costs recovery.

Service Area	Merchant Costs 2017/18	Surcharging Merchant Fees Recommendation
Rates	155,061	Yes
Service Centres	43,113	Yes
Aqualink	30,697	Yes
Community Laws	30,453	Yes
Waste Transfer & Recycling Centre	15,287	Yes
Childcare	4,675	No
Whitehorse Centre	4,555	No
Sundry Debtors	4,096	Yes
Box Hill Community Art Centre	2,133	Yes
Sport link	1,294	Yes
Community Care	766	No
Health	369	Yes

The customer experience

Council will promote clear and concise information on payment options and any associated surcharge fees where applicable and the reason for surcharging these fees on our website, payment gateways, signage for counters in person as well as at the Waste and Recycling Transfer Station.

Customers will be alerted to a surcharge fee when applicable to their payment choice before making payment with an option to abort the transaction to another payment method. If the customer chooses to proceed accepting the surcharge fee they will be provided a receipt that clearly identified the surcharge amount.

9.3.4

(cont)

The impacts to our customers when transacting is demonstrated in sample of payments across Council services when modelling the 0.56% credit card surcharge:

Rates Payment (Avg.): Lump Sum: \$1535 Surcharge: \$8.59 or Instalment: \$383.75 Surcharge: \$2.14	Aqualink Casual Gym Fee: \$28.00 Surcharge: \$0.15 Planning Single Dwelling Fee: \$1,459 Surcharge: \$8.17	Parking Infringement Fee: \$81.00 Surcharge: \$0.46 Animal Infringement Fee: \$242 Surcharge: \$1.35
---	---	---

In conclusion, this report recommends that in balancing ease of communication with customers, administrative efficiencies and recovery costs Council adopt a standard surcharge when customers choose to pay with credit card at a standard surcharge rate of 0.56% based on the banking provider cost of acceptance calculation incorporated into Council fees and charges.

The surcharge on credit cards only allows for customer to continue to pay for services online or in person with a debit card at a significantly reduced expense, with increased information to our community on payment options and associated costs supporting informed consumer choice on cheaper or cost free options.

CONSULTATION

Merchant fee or card payment processing fees are commonly applied in today's society as an avenue for businesses to recover the cost of payment options imposed by financial institutions.

Government authorities applying this surcharge include Energy Australia, Australian Taxation Office and VicRoads as well as Councils including; Boroondara, Knox, Bayside, Port Phillip, Melbourne, Darebin, Geelong, Murrindindi and Warrnambool.

Internal stakeholder engagement occurred with service merchants that are impacted by these fees, this formed the resolution that the Whitehorse Centre and Child Care Centres are excluded from the surcharging of merchant fees on the basis that they have their own fee structure and applying a surcharge may present a risk that Council charge multiple banking fees.

FINANCIAL IMPLICATIONS

	Budget	Expenditure
Total Budget		(\$230,000) Income Estimated
System Configuration Quote: Pathway		\$12,078
Sub Total Expenditure		\$12,078
Total Expenditure		\$12,078

POLICY IMPLICATIONS

Fees and Charges 2020/21

9.3.5 Whitehorse Matsudo 50th Anniversary of Sister City Relationship

SUMMARY

To provide information about Council's Sister City Relationship with Matsudo, Japan and to seek Council's decision on the format of a visit to Matsudo in May 2021 to celebrate and reaffirm the 50th Anniversary of the Whitehorse – Matsudo Sister City Relationship.

RECOMMENDATION

That Council:

- 1. Formally accept the invitation from Matsudo City for a delegation of officials (Councillors and senior staff) to visit Matsudo during May 2021 for the 50th Anniversary of the Whitehorse-Matsudo Sister City Relationship.***
- 2. Adopt the arrangements for a visit to Matsudo by a delegation of up to five officials from the City of Whitehorse in May 2021 to celebrate and reaffirm the Whitehorse – Matsudo Sister City Relationship on the occasion of the 50th Anniversary, as detailed in the body of the report and agree to allocate funds from Council's 2020/2021 Budget towards the 50th Anniversary tour.***
- 3. Authorise staff to make necessary arrangements for a visit to Matsudo in May 2021 by a delegation of up to five City of Whitehorse officials.***
- 4. Note that all travel undertaken will be in accordance with Council Policies on Conference Attendance and Travel by Councillors and Out of State Travel by Council Staff.***

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Munroe

That Council:

- 1. Formally accept the invitation from Matsudo City for a delegation of officials (Councillors, senior staff and community members) to visit Matsudo during May 2021 for the 50th Anniversary of the Whitehorse-Matsudo Sister City Relationship.***
- 2. Adopt the arrangements for a visit to Matsudo by a delegation of officials comprising Councillors, Senior Staff and community members from the City of Whitehorse in May 2021 to celebrate and reaffirm the Whitehorse – Matsudo Sister City Relationship on the occasion of the 50th Anniversary, and agree to allocate funds from Council's 2020/2021 Budget towards the 50th Anniversary tour.***
- 3. Authorise staff to make necessary arrangements for a visit to Matsudo in May 2021 by a delegation of Whitehorse Councillors, Senior Staff and community members. For those Councillors wishing to attend, that all travel undertaken and associated costs will be in accordance with Council Policies on Conference Attendance and Travel by Councillors and Out of State Travel by Council Staff.***
- 4. Support its ongoing community delegation as part of the visit and allocates \$10,000 as a partial subsidy towards the costs of those selected.***

CARRIED

9.3.5

(cont)

A Division was called.

Division

For

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

Against

Cr Barker

On the results of the Division the motion was declared CARRIED

BACKGROUND

The concept of sister cities emerged following World War II with the aim to develop peace and understanding between people with different backgrounds, particularly those with cultural differences.

In May 1971 the former City of Box Hill and the City of Matsudo, Japan entered into a formal Sister City Relationship.

Whitehorse - Matsudo is the longest running Victorian sister city relationship and one of the longest running in Australia. The objectives of the Whitehorse – Matsudo Sister City Declaration are to promote mutual international understanding and goodwill through cultural, citizens' and information exchanges. A number of community based visits have occurred over the years including students, scouts, guides and citizens tours.

Official visits to recognise and reaffirm the Sister City Relationship have occurred at five year intervals as follows:

May 1996 – 25th Anniversary - a delegation of Matsudo City officials led by Mayor of Matsudo visited Whitehorse; a new Sister City Agreement was developed to continue the Relationship which had been established 25 years earlier with the former City of Box Hill. The Agreement was signed by Whitehorse Commissioners and Matsudo Mayor on 12 May 1996 at an event attended by the Japanese Consul General and the Minister Assisting the Premier on Multicultural Affairs.

May 2001 – 30th Anniversary - delegation of 38 Whitehorse City officials and interested community members, including a journalist from Whitehorse Leader, visited Matsudo. The Sister City Relationship was formally reaffirmed by Mayors of both Cities at a formal event in Matsudo attended by senior Matsudo officials and the Acting Australian Ambassador to Japan.

May 2006 – 35th Anniversary – delegation of 41 Matsudo City officials led by the Mayor of Matsudo, and interested community members visited Whitehorse, Sister City Relationship formally reaffirmed by Mayors of both Cities at an event attended by the Japanese Consul General, local Members of Parliament and community representatives.

9.3.5

(cont)

May 2012 - 40th Anniversary – (rescheduled from May 2011 due to the Japan earthquake March 2011) – delegation of 41 Whitehorse City officials and interested community members, visited Matsudo. The Sister City Relationship was formally reaffirmed by Mayors of both Cities at a formal event in Matsudo City Assembly.

In 2012 six Councillors, four staff*, a local member of parliament made up the 'official' delegation. Participating Councillors' immediate family members were invited to join the official delegation. In addition Council called for interested community members to make up a community contingent of up to 20 people. The process of calling for and selecting a cross section of the community to form part of the 40th anniversary delegation was conducted via a public expression of interest process. Council met the cost of up to \$3,000 per participating Councillor - from each of the participating Councillor's individual training and development program, met the full cost of four staff members and contributed \$800 per community delegate. The Member of Parliament and family members of Councillors who participated in the delegation did so at their full personal cost (ie no cost to Council).

*the staff contingent was based on a total delegation contingent of up to 41 people.

May 2016 – 45th Anniversary – delegation of 45 Matsudo City officials, members of Matsudo International Exchange Association and citizens of Matsudo visited Whitehorse. The Sister City Relationship was formally reaffirmed by Mayors of both Cities at a formal event held at the Box Hill Town Hall.

50th Anniversary Tour Proposal

City of Matsudo has formally invited a delegation from the City of Whitehorse to visit Matsudo in May 2021 to celebrate and reaffirm the Sister City Relationship on the occasion of the 50th Anniversary.

As Councillors are aware, Council as part of its 2019/20 budget deliberations commissioned the production of Whitehorse Matsudo Sister City Relationship 50th anniversary history publication, which is the key contribution from Whitehorse towards the Sister City 50th Anniversary. It is recommended that the Whitehorse delegation consist of up to five officials:

- Three Councillors inclusive of the Mayor of the Day and the Deputy Mayor of the Day; and
- Two senior officers of Council.

FINANCIAL IMPLICATIONS

It is estimated that the cost per individual would be approximately \$3,500, based on airfares, four night's hotel accommodation and airport transfers. Final costs will be subject to length of the stay, land costs, the program of activities offered by City of Matsudo.

Council to meet the cost of the three Councillors and two staff members attending.

Recurrent Budget

\$6,200 is allocated annually for International Relations towards the cost of Matsudo students English speech contest winners, citizen and community groups, support of classes and events at the Box Hill Community Arts Centre as part of the Matsudo Week events and activities, and the annual Green Tree Day tree planting event which celebrates the sister city anniversary.

2020/2021 Budget

In addition to the recurrent budget amount of \$6,200, and the balance of \$106,547 for the Whitehorse Matsudo Sister City 50th Anniversary history publication, a provisional amount of \$30,000 has been included for the 50th Anniversary year, inclusive of funding for the official Whitehorse delegation to Matsudo in May 2021, pending Council's decision on the arrangements for the official delegation.

9.3.6 Delegated Decisions January 2020

SUMMARY

The following activity was undertaken by officers under delegated authority during January 2020.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That the report of decisions made by officers under Instruments of Delegation for the month of January 2020 be noted.

CARRIED

DELEGATION	FUNCTION	Number for January 2019	Number for January 2020
Planning and Environment Act 1987	Delegated Decisions	78	125
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		1	Nil
Subdivision Act 1988		11	39
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	56	39
Liquor Control Reform Act 1998	Objections and Prosecutions	Nil	Nil
Food Act 1984	Food Act Orders	2	1
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	Nil	Nil
Local Government Act 1989	Temporary Rd. Closures	3	2
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	9	Nil
	Property Sales and Leases	2	2
	Documents to which Council seal affixed	Nil	1
	Vendor Payments	1174	1197
	Parking Amendments	3	4
	Parking Infringements Withdrawn	232	295

9.3.6

(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS JANUARY 2020

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

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1058	13.01.20	Application Lapsed	28 Russell Street Surrey Hills Vic 3127	Riversdale	SLO9 tree removal	Special Landscape Area
WH/2019/908	31.01.20	Application Lapsed	16-26 Harker Street Burwood Vic 3125	Riversdale	Seven lot subdivision	Subdivision
WH/2006/92/B	06.01.20	Delegate Approval - S72 Amendment	128 Burwood Highway Burwood Vic 3125	Riversdale	Increase the height and width of Sign 3 (Audi Pylon)	Permit Amendment
WH/2009/400/B	15.01.20	Delegate Approval - S72 Amendment	909-911 Whitehorse Road Box Hill Vic 3128	Elgar	Amendment to Planning Permit WH/2009/400 (issued for partial demolition and buildings and works including alterations to the existing place of assembly) to add a playground, half basketball court and associated fencing within the frontage	Permit Amendment
WH/2015/995/B	31.01.20	Delegate Approval - S72 Amendment	237 Hawthorn Road Vermont South Vic 3133	Morack	Construction of two double storey dwellings and buildings and works within 4 metres of protected vegetation.	Permit Amendment
WH/2016/1157/A	09.01.20	Delegate Approval - S72 Amendment	6 Goold Street Burwood Vic 3125	Riversdale	Construction of three double storey dwellings	Permit Amendment

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2016/702/B	16.01.20	Delegate Approval - S72 Amendment	57 Lexton Road Box Hill North Vic 3129	Elgar	Development and use of the land for three warehouses, place of worship and caretakers house and a reduction in car parking	Permit Amendment
WH/2016/765/A	02.01.20	Delegate Approval - S72 Amendment	7 Gee Court Nunawading Vic 3131	Springfield	Construction of two double storey dwellings and buildings and works within 4m of protected trees	Permit Amendment
WH/2016/854/B	23.01.20	Delegate Approval - S72 Amendment	16-28 Nelson Road Box Hill Vic 3128	Elgar	Staged development of the land, for the construction of a multi-level carpark, buildings and works to existing building facade, provision of car parking spaces in excess of the maximum number specified in Clause 52.06, increase in licensed area and on land partially covered by the SBO	Permit Amendment
WH/2017/845/A	23.01.20	Delegate Approval - S72 Amendment	26 Belgravia Avenue Mont Albert North Vic 3129	Elgar	Construction of three double storey dwellings and buildings and works within 4m of protected trees (SLO9)	Permit Amendment
WH/2018/1148/A	20.01.20	Delegate Approval - S72 Amendment	17 Moona Street Burwood East Vic 3151	Riversdale	Construction of three double storey dwellings	Permit Amendment
WH/2018/1366/A	15.01.20	Delegate Approval - S72 Amendment	6 Ashmore Road Forest Hill Vic 3131	Morack	Buildings and works within 4 metres of protected SLO9 trees and removal of protected SLO9 trees	Permit Amendment

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1404/A	14.01.20	Delegate Approval - S72 Amendment	55 Benwerrin Drive Burwood East Vic 3151	Riversdale	Construction of a second dwelling (two storey) and alterations to the existing dwelling and removal of vegetation within the Significant Landscape Overlay Schedule 9	Permit Amendment
WH/2018/317/A	30.01.20	Delegate Approval - S72 Amendment	31 Fowler Street Box Hill South Vic 3128	Riversdale	To construct two dwellings, front fence, remove vegetation and construct a building or construct or carry out works within 4m of trees	Permit Amendment
WH/2018/58/B	20.01.20	Delegate Approval - S72 Amendment	5 Grove Street Vermont Vic 3133	Springfield	Construction of a Dwelling and associated Tree Removal	Permit Amendment
WH/2018/66/A	17.01.20	Delegate Approval - S72 Amendment	38 Gillard Street Burwood Vic 3125	Riversdale	Construction of two double storey dwellings within a Special Building Overlay, to include construction of a front fence (within 4m of protected tree under SLO9	Permit Amendment
WH/2019/749/A	16.01.20	Delegate Approval - S72 Amendment	11 Lexton Road Box Hill North Vic 3129	Elgar	Five lot subdivision	Permit Amendment

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/277/A	03.01.20	Delegate NOD Issued	160 Whitehorse Road Blackburn Vic 3130	Central	Amendment to Planning Permit WH/2017/277 (issued for buildings and works to construct a building comprising four towers and three levels of basement parking; use of land for accommodation where the frontage at ground floor exceeds 2 metres, use of land for a leisure and recreation facility, and a reduction in the car parking requirements) to allow for the development to be staged and to alter the approved building setbacks, layout and presentation	Permit Amendment
WH/2017/505/A	21.01.20	Delegate NOD Issued	47 Stanley Grove Blackburn Vic 3130	Central	Construction of three (3) double storey dwellings and tree removal	Permit Amendment
WH/2017/656	30.01.20	Delegate NOD Issued	32 Box Hill Crescent Mont Albert North Vic 3129	Elgar	Construction of two (2) double storey dwellings, tree removal and buildings and works within 4 metres of protected trees.	Multiple Dwellings
WH/2019/1002	09.01.20	Delegate NOD Issued	3 Harding Street Surrey Hills Vic 3127	Riversdale	Tree Removal	Special Landscape Area
WH/2019/1003	17.01.20	Delegate NOD Issued	5 Harding Street Surrey Hills Vic 3127	Riversdale	Removal of trees	Special Landscape Area

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1159	02.01.20	Delegate NOD Issued	2/134 Canterbury Road Blackburn South Vic 3130	Central	Use of the land for the sale of packaged liquor	Liquor Licence
WH/2019/156	02.01.20	Delegate NOD Issued	14 Francesca Street Mont Albert North Vic 3129	Elgar	Construction of 4 double storey dwellings, buildings and works within 4m of trees and removal of trees within the Significant Landscape Overlay Schedule 9	Multiple Dwellings
WH/2019/240	30.01.20	Delegate NOD Issued	9 Gordon Street Mont Albert Vic 3127	Elgar	Construct 2 double storey dwellings and remove vegetation under significant landscape overlay	Multiple Dwellings
WH/2019/343	24.01.20	Delegate NOD Issued	29 Summit Road Burwood Vic 3125	Riversdale	Construction of three (3) two storey dwellings, tree removal and buildings and works within 4m of a protected tree within SLO9	Multiple Dwellings
WH/2019/418	16.01.20	Delegate NOD Issued	65 Cadorna Street Box Hill South Vic 3128	Riversdale	Removal of trees and building and works (for a dwelling) within 4 metres of trees under the Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2019/618	09.01.20	Delegate NOD Issued	61 Boronia Road Vermont Vic 3133	Morack	Development of Three (3) Double Storey Dwellings on a Lot, Alteration of a Road in a Road Zone, Category 1 and Removal of Vegetation	Multiple Dwellings

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/643	24.01.20	Delegate NOD Issued	3/80 Medway Street Box Hill North Vic 3129	Elgar	Addition to a dwelling on a lot with an area less than 300 square metres in a General Residential Zone.	Single Dwelling < 300m2
WH/2019/707	15.01.20	Delegate NOD Issued	50 McIntyre Street Burwood VIC 3125	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2019/718	15.01.20	Delegate NOD Issued	105 Springvale Road Nunawading Vic 3131	Springfield	Construction of two (2), two storey dwellings and associated works	Multiple Dwellings
WH/2019/748	02.01.20	Delegate NOD Issued	28 Margaret Street Box Hill Vic 3128	Elgar	Construction of three double storey dwellings, tree removal and buildings and works within 4 metres of a protected tree	Multiple Dwellings
WH/2019/776	15.01.20	Delegate NOD Issued	24 Bishop Street Box Hill Vic 3128	Elgar	Construction of two (2) double storey dwellings and buildings and works within SLO9	Multiple Dwellings
WH/2019/936	15.01.20	Delegate NOD Issued	756 Canterbury Road Surrey Hills Vic 3127	Riversdale	Removal of two trees under the Significant Landscape Overlay Schedule 9 and partial demolition of a front fence under a Public Acquisition Overlay	Special Landscape Area
WH/2018/1381	30.01.20	Delegate Permit Issued	116 Station Street Burwood Vic 3125	Riversdale	Construction of three double storey dwellings, tree removal and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1006	31.01.20	Delegate Permit Issued	51 O'shannessy Street Nunawading Vic 3131	Springfield	Buildings and works within 4m of protected tree (SLO9)	Special Landscape Area
WH/2019/1010	17.01.20	Delegate Permit Issued	25 Trafalgar Street Mont Albert Vic 3127	Elgar	Buildings and works for extension of existing dwelling and within 4 metres of protected SLO9 trees including associated SLO9 tree removal	Heritage
WH/2019/1092	07.01.20	Delegate Permit Issued	6 Rowland Street Mont Albert Vic 3127	Elgar	Buildings and works within 4 metres of a protected tree	Special Landscape Area
WH/2019/1153	14.01.20	Delegate Permit Issued	20 Percy Street Mitcham Vic 3132	Springfield	Removal of trees and buildings and works within 4 metres of a protected tree	Single Dwelling < 300m2
WH/2019/1154	30.01.20	Delegate Permit Issued	3/5 Redland Drive Mitcham Vic 3132	Springfield	Change of use to Education Centre	Industrial
WH/2019/1164	31.01.20	Delegate Permit Issued	46 Foch Street Box Hill South Vic 3128	Riversdale	Construction of a front fence within 4 metres of a protected tree	VicSmart - General Application
WH/2019/1165	13.01.20	Delegate Permit Issued	Suite 1 Level 1 960 Whitehorse Road Box Hill Vic 3128	Elgar	Buildings and works and display of business identification sign within a Heritage Overlay	VicSmart - General Application
WH/2019/1194	13.01.20	Delegate Permit Issued	3 Boongarry Avenue Blackburn Vic 3130	Central	Removal of one tree and buildings and works	VicSmart - General Application
WH/2019/1224	14.01.20	Delegate Permit Issued	348 Burwood Highway Burwood Vic 3125	Riversdale	Buildings and works associated with a Section 2 Use (extension to existing education centre)	Education

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1242	16.01.20	Delegate Permit Issued	368-370 Burwood Highway Burwood Vic 3125	Riversdale	Nine lot subdivision	Subdivision
WH/2019/1254	03.01.20	Delegate Permit Issued	20 Forest Road Blackburn Vic 3130	Central	Buildings and works (extension to existing dwelling) within SLO2	Single Dwelling < 300m2
WH/2019/1261	21.01.20	Delegate Permit Issued	6 Elva Court Mitcham Vic 3132	Springfield	Removal of two (2) SLO9 trees	Single Dwelling < 300m2
WH/2019/1268	08.01.20	Delegate Permit Issued	8 Sherwood Road Surrey Hills Vic 3127	Riversdale	Two lot subdivision	VicSmart - Subdivision
WH/2019/1292	14.01.20	Delegate Permit Issued	78 Middleborough Road Burwood East Vic 3151	Riversdale	Use of the land for the sale and consumption of liquor associated with a restaurant	Liquor Licence
WH/2019/1300	17.01.20	Delegate Permit Issued	5 Mount View Court Burwood Vic 3125	Riversdale	Addition of alfresco to existing dwelling and buildings and works within 4 metres of protected SLO9 tree	VicSmart - General Application
WH/2019/1305	09.01.20	Delegate Permit Issued	1/41 Foch Street Box Hill South Vic 3128	Riversdale	Removal of protected tree (SLO9)	VicSmart - Tree
WH/2019/1316	09.01.20	Delegate Permit Issued	517 Station Street Box Hill Vic 3128	Elgar	The display and development of a sign publicising the sale or letting of property	Advertising Sign
WH/2019/1321	07.01.20	Delegate Permit Issued	42-48 Glenburnie Road Mitcham Vic 3132	Springfield	Removal of one Tree	VicSmart - Tree
WH/2019/1323	06.01.20	Delegate Permit Issued	92 Glenburnie Road Vermont Vic 3133	Springfield	Removal of one tree (Liquidambar styraciflua) protected by the SLO9	VicSmart - Tree

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1324	28.01.20	Delegate Permit Issued	497 Elgar Road Mont Albert North Vic 3129	Elgar	Re-subdivision of lot 2 and Common Property	Subdivision
WH/2019/1328	10.01.20	Delegate Permit Issued	2 Campaspe Street Box Hill North Vic 3129	Elgar	Removal of protected tree (SLO9)	VicSmart - Tree
WH/2019/1339	13.01.20	Delegate Permit Issued	46 Boisdale Street Surrey Hills Vic 3127	Riversdale	Removal of one (1) SLO9 tree	VicSmart - Tree
WH/2019/235	03.01.20	Delegate Permit Issued	1 Beddows Street Burwood Vic 3125	Riversdale	Construction of two double storey dwellings and associated tree removal	Multiple Dwellings
WH/2019/271	21.01.20	Delegate Permit Issued	11 Kalang Street Blackburn Vic 3130	Central	Buildings and works within 4m of tree in SLO1	Special Landscape Area
WH/2019/389	15.01.20	Delegate Permit Issued	4-5/321 Middleborough Road Box Hill South Vic 3128	Riversdale	Erection and display of business identification and promotion signs	Advertising Sign
WH/2019/461	22.01.20	Delegate Permit Issued	14 Aspinall Road Box Hill North Vic 3129	Elgar	Construction of a front fence within 4m of a protected tree and tree removal within SLO9	Single Dwelling < 300m2
WH/2019/481	23.01.20	Delegate Permit Issued	490-506 Whitehorse Road Mitcham Vic 3132	Springfield	Buildings and works and landscape redevelopment including glazing to street frontage, community courtyard, open space, hard courts and carparking	Education

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/488	08.01.20	Delegate Permit Issued	78 Katrina Street Blackburn North Vic 3130	Central	Construction of two (2) double storey dwellings a on lot and removal of vegetation within the significant landscape overlay - Schedule 9	Multiple Dwellings
WH/2019/489	30.01.20	Delegate Permit Issued	28 Melrose Street Mont Albert North Vic 3129	Elgar	Construction of one two storey dwelling to the rear of the existing dwelling, additions and alterations to the existing dwelling and associated removal and, buildings and works within 4 metres of trees protected under Schedule 9 to the Significant Landscape Overlay	Multiple Dwellings
WH/2019/542	16.01.20	Delegate Permit Issued	6 Darook Street Blackburn South Vic 3130	Central	Construction of 2 dwellings and buildings and works within 4 metres of protected trees.	Multiple Dwellings
WH/2019/557	09.01.20	Delegate Permit Issued	284 Springvale Road Forest Hill Vic 3131	Springfield	Construction of Four (4) Double Storey Dwellings on a Lot, Removal of Vegetation and Alteration of Access to a Road in a Road Zone, Category 1	Multiple Dwellings
WH/2019/663	08.01.20	Delegate Permit Issued	7a/11 Clarice Road Box Hill South Vic 3128	Riversdale	Change of use to a restricted recreation facility (yoga studio) and indoor recreation facility (dancing school)	Change of Use
WH/2019/677	16.01.20	Delegate Permit Issued	7 Gee Court Nunawading Vic 3131	Springfield	Two lot subdivision	Subdivision

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/679	16.01.20	Delegate Permit Issued	1/23 Lithgow Avenue Blackburn Vic 3130	Central	For alteration and extension of a dwelling on a lot less than 300 square metres in a Residential Growth Zone.	Single Dwelling < 300m2
WH/2019/693	06.01.20	Delegate Permit Issued	48-50 O'shannessy Street Nunawading Vic 3131	Springfield	Two lot subdivision	Subdivision
WH/2019/780	02.01.20	Delegate Permit Issued	19 Centre Road Vermont Vic 3133	Morack	Construction of a second dwelling on a lot (adjacent to existing dwelling) and buildings and works within 4 metres of protected vegetation and vegetation removal within SLO9	Multiple Dwellings
WH/2019/781	03.01.20	Delegate Permit Issued	141-155 Burwood Highway Burwood Vic 3125	Riversdale	Buildings and Works (Construction of freestanding, open-sided shelter)	Residential (Other)
WH/2019/839	20.01.20	Delegate Permit Issued	16 Robert Street Burwood East Vic 3151	Morack	Lop two trees within Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2019/846	21.01.20	Delegate Permit Issued	6 Hirst Street Blackburn Vic 3130	Central	Construction of Two (2) Double Storey Dwellings on a Lot and Buildings and Works within SLO9	Multiple Dwellings
WH/2019/9	28.01.20	Delegate Permit Issued	3-5 Mary Street Blackburn Vic 3130	Central	Buildings and works for a take away food premises ancillary to the existing wholesale seafood use	Business
WH/2019/906	07.01.20	Delegate Permit Issued	Shop 2/535 Whitehorse Road Mitcham Vic 3132	Springfield	Use of land for the sale and consumption of liquor	Change of Use

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/935	17.01.20	Delegate Permit Issued	34 Strabane Avenue Mont Albert North Vic 3129	Elgar	Construction of three double storey dwellings, tree removal and buildings and works within 4 metres of protected trees	Multiple Dwellings
WH/2019/952	15.01.20	Delegate Permit Issued	161 Central Road Nunawading Vic 3131	Springfield	Removal of protected vegetation in SLO5, ESO1 and buildings and works for a section 2 use (education centre)	Residential (Other)
WH/2019/972	08.01.20	Delegate Permit Issued	24 Orloff Court Burwood East Vic 3151	Riversdale	Construction of two (2) double storey dwellings and buildings and works within 4 metres of protected vegetation within SLO9	Multiple Dwellings
WH/2019/981	20.01.20	Delegate Permit Issued	15 Malcolm Street Blackburn Vic 3130	Central	Buildings and works for the construction of a single storey dwelling including associated tree removal and buildings and works within 4 metres of protected trees	Special Landscape Area
WH/2020/10	21.01.20	Delegate Permit Issued	14 Queen Street Blackburn Vic 3130	Central	53 lot subdivision and associated common property	Subdivision
WH/2020/12	20.01.20	Delegate Permit Issued	2 Deauville Street Forest Hill Vic 3131	Morack	Two lot subdivision	VicSmart - Subdivision
WH/2020/13	21.01.20	Delegate Permit Issued	47 Doncaster East Road Mitcham Vic 3132	Springfield	Removal of one tree	VicSmart - Tree
WH/2020/17	22.01.20	Delegate Permit Issued	184 Central Road Nunawading Vic 3131	Springfield	Removal of protected tree (SLO2)	VicSmart - Tree

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/18	22.01.20	Delegate Permit Issued	184 Central Road Nunawading Vic 3131	Springfield	Removal of protected tree (SLO2)	VicSmart - Tree
WH/2020/2	08.01.20	Delegate Permit Issued	28 Dobell Street Blackburn South Vic 3130	Central	Two lot subdivision	Subdivision
WH/2020/21	20.01.20	Delegate Permit Issued	1/3 Moselle Street Mont Albert North Vic 3129	Elgar	Two lot subdivision	Subdivision
WH/2020/23	28.01.20	Delegate Permit Issued	5 Judy Court Vermont Vic 3133	Morack	Three lot subdivision	Subdivision
WH/2020/25	21.01.20	Delegate Permit Issued	15 Mardion Drive Nunawading Vic 3131	Springfield	Two lot subdivision	VicSmart - Subdivision
WH/2020/27	21.01.20	Delegate Permit Issued	19 Ian Crescent Mitcham Vic 3132	Springfield	Two lot subdivision	Subdivision
WH/2020/29	21.01.20	Delegate Permit Issued	1 Coinda Court Burwood East Vic 3151	Riversdale	Two lot subdivision	VicSmart - Subdivision
WH/2020/3	08.01.20	Delegate Permit Issued	23 Gay Street Blackburn North Vic 3130	Central	Two lot subdivision	VicSmart - Subdivision
WH/2020/32	30.01.20	Delegate Permit Issued	161 Central Road Nunawading Vic 3131	Springfield	Removal of one Tree	VicSmart - Tree
WH/2020/33	23.01.20	Delegate Permit Issued	10 Lake Road Blackburn Vic 3130	Central	Removal of one (1) SLO2 tree	VicSmart - Tree
WH/2020/35	23.01.20	Delegate Permit Issued	10 Lake Road Blackburn Vic 3130	Central	Removal of one (1) SLO2 tree	VicSmart - Tree

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/39	31.01.20	Delegate Permit Issued	2/30 Nymph Street Mitcham Vic 3132	Springfield	Removal of one tree under the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/40	30.01.20	Delegate Permit Issued	66 Scott Street Vermont Vic 3133	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2020/46	28.01.20	Delegate Permit Issued	9 Skene Street Burwood East Vic 3151	Riversdale	Two lot Subdivision	VicSmart - Subdivision
WH/2020/49	31.01.20	Delegate Permit Issued	141 Springvale Road Nunawading Vic 3131	Springfield	Buildings and works (construction of a verandah)	VicSmart - General Application
WH/2020/61	28.01.20	Delegate Permit Issued	9 Esta Street Blackburn North Vic 3130	Central	Two lot subdivision	VicSmart - Subdivision
WH/2020/63	31.01.20	Delegate Permit Issued	1/1 Arcadia Street Box Hill South Vic 3128	Riversdale	Construction of a front fence within 4m of a protected tree (SLO9)	VicSmart - General Application
WH/2020/69	31.01.20	Delegate Permit Issued	11 Highland Avenue Mitcham Vic 3132	Springfield	Removal of one (1) tree with SLO6	VicSmart - Tree
WH/2015/715/D	21.01.20	Delegate Refusal - S72 Amendment	1003/12 Nelson Road Box Hill Vic 3128	Elgar	Construction of a Part 19, Part 20 storey building, comprising dwellings, retail space and offices, with basement car park, use of the building for accommodation (dwellings), and reduction of the parking requirements of Clause 52.06 of the Whitehorse Planning Scheme to alter configuration of apartments and parking layout.	Permit Amendment

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/657	24.01.20	Delegate Refusal Issued	452 Middleborough Road Blackburn Vic 3130	Central	Construction of two dwellings, comprising of 3 stories, removal of trees and access to a Road Zone Category 1	Multiple Dwellings
WH/2019/1215	13.01.20	Delegate Refusal Issued	24 Sandgate Road Blackburn South Vic 3130	Central	Removal of one tree under the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2019/1280	06.01.20	Delegate Refusal Issued	36 Francesca Street Mont Albert North Vic 3129	Elgar	Removal of one tree	VicSmart - Tree
WH/2019/1330	13.01.20	Delegate Refusal Issued	10 Serpentine Street Mont Albert Vic 3127	Elgar	Removal of one (1) tree in the Significant Landscape Overlay, Schedule 9 (SLO9).	VicSmart - Tree
WH/2019/332	03.01.20	Delegate Refusal Issued	1/21-25 Redland Drive Mitcham Vic 3132	Springfield	Warehouse (freezing and cold storage) and buildings and works(relocation of condensing units)	Industrial
WH/2019/529	14.01.20	Delegate Refusal Issued	9 Cameron Road Box Hill North Vic 3129	Elgar	Construction of Five (5) Double Storey Dwellings and Removal of Vegetation	Multiple Dwellings
WH/2019/743	24.01.20	Delegate Refusal Issued	70 Baratta Street Blackburn South Vic 3130	Central	Buildings and works within 4 metres of trees	VicSmart - General Application
WH/2019/750	06.01.20	Delegate Refusal Issued	11 Ritz Street Vermont South Vic 3133	Morack	Removal of two trees under the Significant Landscape Overlay Schedule 9	Special Landscape Area

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/833	03.01.20	Delegate Refusal Issued	2 Hughes Street Burwood Vic 3125	Riversdale	Removal of 26 trees in the Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2020/20	23.01.20	Delegate Refusal Issued	617 Springvale Road Vermont South Vic 3133	Morack	Removal of one (1) protected tree (Eucalyptus nicholii – Narrow-leaved Black Peppermint) in the Significant Landscape Overlay 9	VicSmart - Tree
WH/2020/22	24.01.20	Delegate Refusal Issued	10 Ellingworth Parade Box Hill Vic 3128	Elgar	concrete three quarters of garden, remove two dangerous trees.	VicSmart - General Application
WH/2020/6	21.01.20	Delegate Refusal Issued	4 Evans Court Vermont Vic 3133	Morack	Removal of one tree under the Significant Landscape Overlay Schedule 9 and Vegetation Protection Overlay Schedule 1	VicSmart - Tree
WH/2019/1228	17.01.20	No Permit Required	11 Walwa Street Mitcham Vic 3132	Springfield	To construct a wider crossover within 4 metres of a street tree, protected under the Significant Landscape Overlay, Schedule 9 (SLO9).	Single Dwelling < 300m2
WH/2020/48	28.01.20	No Permit Required	14 Penrose Street Box Hill South Vic 3128	Riversdale	Buildings and works within 4 metres of SLO9 trees	Special Landscape Area
WH/2020/53	28.01.20	No Permit Required	Shop 1/991 Whitehorse Road Box Hill Vic 3128	Elgar	Reduction in car parking requirement	VicSmart - General Application

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/3/A	22.01.20	Withdrawn	2a La Frank Street Burwood Vic 3125	Riversdale	Change of use from apartment to student accomodation, removal of trees, building and works within 4m of protected trees.	Permit Amendment
WH/2019/1283	21.01.20	Withdrawn	1/490 Middleborough Road Blackburn Vic 3130	Central	The lopping and removal of protected trees within the Significant Landscape Overlay - Schedule 9	Special Landscape Area
WH/2019/1309	17.01.20	Withdrawn	545 Station Street Box Hill Vic 3128	Elgar	Concurrent Planning Permit and Certification Application to subdivide Lot S2 into a single Staged Lot S4 (retail Lot) and 21 Storage Lots in accordance with the Design and attached Plan of Subdivision PS746096X Stage 2	Subdivision
WH/2019/224	21.01.20	Withdrawn	5 Minna Street Blackburn Vic 3130	Central	Construction of two (2) double storey dwellings and tree removal	Multiple Dwellings
WH/2019/287	16.01.20	Withdrawn	G01/ 193-195 Springvale Road Nunawading Vic 3131	Springfield	Change of original use from supermarket to 'Place of Assembly' for aged day care centre for Chinese community and associated buildings and works and reduction in carparking requirement.	Business

9.3.6
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/722	17.01.20	Withdrawn	102 Mount Pleasant Road Nunawading Vic 3131	Springfield	Construction of four (4), two storey dwellings, removal and buildings and works within 4 metres of trees protected under the Significant Landscape Overlay	Multiple Dwellings
WH/2020/31	16.01.20	Withdrawn	14 Nara Road Mitcham Vic 3132	Springfield	Removal Of One Tree	VicSmart - Tree

BUILDING DISPENSATIONS/APPLICATIONS JANUARY 2020

Address	Date	Ward	Result
14 Shawlands Avenue, Blackburn South	08.01.20	Central	Consent Granted 79
15 Rosalind Crescent, Blackburn	22.01.20	Central	Consent Granted 79
1a Donald Street, Blackburn South	07.01.20	Central	Consent Granted 79
27 Hunter Drive, Blackburn South	22.01.20	Central	Consent Granted 80, 75,74
39 Larch Street, Blackburn	22.01.20	Central	Consent Granted 89
64 Canora Street, Blackburn South	02.01.20	Central	Consent Granted 79
103 Victoria Crescent, Mont Albert	08.01.20	Elgar	Consent Granted 89
13 Corlett Street, Mont Albert North	03.01.20	Elgar	Consent Granted 79
2 Cameron Road, Box Hill North	14.01.20	Elgar	Consent Granted 74,82
2 Clydesdale Street, Box Hill	16.01.20	Elgar	Consent Granted 92
223 Dorking Road, Box Hill North	23.01.20	Elgar	Consent Granted 74,79
31 Surrey Drive, Box Hill	29.01.20	Elgar	Consent Granted 97
39 Linda Avenue, Box Hill North	31.01.20	Elgar	Consent Granted 79
14 Hampshire Road, Forest Hill	31.01.20	Morack	Consent Granted 74
182 Heatherdale Road, Vermont	24.01.20	Morack	Consent Granted 82
7 Gallus Close, Vermont	21.01.20	Morack	Consent Granted 74, 79
1/1 Arcadia Street, Box Hill South	20.01.20	Riversdale	Consent Granted 89
1201-1205 Riversdale Road, Box Hill South	20.01.20	Riversdale	Consent Granted 116
24 Massey Street, Box Hill South	10.01.20	Riversdale	Consent Granted 89
33 Jenner Street, Blackburn South	24.01.20	Riversdale	Consent Granted 76
41 Grange Road, Blackburn South	20.01.20	Riversdale	Consent Granted 79
24 Wellard Road, Box Hill South	29.01.20	Riversdale	Consent Refused 74
48 Benwerrin Drive, Burwood East	20.01.20	Riversdale	Consent Refused 89
16 Gladys Street, Nunawading	16.01.20	Springfield	Consent Granted 74
18 Hodgson Street, Mitcham	24.01.20	Springfield	Consent Granted 89
1c Morloc Street, Forest Hill	17.01.20	Springfield	Consent Granted 92
2 Coppin Close, Mitcham	23.01.20	Springfield	Consent Granted 116
20 Lorikeet Street, Nunawading	23.01.20	Springfield	Consent Granted 79
34 Orient Avenue, Mitcham	14.01.20	Springfield	Consent Granted 79
8 Bullen Avenue, Mitcham	24.01.20 15.01.20	Springfield	Consent Granted 76,74
8 Lake Avenue, Mitcham	03.01.20	Springfield	Consent Granted 79
20 Lorikeet Street, Nunawading	23.01.20	Springfield	Consent Refused 74

9.3.6

(cont)

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS JANUARY 2020

Under the Planning and Environment Act 1987 – Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION JANUARY 2020

Nil

REGISTER OF PROPERTY DOCUMENTS EXECUTED JANUARY 2020

Property Address	Document Type	Document Detail
Suite 1, Box Hill Hub, 27 Banks Street, Box Hill	Lease	Lease: Box Hill Community Information & Support Inc
14 + 16 Scott Grove Burwood	Transferee Statement	Withheld for privacy

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL JANUARY 2020

Instrument of Appointment & Authorisation of Council staff under the Planning and Environment Act 1987: Jorine Bothma, Jesse Cardamone, Belinda Moody (28.01.20)

PARKING RESTRICTIONS APPROVED BY DELEGATION JANUARY 2020

Address: **Joseph Street, Blackburn North:** western boundary of 49 Joseph Street east end of Joseph Street (south side)

Previously: 10 Unrestricted parking spaces

Now: 10 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Destoop Court, Blackburn North:** all of (both sides)

Previously: 5 Unrestricted parking spaces

Now: 5 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Blackburn Road, Blackburn:** Central Road to 5m south of the southern boundary of 25 Blackburn Road (east side)

Previously: 5 '1-Hour, 9.30am to 3pm, Monday to Friday & 8am to 1pm Saturday' parking spaces

Now: 5 '2-Hour, 9.30am to 3pm, Monday to Friday & 8am to 1pm Saturday' parking spaces

Address: **Blackburn Road, Blackburn:** 5m south of the southern boundary of 25 Blackburn Road to southern boundary of 33 Blackburn Road (east side)

Previously: 5 '2-Hour, 9.30am to 3pm, Monday to Friday & 8am to 1pm Saturday'

Now: 5 '2-Hour, 9.30am to 3pm, Monday to Friday & 8am to 1pm Saturday'

9.3.6

(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING JANUARY 2020

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
02/01/2020	\$23,100.00	1	CHQ
02/01/2020	\$770,396.49	1	EFT
03/01/2020	\$1,029.60	1	EFT
09/01/2020	\$13,141.23	21	EFC
09/01/2020	\$63,555.37	34	CHQ
09/01/2020	\$1,899,570.34	226	EFT
10/01/2020	\$4,180.00	1	EFT
13/01/2020	\$32,500.00	1	EFT
13/01/2020	\$43,055.09	1	EFT
16/01/2020	\$19,090.23	23	EFC
16/01/2020	\$67,846.62	65	CHQ
16/01/2020	\$3,273,116.71	276	EFT
23/01/2020	\$7,818.21	83	EFC
23/01/2020	\$54,369.35	57	CHQ
23/01/2020	\$1,876,434.96	144	EFT
23/01/2020	\$629.60	2	CHQ
24/01/2020	\$40,768.10	4	EFT
28/01/2020	\$2,223,504.74	1	EFT
28/01/2020	\$13,630.21	1	EFT
29/01/2020	\$2,786.66	2	EFT
30/01/2020	\$7,009.65	35	EFC
30/01/2020	\$80,575.39	35	CHQ
30/01/2020	\$2,268,138.77	181	EFT
30/01/2020	\$14,317.58	1	EFT
GROSS	12,800,564.90	1197	
Monthly Lease Payments	32,854.91		
Direct Debit Payments	198,345.26		
CANCELLED PAYMENTS	-65583.84	15	
NETT	12,966481.23	1182	

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 Davenport reported on his attendance at the following:

- Metropolitan Transport Forum meeting held on 4 March 2020.
- Whitehorse Business Group Annual General meeting held on 3 March 2020 and Whitehorse Business Group board meeting held on 10 March 2020.
- Visual Arts Committee held on 11 March 2020.

10.1.2 Cr Munroe reported on his attendance at meetings of the Whitehorse Manningham Regional Library Corporation: general Library Board meeting on 24 February 2020; and an extraordinary meeting for the Draft Budget held on 11 March 2020.

10.1.3 Cr Stennett reported on his attendance at Whitehorse Matsudo Sister City Councillor Reference Group meeting held 26 February 2020.

10.1.4 Cr Carr reported on her attendance at the following:

- Whitehorse Audit Advisory Committee meeting held on 16 March 2020.
- Visual Arts Committee meeting held on 11 March 2020.

10.1.5 Cr Liu reported on her attendance at the following meetings:

- Whitehorse Matsudo Sister City Councillor Reference Group meeting held 26 February 2020.
- Whitehorse Business Group Annual General meeting held on 3 March 2020 and Whitehorse Business Group board meeting held on 10 March 2020.
- Whitehorse Manningham Regional Library Corporation extraordinary meeting for the Draft Budget held on 11 March 2020.

10.1.6 Cr Massoud reported on her attendance at the Whitehorse Audit Advisory Committee meeting held on 16 March 2020.

10.1.7 The Mayor Cr Ellis reported on her attendance at the following:

- Municipal Association of Victoria Metro East Regional Delegates meeting held 27 February 2020.
- Whitehorse Matsudo Sister City Councillor Reference Group meeting held 26 February 2020.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Stennett

That the reports from delegates be received and noted.

CARRIED

10.2 Recommendation from the Special Committee of Council Meeting of 10 March 2020

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
24.02.20 6:30-7:00pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> 9.1.1 21-23 Irving Avenue, BOX HILL (Lots 1-3 TP 551912 16, Lots 1-3 TP 167024 16) 9.1.2 Developing an updated Whitehorse Climate Response Plan 9.1.3 Support for Box Hill Businesses 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Carr Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White T Wilkinson A De Fazio J Russell C Altan	Nil	Nil
26.02.20 4:30- 5:00pm	Whitehorse Matsudo Sister City Councillor Reference Group	Cr Ellis (Mayor & Chair) Cr Liu Cr Stennett	A De Fazio S Price H Rowlands J Russell	Nil	Nil
03.03.20 6:30-10:15pm	Strategic Planning Session <ul style="list-style-type: none"> Investment and Economic Development Strategy Extension 2020-2022 Financial Report as at 31 January 2020 Nunawading Hub Fees and Charges Budget Update: 2020/21 Fees and Charge Councillor Nomination 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Carr Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White P Smith T Wilkinson A De Fazio J Russell D Shambrook M Bishop S Kiss J Chambers S Cann J Blythe S Dixon N Brown C Gipps	Nil	Nil
10.03.20 5:00-6:00pm	Vicinity Centres Presentation	Cr Bennett (Acting Chairperson) Cr Barker Cr Carr Cr Cutts Cr Liu Cr Munroe	S McMillan J Green S White P Smith A De Fazio A Egan V McLean K Marriott J Hansen C Hui	Nil	Nil

10.3
(cont)

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
10.03.20 6:30-10:30pm	Councillor Briefing Session <ul style="list-style-type: none"> • Special Committee Agenda: Other Business • Community Vision Engagement Workshop • Morack Redevelopment Update • Continuous Improvement Project Merchant Fees • Draft Council Agenda 16 March 2020 	Cr Bennett (Acting Chairperson) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White P Smith A De Fazio J Russell C Altan S Cann D Seddon A Ghastine K Sinclair J Chambers K Marriott A Egan V McLean J Hansen S Belmore E Sun I Kostopoulos I Barnes M Kerr C Hui	Nil	Nil

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Carr

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

11.1 Cr Bennett reported on his attendance at:

- CEDA 'War on Waste: Building a Circular Economy' seminar held on 26 February 2020.
- Road Safety Symposium held by the Institute of Sensible Transport 13 March 2020.

11.2 Cr Massoud reported on her attendance at the CEDA 'War on Waste: Building a Circular Economy' seminar held on 26 February 2020.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Massoud

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

CARRIED UNANIMOUSLY

12 CLOSE MEETING

Meeting closed at 9:27pm

Confirmed this 20th day of April 2020

CHAIRPERSON