



# City of Whitehorse

## MINUTES

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### Ordinary Council Meeting

Held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Tuesday 18 April 2017**

at 7.00pm

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

**Ms Noelene Duff**  
Chief Executive Officer

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Meeting opened at 7.00pm

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

## **1 PRAYER**

### **1a Prayer for Council**

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

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

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

***Amen.***

### **1b Aboriginal Reconciliation Statement**

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

## **2 WELCOME AND APOLOGIES**

The Mayor welcomed all

APOLOGIES: Nil

## **3 DISCLOSURE OF CONFLICT OF INTERESTS**

Cr Liu disclosed an indirect conflict of interest in Item 12.1 Purchase of Council Land.

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Ordinary Council Meeting 20 March 2017 and Special Council Meeting Whitehorse Centre 10 April 2017.

### **COUNCIL RESOLUTION**

Moved by Cr Ellis, Seconded by Cr Cutts

***That the minutes of the Ordinary Council Meeting 20 March 2017 and Special Council Meeting Whitehorse Centre 10 April 2017 having been circulated now be confirmed.***

**CARRIED UNANIMOUSLY**

## **5 RESPONSES TO QUESTIONS**

None Submitted

**6 NOTICES OF MOTION**

Nil

**7 PETITIONS**

Cr Munroe tabled a petition signed by 190 signatories in opposition to the proposed development plans for 229-231 Blackburn Road Blackburn South.

**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Davenport

***That Council receive the petition for consideration as part of Council's deliberations on Item 9.1.2 229-231 Blackburn Road Blackburn South (Lot 285 LP 510800) Construction of a three storey building for four offices and 17 dwellings, use of the land for a dwelling, reduction in the required car parking provision and alteration of access to a road zone (Category 1).***

**CARRIED UNANIMOUSLY**

**8 URGENT BUSINESS**

Nil

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 182-186 Burwood Highway, Burwood (Lot 2 TP 186129R) – Construction of seven dwellings, comprising one three-storey and six four-storey dwellings, reduction of standard car parking requirement (one visitor parking space) and alteration of access to road in a Road Zone, Category 1**

FILE NUMBER: WH/2016/1021  
ATTACHMENT

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#### **SUMMARY**

*This application was advertised, and one objection was received. The objection raised issues with neighbourhood character, streetscape, overshadowing, and devaluation of property. 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. This application has been called in by Councillor Ellis.*

#### **RECOMMENDATION**

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

- A** *Being the Responsible Authority, having caused Application WH/2016/1021 for 182-186 Burwood Highway, BURWOOD (LOT 1 TP 186129R, LOT 2 TP 186129R) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of seven dwellings, comprising one three storey and six four storey dwellings, reduction of standard car parking requirement (one visitor parking space) and alteration of access to road in a road zone Category 1 is acceptable and should not unreasonably impact the amenity of adjacent properties.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 182-186 Burwood Highway, BURWOOD (LOT 2 TP 186129R) for the construction of seven dwellings, comprising one three storey and six four storey dwellings, reduction of standard car parking requirement (one visitor parking space) and alteration of access to road in a road zone, subject to the following conditions:*
- 1.** *Before the development starts, or any trees or vegetation removed, amended plans (three copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:*
    - a)** *Dwelling 1 setback at least 2 metres, Dwellings 2 and 3 setback at least 2.6 metres, and Dwelling 6 setback at least 3 metres from the western boundary at ground floor level without reducing any other existing setbacks.*
    - b)** *Provision of a freestanding trellis 300mm high above the western boundary fence adjacent to Dwellings 5, 6 and 7.*
    - c)** *Provision of double glazing to the habitable room windows of Dwelling 1.*
    - d)** *Provision of a canopy above the entry of each dwelling.*

### **9.1.1**

(cont)

- e) *The access crossover to be flared at 60 degrees with 3.0 metres radial turnouts at the kerb and with 1.0 metre clearance from any fixed object at the entrance of the property, as required by Condition 22 of this permit.*
- f) *The following reports to be submitted will form part of the endorsed documentation:*
  - i. *Sustainable Design Assessment in accordance with Condition 10 of this permit.*
  - ii. *Waste Management Plan in accordance with Condition 13 of this permit.*
- g) *Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- h) *The locations of Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.*
- i) *Landscape Plan in accordance with Condition 3, including the following:*
  - i. *One of the following trees to be planted within the front setback of Dwelling 1:*
    - *Cedrus atlantica f. glauca – Blue Atlas Cedar.*
    - *Cedrus deodara – Himalayan Cedar.*
  - ii. *All new trees must be planted at a minimum height of 1.5 metres.*

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

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

**9.1.1**  
(cont)

- e) *The proposed design features such as paths, paving, lawn and mulch.*
- f) *A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

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

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

- 4. *The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. *Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
  - a) *Tree Protection Zone distances:*
    - i. *Tree 1 (Lophostemon confertus) – 2.4m metre radius from centre base of tree.*
    - ii. *Tree 4 (Grevillia robusta) – 3.2 metre radius from centre base of tree.*
    - iii. *Tree 5 (Eucalyptus saligna) – 5.4 metre radius from centre base of tree.*
    - iv. *Tree 9 (Eucalyptus camaldulensis) – 13.2 metre radius from centre base of tree.*
  - b) *Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:*
    - i. *Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
    - ii. *Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
    - iii. *Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
    - iv. *No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
    - v. *All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
    - vi. *No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
    - vii. *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*



**9.1.1**  
(cont)

- viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 6. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
- a) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 2.0m of the southwest boundary fence and 2.6m of the southeast boundary fence where the TPZ of Tree 9.**
- b) All buildings and works (soft landscaping allowable), including soil level changes, must be setback 2.0m from the southwest boundary fence and 2.6m of the southeast boundary fence where within the TPZ of Tree 9.**
- 7. The existing street tree shall not be removed or damaged except with the written consent of the Responsible Authority.**
- 8. The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 9. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.**

**Environmentally Sustainable Design**

- 10. Prior to the commencement of any buildings and works, an amended Sustainable Design Assessment must be submitted and endorsed to the satisfaction of the Responsible Authority. The amended assessment must demonstrate that the proposal passes the IEQ Category requirement on the BESS Report.**

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

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

- 11. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainable Design Assessment, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainable Design Assessment have been implemented in accordance with the approved plan.**
- 12. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority, and the approved uses and building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the Sustainable Design Assessment may occur without the prior written consent of the Responsible Authority.**

### **9.1.1**

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#### **Waste Management Plan**

- 13. Prior to the commencement of buildings and works, a Waste Management Plan prepared by a suitably qualified consultant, including the changes listed below for endorsement must be submitted to the satisfaction of the Responsible Authority.**

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

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

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

#### **Construction Management Plan**

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

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

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

**When approved the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority, to the extent that this is in the control of the owner of the land.**

**The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the Construction Management Plan.**

#### **Assets and Drainage**

- 15. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.**
- 16. Detailed plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a consulting engineer and submitted for approval to the Responsible Authority prior to the commencement of any works.**
- 17. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.**
- 18. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**

### **9.1.1**

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- 19. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets."**

#### **VicRoads Conditions**

- 20. All vehicles must enter and exit the land in a forward direction.**
- 21. Any obstruction or vegetation must be kept low to achieve the driver sightline distance at the access, as per Design Standard 1 of Clause 52.06 of the Planning Scheme and AS/NZS 2890.1:2004.**
- 22. The access crossover should be flared at 60 degrees with 3.0m radial turnouts at the kerb and with 1.0m clearance from any fixed object at the entrance of the property.**

#### **Expiry**

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

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

#### **Permit Notes:**

#### **Assets and Drainage**

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

### **9.1.1**

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- F. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.*
- G. Any proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.*
- H. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.*
- I. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.*

#### **Street Tree**

- J. Any trees that need to be removed due to the location of the proposed vehicle crossing must be approved by Parkswide prior to endorsement of the plans.*
  - K. Report and consent – building over the easement must be approved prior to endorsement of the building permit.*
  - L. No trees are permitted to be planted within the easement.*
- 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 Ellis, Seconded by Cr Davenport

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

- A. Being the Responsible Authority, having caused Application WH/2016/1021 for 182-186 Burwood Highway, BURWOOD (LOT 1 TP 186129R, LOT 2 TP 186129R) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of seven dwellings, comprising one three storey and six four storey dwellings, reduction of standard car parking requirement (one visitor parking space) and alteration of access to road in a road zone Category 1 is acceptable and should not unreasonably impact the amenity of adjacent properties.*
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 182-186 Burwood Highway, BURWOOD (LOT 2 TP 186129R) for the construction of seven dwellings, comprising one three storey and six four storey dwellings and alteration of access to road in a Road Zone, Category 1, subject to the following conditions:*

### **9.1.1**

(cont)

1. ***Before the development starts, or any trees or vegetation removed, amended plans (three copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
  - a) ***Provision of a minimum of one (1) visitor car parking space on site.***
  - b) ***Dwelling 1 setback at least 2 metres, Dwellings 2 and 3 setback at least 2.6 metres, and Dwelling 6 setback at least 3 metres from the western boundary at ground floor level without reducing any other existing setbacks.***
  - c) ***Provision of a freestanding trellis 300mm high above the western boundary fence adjacent to Dwellings 5, 6 and 7.***
  - d) ***Provision of double glazing to the habitable room windows of Dwelling 1.***
  - e) ***Provision of a canopy above the entry of each dwelling.***
  - f) ***The access crossover to be flared at 60 degrees with 3.0 metres radial turnouts at the kerb and with 1.0 metre clearance from any fixed object at the entrance of the property, as required by Condition 22 of this permit.***
  - g) ***The following reports to be submitted will form part of the endorsed documentation:***
    - i. ***Sustainable Design Assessment in accordance with Condition 10 of this permit.***
    - ii. ***Waste Management Plan in accordance with Condition 13 of this permit.***
  - h) ***Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.***
  - i) ***The locations of Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.***
  - j) ***Landscape Plan in accordance with Condition 3, including the following:***
    - i. ***One of the following trees to be planted within the front setback of Dwelling 1:***
      - ***Cedrus atlantica f. glauca – Blue Atlas Cedar.***
      - ***Cedrus deodara – Himalayan Cedar.***
    - ii. ***All new trees must be planted at a minimum height of 1.5 metres.***
- All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit.***
2. ***The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.***
3. ***No building or works must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:***
  - a) ***A survey of all existing vegetation, abutting street trees, natural features and vegetation.***

**9.1.1**  
(cont)

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

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

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

- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
  - a) Tree Protection Zone distances:*
    - i. Tree 1 (Lophostemon confertus) – 2.4m metre radius from centre base of tree.*
    - ii. Tree 4 (Grevillia robusta) – 3.2 metre radius from centre base of tree.*
    - iii. Tree 5 (Eucalyptus saligna) – 5.4 metre radius from centre base of tree.*
    - iv. Tree 9 (Eucalyptus camaldulensis) – 13.2 metre radius from centre base of tree.*
  - b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:*
    - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
    - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
    - 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.*

**9.1.1**  
(cont)

- iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
  - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
  - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
  - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 6. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
- a) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 2.0m of the southwest boundary fence and 2.6m of the southeast boundary fence where the TPZ of Tree 9.*
  - b) All buildings and works (soft landscaping allowable), including soil level changes, must be setback 2.0m from the southwest boundary fence and 2.6m of the southeast boundary fence where within the TPZ of Tree 9.*
- 7. The existing street tree shall not be removed or damaged except with the written consent of the Responsible Authority.**
- 8. The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 9. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.**

**Environmentally Sustainable Design**

- 10. Prior to the commencement of any buildings and works, an amended Sustainable Design Assessment must be submitted and endorsed to the satisfaction of the Responsible Authority. The amended assessment must demonstrate that the proposal passes the IEQ Category requirement on the BESS Report.**
- The requirements of the Sustainable Design Assessment must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.*
- Once submitted and approved to the satisfaction of the Responsible Authority, the Sustainable Design Assessment will form part of the endorsed plans of this permit.*

### **9.1.1**

(cont)

- 11. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainable Design Assessment, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainable Design Assessment have been implemented in accordance with the approved plan.**
- 12. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority, and the approved uses and building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the Sustainable Design Assessment may occur without the prior written consent of the Responsible Authority.**

#### **Waste Management Plan**

- 13. Prior to the commencement of buildings and works, a Waste Management Plan prepared by a suitably qualified consultant, including the changes listed below for endorsement must be submitted to the satisfaction of the Responsible Authority.**

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

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

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

#### **Construction Management Plan**

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

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

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

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



### **9.1.1** (cont)

#### **Assets and Drainage**

- 15. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.**
- 16. Detailed plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a consulting engineer and submitted for approval to the Responsible Authority prior to the commencement of any works.**
- 17. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.**
- 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. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets."**

#### **VicRoads Conditions**

- 20. All vehicles must enter and exit the land in a forward direction.**
- 21. Any obstruction or vegetation must be kept low to achieve the driver sightline distance at the access, as per Design Standard 1 of Clause 52.06 of the Planning Scheme and AS/NZS 2890.1:2004.**
- 22. The access crossover should be flared at 60 degrees with 3.0m radial turnouts at the kerb and with 1.0m clearance from any fixed object at the entrance of the property.**

#### **Expiry**

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

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

#### **Permit Notes:**

#### **Assets and Drainage**

- A. Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.**

### **9.1.1**

(cont)

- B. The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.***
- C. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.***
- D. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.***
- E. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.***
- F. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.***
- G. Any proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.***
- H. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.***
- I. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.***

#### **Street Tree**

- J. Any trees that need to be removed due to the location of the proposed vehicle crossing must be approved by Parkswide prior to endorsement of the plans.***
- K. Report and consent – building over the easement must be approved prior to endorsement of the building permit.***
- L. No trees are permitted to be planted within the easement.***
- C. All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit.***

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**CARRIED UNANIMOUSLY**

### 9.1.1 (cont)

MELWAYS REFERENCE 61 A6

Applicant:	Townplus Pty Ltd
Zoning:	RGZ2 (Residential Growth Zone Schedule 2)
Overlays:	Nil
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.07	Residential Growth Zone
Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Riversdale



		Subject site	One (1) Objector Property	 North
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### **9.1.1**

(cont)

## **BACKGROUND**

### **History**

Planning permit WH/2016/475 was issued on 12 December 2016, for two (2) lot subdivision. The permit created two lots, Lot 1 that contains the Burwood Telstra Exchange and Lot 2 which is a vacant allotment (subject site).

This application was called in to Council by Cr Ellis on 9 March 2017.

### **The Site and Surrounds**

The subject site is located on the south side of Burwood Highway in Burwood, approximately 45 metres west of the intersection with McIntyre Street. The site has a frontage of 21.07 metres to Burwood Highway, a maximum depth of 46.32 metres, and a total site area of 672m<sup>2</sup>. The site has a slope of approximately 2.5 metres from west to east across the site. A 6.11 metre wide by 9.04 metre long carriageway easement is located at the north-east corner of the site. The site is currently vacant. It was previously used as a carpark by the adjoining Telstra Exchange to the east. The Telstra exchange will still have access to a total of six car parking spaces, two off McIntyre Street and four off Burwood Highway accessed via the carriageway easement within the frontage of the subject site. The subject site does not contain any significant vegetation.

The surrounding properties comprise a mix of uses, including residential dwellings to the south and west, Telstra Exchange building to the east, and the Presbyterian Ladies College opposite the site, on the north side of Burwood Highway. There are a number of medium density developments in the area. A number of canopy trees are located on the adjoining property to the east and west adjacent to the subject site.

### **Planning Controls**

In accordance with Clause 32.07 - (Residential Growth Zone) of the Whitehorse Planning Scheme, a Planning Permit is required for the construction of two or more dwellings on a lot.

A Planning Permit is also required under Clause 52.06 (Car parking) for the reduction of standard car parking requirement (one visitor parking space), and for alteration of access to a road in a Road Zone Category 1 under Clause 52.29.

## **PROPOSAL**

It is proposed to construct seven dwellings, comprising one three-storey and six four-storey dwellings, reduction of standard car parking requirement (one visitor parking space) and alteration of access to road in a Road Zone, Category 1.

Each dwelling would contain two bedrooms and a single garage, except for Dwelling 1 which will contain 3 bedrooms and a double garage. Vehicle access to and from the site would be via a driveway along the eastern boundary and an existing crossover on Burwood Highway.

The proposed development would be setback 5.95m from the north (front) boundary, a minimum of 1.7m from the west (side) boundary, 1.2m from the east (side) boundary, and 2.3m from the south (rear) boundary. It would have a maximum height of 14.5m above natural ground level.

The proposed development would have a flat roof. Building materials include face brick, aluminium cladding, and compressed fibre cement sheeting with concrete sealer for external walls.

### **9.1.1**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent property owners and occupiers and by erecting a notice on front of the site. Following the advertising period, one (1) objection was received. The issues raised in this objection largely relate to neighbourhood character, streetscape, overshadowing and devaluation of property.

### **Referrals**

#### **External**

##### *VicRoads*

The proposal has been referred to VicRoads under Section 55 of the Planning and Environment Act. VicRoads has reviewed the application and has no objection to the proposal, subject to conditions to be placed on the permit.

#### **Internal**

##### *Planning Arborist*

The proposal has been reviewed by Council's Planning Arborist, who raised no concern to the proposal, and recommended a columnar exotic tree to be planted within the front setback, and tree protection measures to be included for the neighbouring trees on any permit issued.

##### *Asset Engineering (Drainage)*

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

##### *Transport Engineering*

The proposed plans have been reviewed by Council's Transport Engineer who supports the proposal and commented that the single visitor parking space can be accommodated within the available parking in surrounding streets.

## **DISCUSSION**

The construction of seven dwellings on this site is consistent with State and Local Planning Policies which encourages higher density development within walking distance of shops, recreation facilities and public transport. The proposal accords with State Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourages the development of well-designed medium-density housing that makes better use of existing infrastructure; and that new development respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

This proposed development is in keeping with the built form and scale of the developments along Burwood Highway, and the proposed design and siting is consistent, subject to conditions, with the objectives and intent of Council's Residential Development Policy for developments within Substantial Change and Garden Suburban areas, and Neighbourhood Character Area 1.

The proposed development has been fully assessed against and is considered, subject to conditions, to satisfy the relevant standards and objectives of Clause 55 (Two or more dwellings on a lot) of the Whitehorse Planning Scheme.

The following discussion covers the key issues raised during the application process.

### **9.1.1**

(cont)

#### *Visitor parking reduction*

The application is seeking a reduction of one (1) visitor car parking space on site. It is noted that the subject site is well serviced by public transport, including tram service along Burwood Highway, and bus services along both Burwood Highway and Elgar Road.

Furthermore, the submitted Parking and Traffic Assessment indicated that there were a minimum of 24 car parking spaces available within reasonable walking distance, that is 400 metres, from the subject site when the survey was undertaken on Thursday 13 October 2016 at 9am, 12noon and 5pm and Saturday 15 October 2016 at 9am and 12noon.

It is therefore considered that the reduction of one (1) visitor parking space can be easily accommodated within the area. Moreover, the reduction has been assessed by and supported by Council's Transport Engineer.

#### *Neighbourhood character*

The subject site is located in Area No. 1 of the Whitehorse Neighbourhood Character Study. The preferred character statement indicates that the substantial change area within and near Burwood Village, and areas with good access to trams will accommodate new medium density dwellings with more compact siting, while retaining space for landscaping including trees. It is considered that the proposal is consistent with the preferred character of the area. The proposal provides sufficient space within the front setback for the planting of a canopy tree. A condition will be placed on the permit to increase the setback to the western boundary to allow additional landscaping long the side boundary to maintain the landscape character of the area and rhythm of spacing between dwellings. It is also noted that this is the key interface with the single objector property, and as such increased setback distance and landscaping will provide additional visual screening between the 2 properties.

#### *Street setback*

The Telstra exchange building on the east adjoining property has a front setback of approximately 4.5m to Burwood Highway, and the dwelling located on the west adjoining property has a front setback of 11.36m to Burwood Highway. According to Standard B6, the proposed development is required to be setback 7.9m from Burwood Highway.

The proposed development would have a front setback ranging from 5.95m to 8.8m. Whilst the proposed front setback partially fails to meet Standard B6, it is considered acceptable as the subject site is located near the intersection of Elgar Road and Burwood Highway where the front setbacks of the buildings nearby vary significantly. The proposed front setback will make efficient use of the site and provides sufficient landscaping opportunity for the planting of a canopy tree. It should be noted that the development would have a minimum setback of 8.68m at second floor level.

Given the above, it is considered the proposed front setback is acceptable and meets the objective and decision guidelines of clause 55.03-1 of the Whitehorse Planning Scheme.

#### *Building height*

The maximum building height requirement at Clause 32.07-7 (Residential Growth Zone) replaces the maximum building height specified in Standard B7 at Clause 55.

The Residential Growth Zone allows a dwelling / residential building to have a maximum height of 14.5m if the slope of the natural ground level is 2.5 degrees or more.

The proposed development will have a maximum height of 14.5m which complies with the above requirement. The subject site has a slope of approximately 3 degrees.

### 9.1.1

(cont)

#### *Energy efficiency*

The proposal comprises a total of seven dwellings. A Built Environment Sustainability Scorecard (BESS) Report and Storm Report have been submitted, however, the proposal fails the Indoor Environment Quality (IEQ) Category on the BESS Report, therefore, it will be a permit condition requiring this category to be passed. That said, officers acknowledge that the proposal can achieve compliance with these standards, therefore it is a reasonable requirement for this to be demonstrated through conditions.

#### *Safety*

Entries of Dwellings 4 and 5 will be obscured by Dwelling 3, and the entry of Dwelling 7 will be obscured by Dwelling 6. As such, it is considered appropriate to require Dwelling 1 to setback 300mm further from the western boundary, Dwellings 2 and 3 to setback 600mm further from the western boundary and Dwelling 6 setback 1m further from the western boundary to increase visibility and improve surveillance of dwelling entries from the street and common pathway. Setbacks elsewhere within the development are not to be reduced to enable these western setbacks to be achieved, as this would bring the building closer to the eastern boundary and compromise the driveway width.

It is noted that the applicant has agreed to the above changes.

#### *Landscaping*

The proposal provides adequate area within the front setback for the planting of a canopy tree. The landscape character of the area will be maintained.

It is noted that Council's Arborist has reviewed the application and has no objection to the removal of Trees 2 and 3 and has recommended the planting of one of the following trees within the front setback of the development:

- Cedrus atlantica f. Glauca – Blue Atlas Cedar.
- Cedrus deodara – Himalayan Cedar.

In addition, tree protection measures will be required to be included on the permit for the neighbouring trees (Trees 4, 5 and 9).

Tree protection measures will also be required for the street tree (Tree 1) to ensure this tree is protected during demolition and construction.

As previously mentioned, Dwellings 1, 2, 3, and 6 will be setback further from the western boundary which will increase landscaping opportunity along this boundary. A landscape plan will be required as a condition of approval.

#### *Overlooking*

A condition will be placed on the permit to require a freestanding 300mm high trellis to be provided above the western boundary fence adjacent to Dwellings 5, 6 and 7 to limit overlooking into the secluded private open space of the neighbouring property.

No overlooking will occur from other habitable room windows.

#### *Noise impacts*

It is considered adequate to require the provision of double glazing to the habitable room windows of Dwelling 1 to protect future residents from traffic noise from Burwood Highway, consistent with the requirement of Standard B24. This will be placed on the permit as a condition of approval.

### 9.1.1

(cont)

#### *Dwelling entry*

Standard B26 requires entries to dwellings be visible and easily identifiable from the street and provided with shelter, a sense of personal address and a transitional space around the entry.

It is therefore considered appropriate to place a condition on the permit to require the provision of a canopy at the entry of each dwelling.

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

##### *Overshadowing*

The shadows diagrams submitted by the applicant indicate that shadows cast by the development will be largely contained within the development site itself, or are cast onto adjoining existing boundary fencing and sheds. The expected shadowing is within the requirement of the relevant ResCode objective.

##### *Devaluation of property.*

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

#### **CONCLUSION**

The proposed development is consistent with the relevant planning controls and policies, including the State and Local Planning Policies and provisions of the Residential Growth Zone. The proposed development form, siting and overall design is considered to be acceptable and will integrate well with the existing and preferred built form and character. The application has been advertised and the concerns raised by one (1) objector have been suitably addressed in this report.

It is therefore considered that the application should be approved.

#### **ATTACHMENT**

- 1 Architectural Plans  



**9.1.2 229-231 Blackburn Road, Blackburn South (Lot 285 LP 510800)  
– Construction of a three storey building for four offices and  
seventeen dwellings, use of the land for a dwelling, reduction in  
the required car parking provision and alteration of access to a  
Road Zone (Category 1)**

FILE NUMBER: WH/2016/105  
ATTACHMENT

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**SUMMARY**

*This application was advertised, and a total of 24 objections from 22 objector properties have been received. The objections raise issues with neighbourhood character, amenity impacts, traffic and car parking impacts and other matters. A Consultation Forum was held on 29 November 2016 chaired by Councillor Massoud, during which the issues were explored, however no resolution was reached between the parties. The application has since been amended to reduce the height of the building by one storey and increase the car parking provision. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

**RECOMMENDATION**

**That Council:**

- A** *Being the Responsible Authority, having caused Application WH/2016/105 for 229-231 Blackburn Road, BLACKBURN SOUTH (Lot 285 LP 510800) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction of a three storey building for four offices and seventeen dwellings, use of the land for a dwelling, reduction in the required car parking provision and alteration of access to a Road Zone (Category 1) is acceptable and should not unreasonably impact the amenity of adjacent properties.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 229-231 Blackburn Road, BLACKBURN SOUTH (Lot 285 LP 510800) for the construction of a three storey building for four offices and seventeen dwellings, use of the land for a dwelling, reduction in the required car parking provision and alteration of access to a Road Zone (Category 1), subject to the following conditions:*
- 1. Before the use and development starts, amended plans (two copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted on 30 January 2017 but modified to show:*
    - a) A pedestrian access ramp for the disabled share space.*
    - b) Any bicycle parking outside the site deleted.*
    - c) A carriageway easement to be created over that portion of the land to be set aside for the widening of the laneway at the southern boundary. This land must be constructed to the same standards as the laneway and be clearly delineated as not in Council ownership.*
    - d) Development plans to reflect all sustainability features indicated in the submitted, amended and approved Sustainability Management Plan (SMP). The plans are to be generally in accordance with the plans submitted with the application but modified to show:*
      - i. All operable windows, doors, winter garden openings & vents in elevation drawings*

**9.1.2**  
(cont)

- ii. Exterior shading for all east, north and west windows greater than 1.5 square metres, to shade at least 40% from 10am to 2pm in summer.*
- iii. Water-sensitive urban design measures as required to achieve a STORM Rating 100% or greater, including rain water tanks and rain garden information*
- iv. At least 2 operable openings for each retail tenancy. One of these may be the entry door, while the second may be a smaller operable vent or operable window, preferably spaced far apart.*
- e) Skylights for the upper level internal corridor.*
- f) Double glazing to the south facing windows of Dwelling G.05.*
- g) A materials and colours schedule, including the roof in a light-reflecting colour.*
- h) Balcony for Dwelling 1.3 increased in size to 8m<sup>2</sup>.*
- i) The storage cages in the basement notated as being 6m<sup>3</sup> in volume.*
- j) Letterboxes relocated outside of the residential lobby.*
- k) Head height clearances within the basement and basement ramp notated on the elevation plans.*
- l) The basement entrance gate relocated to the base of the ramp.*
- m) The specific stacker model identified on the basement floor plan.*
- n) Swept path diagrams to the satisfaction of the Responsible Authority taking in to account all necessary columns and infrastructure associated with the stackers.*
- o) A traffic signalling system in lieu of convex mirrors in the basement ramp.*
- p) All car parking spaces within the basement allocated to a specific tenancy or dwelling.*
- q) A revised Waste Management Plan as required by Condition 6.*
- r) A landscaping plan in accordance with Condition 3.*

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

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

- 2.** *The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3.** *No building or works must be commenced until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan must demonstrate:*
  - a) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*
  - b) How each planting area is to be irrigated.*

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

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

## **9.1.2**

(cont)

4. ***Prior to the commencement of the development and use permitted, the owner must construct the laneway where adjacent to the southern boundary of the subject site for a distance of 32.18 metres. The applicant is required to submit the plans showing construction and drainage works to the satisfaction of the Responsible Authority and the following requirements are to be detailed:***
  - a) ***Plans detailing existing conditions and proposed works within the laneway are to be submitted and approved by Council's Engineering & Environmental Services Department prior to any construction works being undertaken within the development site. These plans must detail road widths, extent of earthworks, proposed road pavements, kerb and channels, footpaths and underground drainage.***
  - b) ***Proposed roadworks must meet the requirements of Clause 52.06 as set out in the Whitehorse Planning Scheme.***
  - c) ***All construction works within the laneway are to be completed prior to the commencement of the use.***
  - d) ***The owner to pay all reasonable expenses of Council should the owner default final completion.***
5. ***Prior to the commencement of any buildings or demolition works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. This SMP must be generally in accordance with the SMP submitted with the application, but amended to address the following:***
  - a) ***A Sustainable Design Scorecard or quantitative equivalent***
  - b) ***A STORM Rating Report with a score of 100% or greater***
  - c) ***A complete STEPS Report***
  - d) ***Commit to controlling all service & lift area lighting with daylight and motion sensors or timers.***
  - e) ***Commit to control service & lift area ventilation with timers and other sensors.***
  - f) ***Control car park lighting (at least 75% of lighting fixtures) with motion sensors.***
  - g) ***Control car park ventilation with: CO sensors and/or timers***
  - h) ***At least 80% of all construction waste is to be diverted from landfill.***
  - i) ***A water balance calculation justifying the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with the AS6400 standard of 1 full- and 4 half-flushes per person per day (giving 16.5 L/person/day for 4 star WELS rated toilet). A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained. Alternately, increase the size of the rainwater tank to 30 kL, which would enable a longer period of water security.***
  - j) ***Supply all residential and non-residential toilet flushing and general/bin wash down with collected rainwater.***
  - k) ***STEPS: Improve potable water efficiency by adjusting the efficiency of showers to be minimum 3 Star WELS, 6.0-7.5 litres per minute.***

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

### **9.1.2**

(cont)

6. *An amended Waste Management Plan to referring to the plans lodged with the Responsible Authority on 30 January 2017 and addressing the following matters:*

- a) Waste generations;*
- b) Bins types and sizes to be to the satisfaction of the Responsible Authority;*
- c) Collection frequencies;*
- d) Bin storage areas to be of satisfactory size;*
- e) Bin placement in Blackburn Road to be free of obstructions to infrastructure, vehicles and pedestrians;*
- f) How waste will be collected if on-street collection is unable to be completed to the satisfaction of the Responsible Authority;*
- g) That all waste collections are to be completed by private contractors and no Council bins will be provided to the land;*
- h) That the responsibility for the waste management system is to be the body corporate or site manager, or similar person; not the collection contractor; and*
- i) How shared bin usage will be managed.*

*All of the above is to be to the satisfaction of the Responsible Authority,*

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

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

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

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

8. *Prior to the occupation of the buildings, the owner of the land must enter in to an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring the site owner/s to obtain and retain public liability insurance, to maintain to the satisfaction of the Responsible Authority and to indemnify the Responsible Authority against any damages or losses incurred as a result of the construction, existence, use, repair or maintenance of any buildings or works encroaching in to the road reserve.*

#### **Assets Conditions**

9. *The removal of any redundant crossovers, the construction of new pedestrian ramps and line marking of any new car parking spaces in Vicki Street is to be in accordance with the Australian Standards, undertaken by and at the cost of the permit holder and must be completed to the satisfaction of the Responsible Authority.*

### **9.1.2**

(cont)

- 10. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.**
- 11. Detailed plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a consulting engineer and submitted for approval to the Responsible Authority prior to the commencement of any works.**
- 12. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.**
- 13. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 14. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**

#### **VicRoads conditions**

- 15. Prior to the commencement of works, an amended plan must be submitted to and approved by the Responsible Authority. Once approved, the plan may then be endorsed and will form part of the permit. The plans must be generally in accordance with the advertised plans and amended to show:**
  - a) Land to be set aside as road and vested in Council.**
  - b) The edges of the crossover angled at 60 degrees to the edge of the road at least for the first 3.0 metres with 3.0 metre radial turnouts.**
- 16. Prior to the occupation of the buildings, all disused or redundant crossovers must be removed and the nature strip, footpath and kerb and channel reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads or the Responsible Authority.**
- 17. Prior to the occupation of the permitted development all works required by VicRoads under this permit must be completed to the satisfaction of the Responsible Authority and at no cost to VicRoads.**

#### **Expiry condition**

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

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

## 9.1.2 (cont)

### **Planning notes:**

- A. This is a planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy itself that it holds the permissions or interests necessary to carry out the use and/or development.**

### **VicRoads Note:**

- B. 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.**

### **Asset Notes:**

- C. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.**
- D. The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.**
- E. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.**
- F. The surface treatment and design of all crossovers and driveways must be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.**
- G. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.**
- H. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.**
- I. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to the commencement of works.**
- J. Any trees that need to be removed due to the location of the proposed vehicle crossing must be approved by Parkswide prior to the commencement of works.**

## 9.1.2

(cont)

- K. Council will not maintain the concreted laneway area within private property.**
  - L. Any existing vehicle crossing that is not being used for vehicular egress and access must be removed and kerb and channel constructed to Council and VicRoads standards.**
  - M. Before any building and works are commenced, the owner must enter into an agreement under section 173 of the Planning and Environment Act, 1987 with the Responsible Authority for construction of the canopy within the Road Reserve.**
  - N. 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.**
- 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 Munroe, Seconded by Cr Davenport

#### **That Council:**

- A Being the Responsible Authority, having caused Application WH/2016/105 for 229-231 Blackburn Road, BLACKBURN SOUTH (Lot 285 LP 510800) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction of a three storey building for four offices and seventeen dwellings, use of the land for a dwelling and alteration of access to a Road Zone (Category 1) is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 229-231 Blackburn Road, BLACKBURN SOUTH (Lot 285 LP 510800) for the construction of a three storey building for four offices and seventeen dwellings, use of the land for a dwelling and alteration of access to a Road Zone (Category 1), subject to the following conditions:**
  - 1. Before the use and development starts, amended plans (two copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted on 30 January 2017 but modified to show:**
    - a) Three additional car parking spaces within the basement. These spaces are to be allocated for residential visitor use.**
    - b) A pedestrian access ramp for the disabled share space.**
    - c) Any bicycle parking outside the site deleted.**
    - d) A carriageway easement to be created over that portion of the land to be set aside for the widening of the laneway at the southern boundary. This land must be constructed to the same standards as the laneway and be clearly delineated as not in Council ownership.**
    - e) Development plans to reflect all sustainability features indicated in the submitted, amended and approved Sustainability Management Plan (SMP). The plans are to be generally in accordance with the plans submitted with the application but modified to show:**
      - i. All operable windows, doors, winter garden openings & vents in elevation drawings**

**9.1.2**  
(cont)

- ii. Exterior shading for all east, north and west windows greater than 1.5 square metres, to shade at least 40% from 10am to 2pm in summer.*
- iii. Water-sensitive urban design measures as required to achieve a STORM Rating 100% or greater, including rain water tanks and rain garden information*
- iv. At least 2 operable openings for each retail tenancy. One of these may be the entry door, while the second may be a smaller operable vent or operable window, preferably spaced far apart.*
- f) Skylights for the upper level internal corridor.*
- g) Double glazing to the south facing windows of Dwelling G.05.*
- h) A materials and colours schedule, including the roof in a light-reflecting colour.*
- i) Balcony for Dwelling 1.3 increased in size to 8m<sup>2</sup>.*
- j) The storage cages in the basement notated as being 6m<sup>3</sup> in volume.*
- k) Letterboxes relocated outside of the residential lobby.*
- l) Head height clearances within the basement and basement ramp notated on the elevation plans.*
- m) The basement entrance gate relocated to the base of the ramp.*
- n) The specific stacker model identified on the basement floor plan.*
- o) Swept path diagrams to the satisfaction of the Responsible Authority taking in to account all necessary columns and infrastructure associated with the stackers.*
- p) A traffic signalling system in addition to convex mirrors in the basement ramp.*
- q) All car parking spaces within the basement allocated to a specific tenancy or dwelling.*
- r) A revised Waste Management Plan as required by Condition 6.*
- s) A landscaping plan in accordance with Condition 3.*
- t) The addition of a privacy screen at least 1.7m high to the southern boundary of the balcony for Dwelling 1.2.*

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

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. No building or works must be commenced until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan must demonstrate:*
  - a) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*
  - b) How each planting area is to be irrigated.*

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



**9.1.2**  
(cont)

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

4. *Prior to the commencement of the development and use permitted, the owner must construct the laneway where adjacent to the southern boundary of the subject site for a distance of 32.18 metres. The applicant is required to submit the plans showing construction and drainage works to the satisfaction of the Responsible Authority and the following requirements are to be detailed:*
  - a) *Plans detailing existing conditions and proposed works within the laneway are to be submitted and approved by Council's Engineering & Environmental Services Department prior to any construction works being undertaken within the development site. These plans must detail road widths, extent of earthworks, proposed road pavements, kerb and channels, footpaths and underground drainage.*
  - b) *Proposed roadworks must meet the requirements of Clause 52.06 as set out in the Whitehorse Planning Scheme.*
  - c) *All construction works within the laneway are to be completed prior to the commencement of the use.*
  - d) *The owner to pay all reasonable expenses of Council should the owner default final completion.*
5. *Prior to the commencement of any buildings or demolition works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. This SMP must be generally in accordance with the SMP submitted with the application, but amended to address the following:*
  - a) *A Sustainable Design Scorecard or quantitative equivalent*
  - b) *A STORM Rating Report with a score of 100% or greater*
  - c) *A complete STEPS Report*
  - d) *Commit to controlling all service & lift area lighting with daylight and motion sensors or timers.*
  - e) *Commit to control service & lift area ventilation with timers and other sensors.*
  - f) *Control car park lighting (at least 75% of lighting fixtures) with motion sensors.*
  - g) *Control car park ventilation with: CO sensors and/or timers*
  - h) *At least 80% of all construction waste is to be diverted from landfill.*
  - i) *A water balance calculation justifying the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with the AS6400 standard of 1 full- and 4 half-flushes per person per day (giving 16.5 L/person/day for 4 star WELS rated toilet). A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained. Alternately, increase the size of the rainwater tank to 30 kL, which would enable a longer period of water security.*
  - j) *Supply all residential and non-residential toilet flushing and general/bin wash down with collected rainwater.*
  - k) *STEPS: Improve potable water efficiency by adjusting the efficiency of showers to be minimum 3 Star WELS, 6.0-7.5 litres per minute.*

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

## **9.1.2**

(cont)

6. *An amended Waste Management Plan to referring to the plans lodged with the Responsible Authority on 30 January 2017 and addressing the following matters:*

- a) Waste generations;*
- b) Bins types and sizes to be to the satisfaction of the Responsible Authority;*
- c) Collection frequencies;*
- d) Bin storage areas to be of satisfactory size;*
- e) Bin placement in Blackburn Road to be free of obstructions to infrastructure, vehicles and pedestrians;*
- f) How waste will be collected if on-street collection is unable to be completed to the satisfaction of the Responsible Authority;*
- g) That all waste collections are to be completed by private contractors and no Council bins will be provided to the land;*
- h) That the responsibility for the waste management system is to be the body corporate or site manager, or similar person; not the collection contractor; and*
- i) How shared bin usage will be managed.*

*All of the above is to be to the satisfaction of the Responsible Authority,*

7. *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.*

*The plan must restrict the parking of construction vehicles in surrounding streets, so that no construction vehicle parking is permitted on the southern side of Vicki or on either side of Lee Ann Streets, Blackburn South.*

*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.*

8. *Prior to the occupation of the buildings, the owner of the land must enter in to an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring the site owner/s to obtain and retain public liability insurance, to maintain to the satisfaction of the Responsible Authority and to indemnify the Responsible Authority against any damages or losses incurred as a result of the construction, existence, use, repair or maintenance of any buildings or works encroaching in to the road reserve.*

**9.1.2**  
(cont)

**Assets Conditions**

9. *The removal of any redundant crossovers, the construction of new pedestrian ramps and line marking of any new car parking spaces in Vicki Street is to be in accordance with the Australian Standards, undertaken by and at the cost of the permit holder and must be completed to the satisfaction of the Responsible Authority.*
10. *All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.*
11. *Detailed plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a consulting engineer and submitted for approval to the Responsible Authority prior to the commencement of any works.*
12. *Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.*
13. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
14. *The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.*

**VicRoads conditions**

15. *Prior to the commencement of works, an amended plan must be submitted to and approved by the Responsible Authority. Once approved, the plan may then be endorsed and will form part of the permit. The plans must be generally in accordance with the advertised plans and amended to show:*
  - a) *Land to be set aside as road and vested in Council.*
  - b) *The edges of the crossover angled at 60 degrees to the edge of the road at least for the first 3.0 metres with 3.0 metre radial turnouts.*
16. *Prior to the occupation of the buildings, all disused or redundant crossovers must be removed and the nature strip, footpath and kerb and channel reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads or the Responsible Authority.*
17. *Prior to the occupation of the permitted development all works required by VicRoads under this permit must be completed to the satisfaction of the Responsible Authority and at no cost to VicRoads.*

**9.1.2**  
(cont)

**Expiry condition**

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

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

**Planning notes:**

- A. This is a planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy itself that it holds the permissions or interests necessary to carry out the use and/or development.**

**VicRoads Note:**

- B. 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.**

**Asset Notes:**

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

### **9.1.2**

(cont)

- H. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.*
  - I. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to the commencement of works.*
  - J. Any trees that need to be removed due to the location of the proposed vehicle crossing must be approved by Parkswide prior to the commencement of works.*
  - K. Council will not maintain the concreted laneway area within private property.*
  - L. Any existing vehicle crossing that is not being used for vehicular egress and access must be removed and kerb and channel constructed to Council and VicRoads standards.*
  - M. Before any building and works are commenced, the owner must enter into an agreement under section 173 of the Planning and Environment Act, 1987 with the Responsible Authority for construction of the canopy within the Road Reserve.*
  - N. 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.*
- 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**


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## 9.1.2 (cont)

MELWAYS REFERENCE 62 A3

Applicant:	Payas Group Pty Ltd
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay (Schedule 4)
Relevant Clauses:	
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development
Clause 21.06	Housing
Clause 21.07	Economic Development
Clause 22.06	Activity Centres
Clause 34.01	Commercial 1 Zone
Clause 52.06	Car Parking
Clause 52.29	Land Adjacent to a Road Zone
Clause 52.34	Bicycle Facilities
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Central



		Subject site		22 Objector Properties (10 outside of map, total of 24 objections)	 North
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## **9.1.2**

(cont)

### **BACKGROUND**

#### **History**

The subject site was previously used as a convenience shop, petrol station and restaurant. These buildings were demolished in approximately 2010 and the site has been vacant since.

Application WH/2016/105 was received on 16 February 2016 for the construction of a four storey building, use of land for dwellings, reduction in car parking requirements and alteration of access to a Road Zone (Category 1).

The application was advertised on 28 July 2016. A total of 24 objections were received from 22 objector properties. A consultation forum was held on 29 November 2016, chaired by Ward Councillor Massoud, and attended by 18 objectors and the planning officer

Subsequent to the matters raised at this forum, a section 57A amendment was lodged on 30 January 2017 that reduced the size and scale of the building. These plans were not readvertised.

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

The subject site is located on the south-east corner of the Blackburn Road and Vicki Street intersection in Blackburn South.

The site has a generally rectangular shape with a splay at the north-west corner. It has frontages to Vicki Street, Blackburn Road and a laneway along the southern boundary. The laneway is approximately 3.3 metres wide. The site is generally 32 metres deep and 28 metres wide with a total area of 896m<sup>2</sup>. The site is generally flat and includes a number of crossovers along both frontages owing to its previous use as a petrol station. There are no trees on the site.

The surrounding land to the north, west and south is residential in nature. Development in the surrounding residential areas is predominately single and double storey detached dwellings and townhouses. The land to the east is commercial in nature, with one and two storey commercial buildings. Uses include a book shop, takeaway food and offices. These commercial uses include rear access via a laneway. Car parking is generally not provided on these sites. There are 13 angled car parking spaces in Vicki Street with restricted parking of 15 minutes and 30 minutes during business hours.

#### **Planning Controls**

The land is located within a Commercial 1 Zone and is subject to a Design and Development Overlay (Schedule 4). Blackburn Road is located within a Road Zone (Category 1).

A permit is required to construct the building, to use the land for a dwelling, to reduce the required number of car parking spaces and to alter access to Blackburn Road.

## 9.1.2

(cont)

### PROPOSAL

The application proposes the construction of a three storey building including four offices and seventeen dwellings. The proposal specifically includes:

- Basement containing 31 car parking spaces and 19 storage cages. No residential visitor's spaces are to be provided.
- Vehicular access via the rear laneway with ramp at the south-eastern corner of the building.
- Ground floor with four offices facing north to Vicki Street and one dwelling (three bedrooms) facing west to Blackburn Road. Main dwelling entry to face west. Bin storage with access to basement ramp entry.
- First floor with nine dwellings (eight two bedrooms, one, one bedroom).
- Second floor with seven dwellings (four two bedrooms, three one bedroom).

Refer to plans received 30 January 2017 by *pointarchitects*, revision C dated 15 November 2016.

### CONSULTATION

#### Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to both street frontages and to the rear laneway. Following the advertising period, 24 objections were received.

The issues raised are summarised as follows:

#### Neighbourhood character

- Height of the building at four storeys is out of character with the area.
- Overdevelopment of the land.
- High density development is not characteristic of the area.

#### Amenity impacts

- Overlooking of adjacent properties.
- Increase in noise impacts from the development and additional traffic.
- Amenity impacts from rubbish collection.
- Overshadowing of properties to the south.
- Visual amenity impacts from clotheslines on balconies.
- Opening hours of retail uses not clear.

#### Traffic and car parking

- Inadequate on site car parking provision.
- Insufficient on-street car parking provision to accommodate additional cars.
- Increase in traffic in surrounding road network and resulting safety impacts.
- Rear laneway is inadequate for the number of proposed vehicles.
- Insufficient public transport infrastructure to support the proposal.
- Addition of angled parking in Vicki Street will result in safety impacts for the Vicki Street/Blackburn Road intersection.
- Increase in traffic in the laneway.
- Unclear which direction vehicles will exit the laneway.
- Car stackers will discourage parking on site.
- Use of the laneway for pedestrian access.



## **9.1.2**

(cont)

### Other matters

- Insufficient north facing balconies.
- Insufficient waste disposal facilities within the building.
- Insufficient landscaping provision.
- Lack of access for retail uses to internal amenities.
- Ability of residents to observe children walking to school.
- Increase in street litter.
- Potential damage to adjacent buildings during construction.
- Approval may become a precedent for other developments.
- Insufficient community facilities to accommodate the population increase.
- Impact on sewerage infrastructure capacity.
- Residential uses were not envisaged for this shopping strip.
- Increase in property values.

### **Consultation Forum**

A Consultation Forum was held on 29 November 2016. A total of 18 objectors and the applicant attended the meeting, chaired by Councillor Massoud.

While no resolutions were reached at the Forum, the applicant stated they would be willing to reduce the height of the building by one storey in response to the objector's concerns about overdevelopment of the site.

### **Section 57A amendment**

Subsequent to the advertising period and Consultation Forum a Section 57A amendment was lodged on 30 January 2017 to address issues raised by referrals and objections raised where possible. The primary changes include:

- Deletion of the upper floor to reduce the building from four storeys to three.
- Deletion of one ground level dwelling.
- Increase in on-site car parking provision from 29 to 31 spaces.

These plans were not readvertised as the changes will reduce the scale of the building. The objectors were provided with an opportunity to view the plans prior to a decision being made.

### **Referrals**

#### **External**

#### VicRoads

VicRoads provided comment under section 55 of the *Planning and Environment Act 1987*, and did not object to the proposal subject to the following:

- Other laneway users must be granted the right to use the widened laneway by creating it as a road or including a carriage way easement.
- No corner splays at the laneway entrance will compromise pedestrian safety and consideration should be given to exiting the site from the eastern end of the laneway in to Vicki Street.
- Conditions have been provided to be included on any approvals granted.

## 9.1.2

(cont)

Further comment was sought from VicRoads on 2 March 2017 in relation to the revised plans lodged on 30 January 2017. In response to the revised plans, they provided the following comments:

- In general, concerns previously raised by VicRoads are attended in the amended plans.
- Concerns previously raised by VicRoads regarding the vesting of the widened laneway area within the site with Council as a road remain.
- With the intensification of traffic in the laneway, it is important that visibility splays are provided as per the planning scheme and Australian Standards. It is noted that the land on the southern side of the laneway is not under the control of the permit applicant and as such a splay cannot be provided here. Mitigation works may be required to highlight the area of conflict to both drivers and pedestrians.

### Public Transport Victoria

Although not a referral authority, PTV made the following comments:

- PTV does not object to the proposal based on increased patronage.
- PTV generally does not seek to refuse applications on the basis of an increase in patronage numbers.

### **Internal**

#### Transport Engineer

Council's Transport Engineer has provided the following comments:

- A reduction in visitors' car parking spaces could be supported provided the reduction in spaces is made up by additional spaces being provided in the Vicki Street frontage.
- On-street car parking in Blackburn Road is not supported as it is considered to be a safety issue due to its location on a main road and their proximity to the Vicki Street and Blackburn Road intersection.
- No issues are raised in relation to traffic generation. The proposal will result in approximately 190 movements a day, of which 110 will be residential. The basement layout will generally prevent vehicle movements to Vicki Street and Lee Ann Street with the majority of traffic generation increases to be limited to Blackburn Road which is capable of accommodating these additional movements.
- Bicycle parking on Council land will not be supported and should be deleted.
- Height clearances within the basement and basement ramp should be identified on the plans.
- The basement ramp gate should be relocated to the base of the ramp to remove the need for cars to prop on a 1:5 ramp gradient while waiting for the gate to open.
- It is recommended that all spaces be accessible by driving in forwards rather than in reverse.
- Stacker models need to be clearly identified and comply with Clause 52.06 (Car parking).
- It is unclear how long the stackers take to retrieve cars.
- The turning movements have not taken in to account columns, doors and platform widths. Visibility from these spaces might be impacted.
- A traffic signal system will be more appropriate for the single-width ramp rather than a convex mirror.
- The grill at the top of the ramp providing visibility for vehicles should include additional detail.
- Comment should be sought from Council's Asset Team in relation to the use of the laneway for access.
- A sight-line triangle should be provided at the south-west corner of the building.

### **9.1.2**

(cont)

- A parking management plan will be required clarifying allocation of parking spaces, signing of parking spaces, line marking, security and how visitors will access the basement.
- No loading facilities are required.
- Comment should be sought from Council's Waste Engineers.

#### Waste Engineer

Council's Waste Engineer has reviewed the proposal and the submitted Waste Management Plan (WMP) and noted that it is not satisfactory. Specifically:

- The WMP needs to be updated to reflect the current plans in relation to waste generation, mobile garbage bin types and size and collection frequencies.
- The bin storage area needs to meet Council's requirements.
- The collection of bins via private operator from Blackburn Road needs to comply with Council's standards which much be reflected in the WMP. Where these cannot be achieved, on site collection must be used.
- Once approved, the WMP can only be amended with Council's permission.
- All aspects of the waste management system are to be the responsibility of the site manager and not the collection contractor.
- Rubbish bin specifications are to be provided to the satisfaction of the Council.
- It is noted the waste collection is to be undertaken by private contractor from Blackburn Road, and Council issued bins will not be required.
- Bin usage is based on shared usage by occupiers.

#### Assets Engineer

Council's Asset Engineers have provided conditions and notes to be placed on any approval granted.

They have requested that the laneway be re-constructed to Council's Standards where adjacent to the rear boundary of the site (approximately 32 metres). They have also requested that the widened laneway area at the western end of the site be constructed to Council's standards to match the laneway, but that this land remain in the ownership of the subject site but a carriageway easement be included.

No issues are raised with the removal of crossovers in Vicki Street. A pedestrian access ramp can be installed in Vicki Street to service the disabled spaces.

#### ESD Advisor

Council's ESD Advisor has reviewed the proposal and noted that a number of matters need to be further clarified on the plans. It has also been suggested that the following items be included in the proposal:

- Skylights be included at the top level corridors and stairs.
- Include insect screens for openable windows and encourage natural ventilation.
- Include ceiling fans within the building.
- Use a light coloured or reflective roofing material.
- Minimise the amount of south facing windows to reduce heat loss during winter.

### **9.1.2**

(cont)

#### Property and Rates

Council's Property and Rates Department made the following comments:

- A section 173 agreement will be required to be entered into by the land owner in relation to the canopy overhanging the Vicki Street footpath for the provision of public liability insurance. A permit note relating to rights for the occupation of Council land will be required on any approval.
- The inclusion of a canopy over the western footpath will require the permission of VicRoads. It is noted that VicRoads have required any canopy over the western footpath be removed and this is a condition of approval.
- No area has been nominated on the plans for site offices and storage during the construction phase. The laneway must not be used for this purpose.

### **DISCUSSION**

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

The proposal is considered to be consistent with the State Planning Policies.

The proposal acceptably responds to Clause 15.01 (Urban Environment) in relation to the context of the commercial character of the land. The proposal, at three storeys, provides a reasonable transition between the commercial nature of the site and the lower-scale residential development within the surrounding area. While no substantial landscaping areas are proposed, this is consistent with the other commercial buildings in the Vicki Street Activity centre. The proposal will retain suitable activation at the ground floor with four commercial tenancies facing Vicki Street, complementing the existing development pattern.

The proposal acceptably responds to Clause 16.01 (Residential Development) by increasing the supply of housing in an under-utilised commercial site. The increase in housing in this location will have a positive effect on the viability of the existing activity centre by introducing a larger population within close proximity of an activity centre that can easily be accessed by walking. The proposal will also introduce a wider range of housing types for this area of Blackburn South which generally includes only one and two storey detached dwellings and townhouses.

The proposal acceptably responds to Clause 17.01 (Commercial) in that it will increase the commercial capacity of this activity centre and provide opportunities for diversified uses fitting within the commercial purposes of the land. The scale of the tenancies are consistent with the existing tenancies, with the exception of the book shop at 4-8 Vicki Street which includes four separate sites.

The proposal acceptably responds to Clause 21.06 (Housing) in that it will provide additional housing to achieve Whitehorse's projected housing growth, will ensure that Council meets its objectives of increasing housing and employment densities in activity centres and provides additional diversity of housing styles.

The proposal acceptably responds to Clause 21.07 (Economic Development) in that it will result in a revitalisation of a vacant site with a scale of development and proposed uses that are complementary to the existing commercial activity centre, while respecting the sensitive interfaces to the south across the laneway.

The proposal acceptably responds to Clause 22.06 (Activity Centres) in that the scale of commercial tenancies is consistent with the other commercial uses in the activity centre, it will improve the visual amenity of the area through a modern building with acceptable levels of ground floor activation and the focus on office uses is an acceptable response given this activity centre does not focus heavily on retailing.

## 9.1.2

(cont)

### Design and Built Form

#### Design and Development Overlay

The Design and Development Overlay (DDO) sets out the preferred built form response for this area.

Pursuant to Schedule 4 of this Overlay, the site is within the Neighbourhood Activity Centre Category 1A (small-medium neighbourhood centre on a standard width road). Within 1A, buildings should achieve the preferred maximum height of 11.0 metres (three storeys) and satisfy the preferred side boundary setbacks. In relation to these requirements, the proposal responds as follows:

- The building would be three storeys and 11.4 metres in height. This fails the preferred height.
- The buildings would have a zero front setback at the ground and first floor, then 3.0 metres at the second floor to the north and west.
- The building would be setback 1.0 metre from the rear laneway at the ground and first floor, and 6.0 metres at the second floor.
- The building would be built to the eastern boundary.

While the proposal would fail to achieve the preferred height of 11.0 metres, it is considered the design objectives of the DDO will be satisfied as the building will achieve the preferred three storey height and the non-compliance varies from 0 metres to 400mm. In the context of a three storey building, the additional 400mm is not considered to be an unreasonable increase and will generally satisfy the intent of the Overlay to limit buildings to three storeys.

The setbacks of the building either comply with the DDO4, or exceed them.

On this basis it is considered the size and height of the building is consistent with the relevant planning controls and will acceptably respond to both the activity centre and the more sensitive residential interface to the rear.

#### Commercial 1 Zone

Although the Commercial 1 Zone does not set out any built form principles, it requires the Responsible Authority to consider a number of decision guidelines.

In response, it is noted that the proposal has taken into account and provided satisfactory pedestrian, bicycle and vehicular movement into and out of the site.

The proposal includes an acceptable provision of car parking; the streetscape presentation to both street frontages is acceptable and provides adequate activation.

The proposal includes an acceptably sized bin room located away from the streetscapes.

Overlooking and overshadowing impacts have been acceptably managed and the dwellings satisfactorily respond to Rescode.

#### Clause 55 (Rescode)

##### *Light access*

Light access in to most dwellings is generally acceptable. It is noted that daylight to Bed 2 and 3 of Dwelling G.05 and Bed 1 of Dwelling 1.7 are compromised in terms of access to daylight. However, in the context of the building, this is considered an acceptable response as the majority of dwellings will receive adequate natural light.

## **9.1.2**

(cont)

### *Balconies*

The balcony of Dwelling 1.3 is, at 7m<sup>2</sup>, is less than the Rescode requirement and should be increased to 8m<sup>2</sup> to ensure this dwelling has an acceptable area dedicated to open space.

It is noted that the balconies for Dwellings 1.1, 1.2, 1.7, 1.8, 1.9 and 2.7 are south facing. The Balconies for Dwellings 1.2, 1.7 and 1.8 include an eastern or western interface and are acceptable. Balconies for Dwellings 1.1, 1.9 and 2.7 will be entirely south facing. However, they are considered acceptable as they are of acceptable dimensions, and will have no roof overhang, maximising natural light access. It is recognised that not every dwelling within the development can include north facing balconies due to the size and orientation of the lot and that the majority of dwellings can access north, east or western light. This is an acceptable response.

### *Letter box location*

Letter boxes are to be located within the main dwelling entry lobby. They should be relocated outside of the lobby to ensure they can be accessed at all times by Australia Post. This will be a condition of approval.

### *Internal corridors*

To maximise energy efficiency, the second floor internal entry corridor should be modified to include skylights. This will be a condition of approval.

### *Accessibility*

The entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible by people with limited mobility. Dwelling G.05 will be located 1.0 metre above the ground floor internal accessway to ensure the stacker arrangement in the basement has adequate head height.

While this response does not allow Dwelling G.05 to be accessed by people with limited mobility, it is noted that the building as a whole beyond this dwelling is accessible, as the main dwelling entry is at the footpath level and there is a lift servicing all floors.

### *Noise impacts*

The location of Bed 2 and 3 of G.05 facing the laneway will result in a poor amenity outcome for these rooms. While it is noted that the floor level of this dwelling will be approximately 1.0 metre above the laneway level, it is considered that these windows should be double glazed to minimise noise impacts. The window locations will have a poor outlook in this direction; however this is considered acceptable as the main internal living areas will face a large balcony to the west.

### *Storage*

The basement shows 19 storage cages. However, these are not dimensioned. Dimensions must be shown on the plans to ensure these storage areas will achieve a minimum volume of 6m<sup>3</sup>.

## **Landscaping**

The provision of substantial areas of landscaping is not considered to be an appropriate response for the commercial context of the land, where there is an emphasis on providing for substantial development and buildings generally occupy the majority, if not all, of the land.

However, in response to the residential interface at the southern boundary, the proposal will include two rain gardens along the southern boundary of the site, at the laneway entrance and to the south of the basement ramp, which will provide some relief from the extent of built form at the interface with the residential land to the south of the laneway.

### 9.1.2

(cont)

Additionally, two planter boxes are proposed at the second floor on the south elevation. Both planter boxes will be 1.4 metres in depth, with the western box 12.4 metres long and the eastern box 6.8 metres long. This will provide some variation to the built form presentation of the building to the south and are an appropriate response.

A condition of approval will require a landscaping plan detailing the proposed species to be planted and how these areas are to be maintained and irrigated.

#### **Car and Bicycle Parking**

The current proposal has a car parking demand of 34 spaces based on:

- 389m<sup>2</sup> of office floor area requiring 13 spaces;
- One three bedroom dwelling requiring two spaces;
- Twelve two bedroom dwellings requiring 12 spaces;
- Four one bedroom dwellings requiring four spaces; and
- Three residential visitor's spaces. This is a reduction from four residential visitor's spaces based on the 21 dwellings proposed by the advertised plans.

The proposal includes 31 car parking spaces in the basement. Consequently, there is a shortfall of three spaces. The reduction is considered acceptable despite the high car parking demand in the area as the deletion of the redundant crossovers in Vicki Street will allow three additional angled spaces to be reclaimed, which will offset the parking reduction.

The removal of the redundant crossovers and line marking of new spaces is to be carried out by the permit holder to the satisfaction of the Responsible Authority. The spaces will be subject to time restrictions to the satisfaction of the Responsible Authority, and will not be limited to the exclusive use of the proposed development. Council's Transport Engineers are supportive of this approach provided the car parking reduction is for residential visitors only. This will be achieved through a car parking management plan which will allocate car parking spaces within the basement to the dwellings and commercial staff only. It is accepted by the Transport Engineers that residential visitors generally attend the land outside of business hours.

While there will be an additional 190 movements a day generated by the development, the basement entry arrangement will prevent movement in and out of the site via the eastern end of the laneway. Given traffic will enter and leave via Blackburn Road; it is considered there will be minimal impact on the number of existing traffic movements in the local road network beyond Blackburn Road. As the laneway will be increased to 6.0 metres in width and allow full two-way access in to and out of the basement, the access layout will result in an acceptable outcome for traffic movements.

A number of additional details will need to be shown on the basement and elevation plans to ensure the basement layout is acceptable, including head height clearances, relocated gate, stacker models clearly identified, swept path diagrams taking into account columns and platform widths, a traffic signal system and additional details for the grill at the top of the ramp. While a parking management plan has been requested by Council's Transport Engineers, it is considered the matters of line marking and space allocation can be clarified on the basement plans, particularly so as no visitors will need to enter the basement. Despite these details still being required, sufficient information has been provided to assure officers that the basement in its current configuration can accommodate the necessary vehicle parking and movements.

Bicycle parking must be provided at a rate of one space per 300m<sup>2</sup> of office area and none for the dwellings. A total of seven bicycle parking spaces are to be provided at the ground floor and this is considered an acceptable response, allowing the parking spaces in the road reserve to be deleted without affecting the bicycle parking requirements.

No loading bay is required as the commercial tenancies are to be used as offices.

## **9.1.2**

(cont)

### **Amenity**

#### Overshadowing to the south

The submitted shadow diagrams for the equinox indicate that the extent of shadows cast to the south of the site will be in full compliance with Standard B21 (Overshadowing). The majority of the shadow will fall on the laneway.

#### Overlooking to the south

There are a number of windows and balconies oriented to the south. At the ground floor, the bedroom windows for Dwelling G.05 will be set back from the northern boundary of 233 Blackburn Road by 6.0 metres and will be adequately screened by boundary fencing.

At the first floor, there will be five windows and three balconies facing south. All of these will be screened with obscure glazing to 1.7 metres above the finished floor level.

At the second floor, there will be balconies with a length of 28 metres facing south. These will be screened by obscure glazing to 1.7 metres above the finished floor level.

All windows facing residential properties will be adequately screened in accordance with Standard B22 of ResCode. It is noted that Dwellings 1.1, 1.9, 2.1 and 2.7 will include screening to balconies and Dwelling 1.1 to the south facing bedroom windows. This is considered an acceptable outcome as each of these dwellings will include windows that are not screened and balconies that are not encumbered by roofs, allowing for views out of the site and for natural light to penetrate in to the dwelling interiors.

#### Noise impacts

It is not considered the office uses will cause any amenity concerns for the surrounding residential areas. They will be located away from the properties to the south of the site and will be consistent with the existing activity centre layout facing Vicki Street.

While there will be an increase in the number of traffic movements in the laneway, these will be limited to where adjacent to 233 Blackburn Road. The laneway in this location is already subject to vehicular noise from Blackburn Road and it is not considered any additional movements will unreasonably impact the amenity of this dwelling.

### **Objectors Concerns**

#### Neighbourhood character

- Height of the building at four storeys is out of character with the area.

The height of the building has been reduced and is now substantially in accordance with the DDO4. While three storeys is one storey higher than most buildings in the area, it is still considered to be consistent with the intent of the Commercial 1 Zone, related local policies, and the site's location on a main road.

- Overdevelopment of the land.

The proposal is not considered to be an overdevelopment of the land. The height of the building at three storeys is consistent with the DDO4 and the side boundary setbacks comply with the DDO4. Adequate car parking is provided on the site and while no substantial landscaping areas are provided within the site, this is considered acceptable in commercial areas.

- High density development is not characteristic of the area.



### **9.1.2**

(cont)

Developments at higher densities are consistent with the policies and objectives of commercially zoned land.

#### Amenity impacts

- Overlooking of adjacent properties.

As noted above, there will be no unreasonable overlooking of nearby properties.

- Increase in noise impacts from the development and additional traffic.

As noted above, there will be no unreasonable noise impacts on nearby properties.

- Amenity impacts from rubbish collection.

Waste is to be collected from Blackburn Road, consistent with other developments in the area. While the intensity of waste collection will be increased, it is considered to be reasonable in the context of Blackburn Road.

- Overshadowing of properties to the south.

As noted above, there will be no unreasonable overshadowing of nearby properties.

- Visual amenity impacts from clotheslines on balconies.

This is not a relevant planning matter. Laundries are provided within each dwelling.

- Opening hours of retail uses not clear.

The use of the offices does not require a planning permit and as such there is no ability to control the hours of operation.

#### Traffic and car parking

- Inadequate on site car parking provision.

As discussed above, the car parking provision is considered acceptable.

- Insufficient on-street car parking provision to accommodate additional cars.

The deletion of redundant crossovers will allow for the reclamation of three on-street parking spaces.

- Increase in traffic in surrounding road network and resulting safety impacts.

As discussed above, the increase in traffic in the surrounding road network is considered acceptable.

- Rear laneway is inadequate for the number of proposed vehicles.

No issue with the intensity of use of the laneway has been raised by Council's Transport Engineers.

- Insufficient public transport infrastructure to support the proposal.

PTV has been consulted and they have raised no issues with the proposal.

- Addition of angled parking in Vicki Street will result in safety impacts for the Vicki Street/Blackburn Road intersection.

No issues have been raised by Council's Transport Engineers or VicRoads in relation to the impact of the new parking spaces on the safety of this intersection.

- Increase in traffic in the laneway.

### 9.1.2

(cont)

It is considered any increase in traffic in the laneway will not unreasonably impact the surrounding area. Additional traffic will be limited to the western end of the laneway where it connects with Blackburn Road.

- Unclear which direction vehicles will exit the laneway.

Vehicles can only exit the site to the west, to Blackburn Road, due to the layout of the basement ramp.

- Car stackers will discourage parking on site.

Car stackers are an acceptable form of parking and are permitted by the planning scheme.

- Use of the laneway for pedestrian access.

It is not proposed to use the laneway for pedestrian access. Nevertheless, it is not considered there will be any unreasonable impacts from additional pedestrians using the laneway.

#### Other matters

- Insufficient north facing balconies.

While it is not possible to provide a north facing balcony for every dwelling, it is considered the proposal has adequately responded to the constraints of the site and the number of north facing balconies is acceptable.

- Insufficient waste disposal facilities within the building.

A revised Waste Management Plan will be required to ensure the bin room at the ground floor is of adequate size.

- Insufficient landscaping provision.

As noted above, landscaping is not a built form outcome sought to be protected by the Commercial 1 Zone.

- Lack of access for retail uses to internal amenities.

The plans submitted on 30 January 2017 include acceptable access for the commercial uses to the internal amenities areas.

- Ability of residents to observe children walking to school.

This is not a relevant planning matter.

- Increase in street litter.

This is not a relevant planning matter.

- Potential damage to adjacent buildings during construction.

This is not a relevant planning matter and is the responsibility of the relevant building surveyor. The surveyor will be required to ensure the EPA and building regulations relating to the protection of adjacent land is satisfactorily enacted and managed.

- Approval may become a precedent for other developments.

This is not a relevant planning matter. All applications are assessed on their own merits.

- Insufficient community facilities to accommodate the population increase.

The addition of 17 dwellings to a well-established suburban residential area will not unreasonably impact the capacity and availability of community facilities.

- Impact on sewerage infrastructure capacity.

### **9.1.2**

(cont)

No evidence has been provided to indicate that sewerage infrastructure will be unreasonably impacted by the proposal.

- Residential uses were not envisaged for this shopping strip.

Dwellings are an allowable use in commercial areas and are encouraged by State and Local policies encouraging urban consolidation and more efficient use of land, particularly where located above commercial uses

- Increase in property values.

This is not a relevant planning matter.

### **CONCLUSION**

The proposal for the construction of a three storey building for four offices and seventeen dwellings, use of the land for a dwelling, reduction in the required car parking provision 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 Commercial 1 Zone, the Design and Development Overlay (Schedule 4) and Clause 55, ResCode.

The height and scale of the building is responsive to the commercial zoning of the land and the residential interface to the south. The size and layout of the commercial uses will be consistent with the existing commercial developments to the west of the site and the internal amenity for the dwellings will be acceptable. The car parking provision and layout is acceptable and will not unreasonably impact the on-street car parking provision or traffic volumes in the surrounding road network.

A total of 24 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 2016 105 - Application to Amend a Planning Application - Plans



## Strategic Planning

### 9.1.3 Amendment C192 to the Whitehorse Planning Scheme - Consideration of exhibition period and submissions received

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#### SUMMARY

*Amendment C192 was on public exhibition from 2 February until 3 March 2017. Two submissions were received about the amendment, one opposing and one in support.*

*This report discusses the issues raised during the exhibition period by the submissions received and recommends that the amendment and the submissions be referred to an independent Planning Panel for consideration.*

#### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Ellis

#### *That Council:*

- 1. Being the Planning Authority, having considered the submissions in relation to Amendment C192, request the Minister for Planning appoint an Independent Panel to consider the Amendment and the submissions in accordance with the Planning and Environment Act 1987.***
- 2. Advise all submitters of the request for an Independent Planning Panel.***

**CARRIED UNANIMOUSLY**

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#### BACKGROUND

On 11 October 2016 Council received a request to consider an amendment to the Whitehorse Planning Scheme (Planning Scheme). The request concerned the sites at 119 Surrey Road and 150-152B Springfield Road, Blackburn (see Figure 1 for location of sites). The request sought to rezone the land at 119 Surrey Road and 150-152B Springfield Road, Blackburn from the General Residential Zone – Schedule 1 (GRZ1) to the Commercial 1 Zone (C1Z) and apply the Design and Development Overlay – Schedule 4 (DDO4) to the land. The request also sought to apply an Environmental Audit Overlay (EAO) to 119 Surrey Road, Blackburn.

At the Council Meeting on 21 November 2016, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C192 to the Planning Scheme. The Minister for Planning granted authorisation on 6 January 2017.

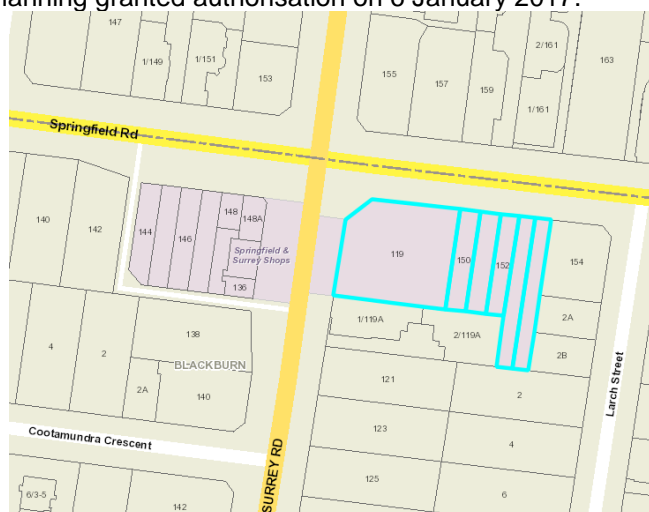


Figure 1: Location of sites

### **9.1.3**

(cont)

#### **Exhibition of Amendment**

Exhibition of the amendment occurred in the form prescribed by the *Planning and Environment Act 1987*. Exhibition was for one calendar month and took place from Thursday 2 February until Friday 3 March 2017. Exhibition involved the direct notification of owners and occupiers of properties surrounding the subject sites, totalling 547 letters. The notification of properties in the area included a cover letter explaining the amendment and how to find out further information, and the statutory notice of amendment.

Relevant Ministers, public and referral authorities were also notified, together with the publication of the Notice of Preparation of Amendment in the Whitehorse Leader on 30 January 2017 and the Government Gazette on 2 February 2017.

For the duration of the exhibition period copies of the amendment documents were available for viewing on Council's website and in hardcopy at Council's Civic Centre in Nunawading, Council's Box Hill and Forest Hill Service Centres and the libraries in Whitehorse.

#### **Submissions**

During the exhibition Council officers received several phone and counter inquiries regarding the amendment. During the exhibition period two submissions were received to the amendment, one opposing and one in support.

#### **DISCUSSION**

##### **Support for the amendment**

The Environment Protection Agency (EPA) supports the proposal to apply an EAO over the subject land based on the provided site history and does not have objection to the amendment.

##### **Objection to the amendment**

One submission opposed the amendment. The submission raised the following issues:

##### **Exhibition documents**

During the exhibition period the submitter asked for the documents produced by the proponent to request the amendment to the Planning Scheme. In the submission, the submitter contends that these documents should be available and that the documents used to request the amendment contains information which contradicts the amendment documentation prepared by Council officers. The submitter also argues that the amendment request documents disclose information about the future intent of the landowner for the sites included in the amendment.

##### **Officer Response**

The submitter was advised on numerous occasions during the exhibition period that:

- The request and documentation received from ARG Planning was merely the process which ARG Planning used to request the amendment and is not materially relevant to the amendment process;
- The amendment is for the rezoning of the land and application of the two overlays and the request documents do not include any development proposal;
- The request documentation does not form part of the statutory amendment process placed on exhibition;
- The amendment documentation that was on public exhibition and available for review (which included the Explanatory Report, Instruction Sheet and mapping) is what was assessed by the Minister for Planning when he considered the request by Council to authorise the amendment for exhibition and is what Council was required to make available during the statutory exhibition period under the Planning and Environment Act 1987.

### 9.1.3

(cont)

#### Explanatory Report

The submitter raised concerns about the information contained in the Explanatory Report, as follows:

1. The Explanatory Report states that the Amendment is required because the sites “are not used for residential purposes. The rezoning of the land from GRZ to C1Z will reflect the ongoing use for commercial purposes”. The submitter contends that there will be no change as the sites are already used for commercial purposes and the existing car wash is not prohibited under the GRZ. The submitter also states that sites will be able to be exploited for residential uses.
2. The Explanatory Report states that the Amendment will “ensure that development preserves the amenity and character of abutting residential areas. The submitter states that most effective way to preserve the amenity of the area is for it to be retained in the GRZ. The submitter contends that the rezoning will allow commercial enterprises which will affect adjoining land and create amenity issues such as noise, traffic, hours of delivery and operation, light spill, solar access and glare.
3. The Explanatory Report states that the Amendment will “provide certainty for future built form outcomes”, however the submitter believes this to be untrue as the DDO4 uses the word ‘preferred’ rather than ‘must’. The maximum height stated is a “preferred” 3 storeys or 2 storeys if adjoining a residential area. The submitter believes that the word maximum is misleading since Council and ultimately the Victorian Civil and Administrative Tribunal (VCAT) are not bound by the “maximum” storey levels and that a developer can apply to construct a development in excess of this “maximum”.

The submitter believes that the existing GRZ can provide greater certainty together with a DDO rather than a C1Z and that a new DDO schedule which restricts the building height to 2 storeys should be sought, as the current “preferred” building height of 3 storeys cannot be enforced by Council should the matter be brought before VCAT.

4. Finally the submitter contends that the introduction of the Amendment seems to have no practical impact except if there is a clear and present purpose to the sites’ proposed use which has not yet been explained in the Explanatory Report and to the community.

#### Officer Response

1. The amendment is to rezone the subject sites and apply an EAO to 119 Surrey Road, Blackburn. The amendment does not imply, or require, the development of the subject sites and the uses that currently exist have pre-existing use rights to continue to operate. The rezoning to C1Z recognizes the long standing commercial uses of the subject sites, the typical commercial nature of the lot configuration and its location adjacent to an existing NAC. The application of the DDO4 incorporates the subject sites into the existing NAC, and therefore the C1Z is the more appropriate zone as it reinforces the NAC designation.

The existing GRZ allows residential uses, however the proposed C1Z will allow for commercial and retail uses, such as the existing uses, some of which would otherwise be prohibited. The uses will help to create active frontages along Springfield and Surrey Roads in the NAC.

2. If a development application is lodged for any of the subject sites in the future, it will be assessed against the current zone and schedule requirements such as, but not limited to, height, setbacks, site coverage, open space and car parking.

Any future development of the site will also need to be cognisant of the surrounding residential uses and neighbourhood character and amenity impacts will be assessed against the requirements of the Planning Scheme.

### 9.1.3

(cont)

The NAC Urban Design Guidelines would also need to be considered by any future development. The Guidelines are also noted in the DDO4 (Schedule 4 to Clause 43.02 of the Planning Scheme) and include the following general objectives:

- Development will be designed to facilitate a lively, attractive and safe local activity centre, and assist in improving its economic viability;
- New development will be designed to respond to the immediate site environs, reflect the role of the centre and enhance the character of the surrounding residential area;
- The detailed design of buildings will provide a high quality and visually interesting interface with the streetscape (including internal streets within larger centres) and the surrounding residential area, ensuring issues of amenity, functionality, adaptability and accessibility are addressed;
- New buildings will create a complementary interface to enhance the public realm surroundings;
- New developments will be designed to minimise potential off site impacts such as noise (including from services), overlooking, access to sunlight, and light spillage on adjoining residential properties; and
- The public realm will be designed to complement the function of the centre and the character of its surrounding residential area. Design should respond to surrounding public realm and enhance character and amenity.

If a planning permit is required under the planning scheme for such development, surrounding neighbours will be notified of the application and given the opportunity to submit their views about the application to Council, as per current statutory planning processes.

3. The application of the DDO4 will provide certainty to future built form outcomes. DDO4 has a preferred maximum height of 3 storeys in a small-medium neighbourhood centre, with a preferred maximum height on a boundary adjoining a residential area of 2 storeys. The third storey of a building is required to be setback a preferred minimum of 5 metres at the rear boundary.

This will ensure a pleasant and safe living and recreational environment, as the setbacks will allow development to respect the low scale built form of surrounding residential areas and reduce or prevent overshadowing to adjoining residential properties.

The state government has recently reviewed the residential zones and introduced reformed zones. The reformed GRZ includes a height control for buildings of 11m/3 storeys. The DDO4 includes a height control of 11m/3 storeys for Category 1A NACs, such as the centre at Springfield and Surrey Road. Whilst the reformed GRZ heights are mandatory and the DDO4 heights discretionary, developments that seek to exceed the preferred height (in the Commercial 1 zone) will be required to justify the additional height against the objectives of the DDO4 and the character of the surrounding residential precinct. Any application to exceed the preferred maximum height needs to be justified against the objectives of any zone and overlay that apply to the land, as well as the characteristics of the surrounding land. Any decision could be reviewed by VCAT (if sought).

### 9.1.3

(cont)

4. The amendment proposes to rezone the sites together as they are included in a residential zone, but are not used for residential purposes and do not present as a residential precinct typical of the surrounding character. The proposed rezoning of the land from GRZ1 to C1Z will reflect the ongoing use for commercial purposes. The proposed rezoning will facilitate the use of the subject land in a manner which is consistent with the NAC and which will ensure a consistent approach is taken to its future development in accordance with other NACs within the municipality, in particular, to the Springfield and Surrey Road Shops NAC opposite. It will also ensure that development preserves the amenity and character of abutting residential areas.

As this amendment request is only to rezone and apply the two overlays, there are no proposals at this time for the use of the subject sites and no development plans have been submitted to Council. However, the landowners are entitled to develop the land in accordance with the planning controls and lodge an application for a development with Council in the future.

### CONSULTATION

Exhibition of the amendment occurred in the form prescribed by the *Planning and Environment Act 1987*. Owners and occupiers in the surrounding area, relevant Ministers and referral authorities were notified, together with the publication of the Notice of Preparation of Amendment in the Whitehorse Leader and the Government Gazette.

For the duration of the exhibition period copies of the amendment documents were available for viewing on Council's website and in hardcopy at Council's Civic Centre in Nunawading, Council's Box Hill and Forest Hill Service Centres and the libraries in Whitehorse.

### FINANCIAL IMPLICATIONS

The proponent is required to pay for all costs associated with the independent Planning Panel hearing. The proponent will also have to pay the relevant fees for the adoption and approval of the amendment.

Council does not have to pay any costs involved in the amendment with the exception of any expert witnesses and/or representation in support of Council at the Panel hearing. This representation can be funded from the current budget however it is expected that Council officers will represent Council at the Panel Hearing and that no expert witness will be required on Council's behalf.

### POLICY IMPLICATIONS

The proposed amendment will meet two strategic objectives in the Council Plan, including:

*Strategic Direction 2: Maintain and enhance our built environment to ensure a liveable and sustainable city.*

This direction is proposed to be achieved by improving the links and usage of transport modes with regard to efficiency, sustainability and safety. Rezoning the land to C1Z supports this as the sites are located at the intersection of Surrey Road and Springfield Road, near to bus routes and with pedestrian access along both Surrey Road and Springfield Road. This allows for sustainable access to the sites by using public transport and active transport and will maintain the built environment in this area. The amendment also allows for the potential future development of the sites which would utilise local transport modes to access the broader area.

DDO4 aims to ensure that new development is designed to facilitate an attractive activity centre and that new buildings create a complementary interface to enhance the public realm and respond sensitively to adjoining development. Therefore the application of the DDO4 will assist in new development enhancing the built environment in the local area.



### **9.1.3**

(cont)

#### *Strategic Direction 5: Support a healthy local economy*

This direction is proposed to be achieved by supporting the development of a sustainable, growing local economy and supporting the commercial and retail sectors. The proposed rezoning to C1Z will support this direction as it recognises the existing uses and allows for the future development of commercial and residential uses. This will support the local and broader economy and provide complementary uses to the current services and shops in the surrounding area, including the existing NAC. The C1Z also allows for future commercial and residential uses, which will also support the local economy through construction and commercial jobs.

### **CONCLUSION**

Amendment C192 seeks to rezone 119 Surrey Road and 150-152B Springfield Road, Blackburn from the General Residential Zone to the Commercial 1 Zone. The amendment also seeks to include the properties in Design and Development Overlay Schedule 4 and apply an Environmental Audit Overlay to 119 Surrey Road, Blackburn.

Officers consider that the proposed rezoning of the land from the General Residential Zone to the Commercial 1 Zone to be appropriate. The rezoning will facilitate the future development of the sites with uses that are consistent with the longstanding commercial use of the land and the strategic location at the intersection of two roads. The rezoning will allow development that provides for a range of uses that complement the existing Neighbourhood Activity Centre.

The amendment received two submissions during the exhibition period. One of the submissions objected to the amendment and one submission from the EPA agreed with the application of the EAO and had no concerns with the amendment.

In considering submissions to an amendment Council can change the amendment in the manner requested, refer the submissions and amendment to an independent Planning Panel or abandon the amendment. As there is a submission that seeks changes to the amendment which cannot be supported, the first option cannot be considered.

As the amendment can be supported on a strategic basis, it should not be abandoned. Accordingly, the most transparent and fair method to enable all parties to have their comments assessed is for the submissions and the amendment to be referred to an independent Planning Panel for its consideration. Therefore it is recommended that the amendment is referred to an independent Planning Panel and that submitters are advised accordingly.

## Engineering and Environmental

### 9.1.4 EAGA Memorandum of Understanding 2017-2021

FILE NUMBER: 17/38790  
ATTACHMENT

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#### SUMMARY

*The purpose of this report is to outline the programs, projects and advocacy actions undertaken by the Eastern Alliance for Greenhouse Action (EAGA) of which Whitehorse Council is a member, and to present a draft Memorandum of Understanding for Council's ongoing participation in the Alliance for the next four years (2017-2021). It is recommended that Council endorse and sign the draft EAGA Memorandum of Understanding and continue its participation in EAGA.*

#### COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Bennett

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

- 1. Endorse and authorise the CEO to sign the Eastern Alliance for Greenhouse Action (EAGA) Memorandum of Understanding covering the period 2017-2021;***
- 2. Continue its participation in the Eastern Alliance for Greenhouse Action (EAGA) for the duration of the proposed Memorandum of Understanding; and***
- 3. Advise EAGA and the other participating EAGA Councils accordingly.***

**CARRIED UNANIMOUSLY**

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NB: Cr Davenport requested that his vote against this item be recorded.

#### BACKGROUND

Council resolved in March 2008 to strongly support the formation and membership of the Eastern Alliance for Greenhouse Action (EAGA). EAGA was formed later in 2008 as a voluntary regional group of eastern Melbourne Councils. The EAGA member Councils are Boroondara City Council, Knox City Council, Maroondah City Council, Monash City Council, Stonnington City Council, Whitehorse City Council and Yarra Ranges Shire Council.

Council further resolved in February 2012 to endorse changes to the governance structure and financial arrangement of EAGA, principally the engagement of a dedicated alliance coordinator and the engagement of a Councillor representative on EAGA's Executive Committee. Whitehorse Council is currently represented on the EAGA Executive Committee by Cr Prue Cutts.

The current Memorandum of Understanding (MOU) that provides the formal commitment for participating Councils to collaborate as a regional greenhouse action alliance expires on 30 June 2017.

EAGA is one of 10 established greenhouse alliances in Victoria representing over 80% of local governments. These regional partnerships are providing an effective collaboration and leadership model that allows for climate change mitigation and adaptation projects to be implemented that might otherwise be beyond the resources of Council to deliver alone.

#### **9.1.4**

(cont)

Since appointing an EAGA Regional Coordinator in December 2012, outcomes that have been achieved reflect a collaborative and scalable approach towards energy efficiency and climate change mitigation projects. Below is a summary of recent deliverables accomplished from 2015/16 to date, including:

- Biodiversity Monitoring in Melbourne' East: Winner of the 2016 United Nations Association of Australia (UNAA) World Environment Day Local Government Award and winner of the 2016 Premier's Sustainability Award (Government category). The project successfully trialled a framework for monitoring indicators of biodiversity health in the context of a changing climate.
- Solar Rates Business Case: EAGA secured over \$60,700 in State Government funding to support the development of a business case for a state-wide solar program to assist low income households in Victoria to access solar PV systems, using Council rates charges as an underpinning finance mechanism.
- Solar PV for Low Income Households (Solar Savers): Utilising the findings of the Solar Rates business case report, EAGA led a consortium of 22 Council partners to secure \$0.76M in State Government funding under the New Energy Jobs Fund to deliver a large scale residential solar program for low income and vulnerable households. This will see approximately 900 solar PV systems installed across 20 local government areas from July 2017 to June 2019, including homes in Whitehorse.
- Eastern Sporting Savers: EAGA is rolling out a targeted engagement program to assist thirty four of the region's sports clubs to save on their energy bills. The program is supported by a \$30,000 State Government grant. Whitehorse sporting clubs engaged in this program include those based in Burwood East Reserve South Pavilion and Billabong Park Pavilion.
- Eco Driver: Delivered training to 40 staff per participating Council per year to learn efficient driving techniques to ultimately reduce fuel consumption, vehicle maintenance and fuel costs as well as greenhouse gas emissions. 77 Whitehorse staff from across the organisation participated in this program in 2015/16 and 2016/17, and it is proposed to continue this program with Council's vehicle fleet drivers in 2017/18.
- Future Assets Forum: EAGA delivered a customised training program for Council asset and facility managers to embed building vulnerability assessment approaches within ongoing asset management practices and capital works programs. The initiative supports the first priority of EAGA's Climate Change Adaptation Roadmap – to conduct a regional building vulnerability assessment.
- Sunulator Training: EAGA partnered with the Alternative Technology Association (ATA) to deliver training for members on a software tool which assesses the economic feasibility of installing solar and battery storage under a range of different scenarios.
- Electricity Distribution Price Review (EDPR): EAGA worked with the Victorian Greenhouse Alliances, Ironbark Sustainability and the Municipal Association of Victoria (MAV) to develop a joint EDPR submission on behalf of the local government sector. As a result of the submission, the state's 79 municipalities will save \$22M in reduced public lighting operation, maintenance and replacement (OMR) costs in the next five years. Total savings across the EAGA region are estimated at \$0.37M for the next 5 years.
- Engagement: Through direct engagement in Ministerial roundtables and other consultation processes, EAGA has been able to actively contribute to a number of key State Government plans (including the Victorian Renewable Energy Roadmap and the Victorian Energy Efficiency and Productivity Statement) and revisions to energy efficiency programs that support local government involvement.
- Advocacy: 13 formal submissions covering State and Federal energy target reviews, legislative reviews, and policy reviews.

#### **9.1.4**

(cont)

Throughout the calendar year, there are numerous opportunities to submit advocacy and response submissions. However, many have brief response time frames and can be technical in nature. These submissions would not have occurred in the absence of a dedicated staff resource to coordinate their development and build consensus around shared advocacy positions for participating EAGA councils.

#### **DISCUSSION**

Whitehorse Council has benefitted from its participation in EAGA through more than just involvement with the EAGA projects listed earlier in this report. The networking and information sharing as well as access to the skills and experience of the Regional Coordinator have helped to support Council staff and build their knowledge and capability in greenhouse gas reduction measures.

Key benefits of EAGA membership include:

- Capture economies of scale and efficiencies through the delivery of cross-municipal initiatives typically beyond the reach of individual Councils. In recent times, this has extended to include other Victorian Greenhouse Alliances and energy distributors.
- Deliver emission reduction projects that have a demonstrable return-on-investment for member Councils and the region's communities.
- Utilise scale and reputation to collectively advocate for initiatives that promote sustainability and low carbon communities at State and Federal Government levels.

A Memorandum of Understanding for regional greenhouse alliances is typically four years in duration to ensure continuity in planning and delivery of projects and programs of a regional scale. EAGA's current MOU expires at the end of 30 June 2017, which covered the financial year 2016/17. The next MOU covers a 4-year period which strategically coincides with Councils' new Council Plan 2017-21. This MOU structure will provide a framework to guide collaborative work and meet the objectives of EAGA's Strategic Plan; define the roles and obligations of member Councils and EAGA's governance structure; and establish an agreed funding commitment of member Councils.

Council's Sustainability Strategy 2016-2022 includes an action to continue to participate in EAGA because its programs and projects have helped Council and the community to identify and implement energy-efficiencies that reduce greenhouse gas emissions, thereby making a contribution towards Council's greenhouse reduction targets. The continued goodwill and cooperation with neighbouring Councils plus the expertise of the EAGA coordinator will ensure that the benefit to Council will continue over the next 4 years, hence the inclusion of this action in Council's Sustainability Strategy 2016-2022.

The EAGA project and advocacy priorities for the remainder of 2016/17 will focus on completing the Eastern Sporting Savers program; project planning in preparation to engage and recruit community members to participate in the Solar Savers program; participating in Future Energy Planning events to explore opportunities to partner with energy distributors to address energy demand and constraints on infrastructure; seeking opportunities to further fund a large scale renewable energy generation business case study; implementing an Energy Performance Contract project; and ongoing advocacy work.

Detailed action and advocacy plans are developed as an Annual Implementation Plan each year during the MOU period, and they are endorsed by the EAGA Executive Committee that includes representatives from each of the member Councils. The projects are a mix of programs that assist member Councils to reduce their energy consumption and community-focussed projects. Details of the 2017/18 program are yet to be finalised, however they all will be consistent with EAGA's MOU and overall 4-year Strategic Plan 2017-2021.

Whitehorse Council will continue to be directly involved in many of these projects over the MOU period, which are in line with energy-saving and greenhouse reduction priority areas of focus in Council's Sustainability Strategy 2016-22 and draft 2017/18 budget.

#### **9.1.4**

(cont)

It is recommended that Council endorse the 2017-21 Eastern Alliance for Greenhouse Action (EAGA) Memorandum of Understanding and continue its participation in EAGA. A copy of the EAGA MOU is attached as an appendix.

It is noted that the Eastern Region Mayors and CEO's group have been in discussion with regard to an appropriate governance structure that will enable the Eastern Region to more effectively advocate regarding key issues facing the Region in the coming years. It is intended to improve coordination across the various groups including EAGA, EAHA, and Eastern Transport Coalition to maximise effort and to provide a solid reference point for the East through these improved governance arrangements. Implementation of this is proposed for 2017/18 with a fully functioning entity by 2018/19.

#### **CONSULTATION**

The projects, programs and advocacy priorities for EAGA are agreed through a consultative process between representatives of the EAGA Councils using a structured committee and governance process. Not all of the projects or programs will be relevant to every EAGA Council in a particular year. However, every effort is made to ensure that the member consultation and committee approval processes are adhered to and that the annual program and priorities reflect the sustainability objectives and priorities of all EAGA Councils.

Whitehorse Council is represented on the EAGA steering committee by staff from Engineering and Environmental Services Department and on the Executive Committee by Cr Prue Cutts.

#### **FINANCIAL IMPLICATIONS**

The delivery of the Annual Implementation Plan and the salary of the part-time EAGA Coordinator are funded from the EAGA Reserve, which is accrued from member Council's annual EAGA membership fees and any grant monies that EAGA is successful in obtaining. EAGA has been very successful in obtaining grants due to the regional impact and multi-Council collaborative approach of the projects that typically aligns with State Government grant criteria.

There is an occasional requirement for additional funding for some EAGA projects, however this is generally outlined before the development of the Annual Implementation Plan to ensure that EAGA Councils that wish to participate in the particular project can make provision for any additional funding in their annual budget process. Council's 2017/18 budget includes a \$3,000 provision to extend the successful Ecodriver program for an additional year, an example of value-add to the EAGA core program.

Consideration will be given to Council providing additional EAGA project funding in 2018/19 to enable Whitehorse Council to participate in the EAGA Energy Performance Contract (EPC) program from 2018/19 onwards. There are currently 4 EAGA Councils (not Whitehorse) participating in the first phase of an EAGA EPC program which is expected to demonstrate major energy savings in large Council facilities. The 4 Councils participating in the first phase of the EPC program have committed up to an additional \$5.5M over the next 2 years for this project to make their main buildings more energy-efficient. Whitehorse and Monash Council representatives have expressed interest in being part of the next phase of the EPC project, planning for which will occur in 2017/18. The pilot phase of the EPC project will provide learnings and experience that will guide the timing and priority for the remaining Councils to participate in the next phase of the program.

The EAGA membership fee for 2017/18 is \$20,000 (excl. GST) and provision has been made in the draft 2017/18 Council budget for this membership fee. After 2017/18, a fee increase of 2.5% per annum is scheduled to accommodate for EAGA's forecasted increase in expenses over the MOU period.

#### 9.1.4

(cont)

A key financial driver for EAGA projects and programs is to increase the implementation of energy-saving measures across the region by member Councils and their communities. The successful implementation of priority energy-reduction programs and the proposed areas of advocacy will result in long-term financial savings through a reduction in electricity costs, correction of tariffs, fuel efficiencies, lower street lighting costs, local climate change mitigation activities and additional grant funding.

The financial benefits of EAGA's past activities will continue to flow in the next proposed MOU period.

On average, EAGA's initiatives return \$1.50 for every dollar invested in Council membership fees. EAGA projects achieve energy savings that result in a return in investment and the successful gaining of grant funding further leverages the Council fund investment. Financial benefits generated through new projects (such as the joint EPC program) will be additional to the average return on investment indicated above. The \$1.50 return on investment figure does not account for the qualitative value obtained from participating in EAGA and the knowledge sharing amongst member Councils and Alliances, or the broader returns to the community through the EAGA advocacy to State and Federal Governments.

The annual EAGA membership cost for the first year of the MOU period in 2017/18 is as follows:

	2017/18 draft Budget	2017/18 Expenditure
<b>Budget</b>		
Implement Sustainability Strategy – Budget account 3425 2509	\$104,000	
Which includes Budget component for EAGA	<b>\$ 23,000</b>	
<b>Expenditure</b>		
EAGA membership fee		\$20,000
EcoDriver program		\$ 3,000
<b>Total Expenditure</b>		<b>\$23,000</b>

#### POLICY IMPLICATIONS

Membership of EAGA resulted from a specific Council resolution in 2008 and ongoing participation in EAGA projects and programs is a key action in the Whitehorse Sustainability Strategy 2016-2022.

#### ATTACHMENT

- 1 EAGA Draft 2017-2021 MOU 

### 9.1.5 Clayton Regional Landfill Budget 2017/18

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#### **SUMMARY**

*The purpose of this report is to present the draft 2017/2018 budget for Clayton South Regional Landfill for Council approval. As part-owner of the regional landfill, Whitehorse Council and the 4 other Joint Venture owner Councils are required to approve the Clayton South Regional Landfill budget.*

#### **COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Liu

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

- 1. Approve the 2017/2018 Clayton South Regional Landfill budget**
- 2. Advise the Clayton South Regional Landfill User Group of Council's resolution to approve the Clayton South Regional Landfill budget for 2017/2018**

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

The Clayton South Regional Landfill is jointly owned by the Cities of Whitehorse, Boroondara, Glen Eira, Monash and Stonnington, and operated through a Joint Venture agreement.

The Clayton South Regional Landfill closed for the tipping of municipal garbage in late November 2015 and the Transfer Centre at the site closed on 29 January 2016, ending a period of approximately 30 years of tipping at the site by the former City of Box Hill and subsequently the City of Whitehorse.

The City of Whitehorse owns 14.12% of the Clayton South Regional Landfill and is represented on the Clayton South Regional Landfill User Group that oversees the landfill management. The Joint Venture owner-Councils remain responsible for the site despite its closure for landfill tipping. Under the EPA licence requirements, the landfill owners must cover and rehabilitate the site once it is filled, and then continue to manage landfill gas, leachate, and monitor the site for approximately 30 years to ensure that the site poses no risk and can be safely re-used for other purposes.

Works are in progress to cap and rehabilitate the landfilled areas, install additional landfill gas wells and upgrade leachate capture systems. Capping and rehabilitation works at the site will continue throughout 2017 and possibly until August 2018.

The EPA requirements for the current phase of rehabilitating the landfill are defined in 3 separate Pollution Abatement Notices (PAN's) issued by the EPA. The issue of PAN's is the normal landfill monitoring process used by the EPA as it enables site-specific requirements to be identified and defined outcomes that must be achieved by certain timelines. All works on site are progressing within the required timelines, quality assurance and environmental measures are in place, and the required environmental reports and aftercare plans due for submission by 31 May 2017 are in progress.

In addition to the EPA requirements to place a combined fully sealed geomembrane and clay cap over the top of all of the landfilled areas, the capture of methane gas from the previously filled landfill area and the management of water that comes into contact with garbage (leachate) must continue.

The Clayton South Regional Landfill User Group has prepared a draft budget to make provision for the ongoing operational activities, regulatory requirements, capping works, site rehabilitation and landscaping works for 2017/2018. This draft budget is now presented to Council for approval.

## 9.1.5

(cont)

The draft Clayton South Regional Landfill 2017/2018 budget has been previously circulated to Councillors.

### DISCUSSION

The draft 2017/2018 Clayton South Regional Landfill budget shows a net cash outflow of \$1,218,000. The net cash outflow is attributable to reduced income levels compared to the higher expenditure for the year. There is no longer any income from gate fees since tipping ceased and the high cost of the major capital works necessary to cap the filled landfill cells and install further gas and leachate capture wells exceeds the expected income in 2017/18.

There are sufficient reserve funds available accumulated from previous operating surpluses to fund the balance of the capital expenditure and all operational costs for 2017/2018.

The proposed 2017/2018 budget compared to the current financial year is as follows:

Budget summary:	<b>Proposed 2017/2018</b>	2016/2017 (projected)
Income	<b>\$ 1,838,000</b>	\$ 382,817
Operating Expenditure (including non-cash items)	<b>\$ 906,000</b>	\$983,655
Net operating surplus/(deficit)	<b>\$ 932,000</b>	<b>(\$ 600,838)</b>
Capital	<b>\$ 2,150,000</b>	<b>\$ 2,350,000</b>
Net cash inflow (outflow)	<b>(\$ 1,218,000)</b>	<b>(\$ 2,950,838)</b>

The increase in income in the draft 2017/18 budget compared with 2016/17 results from a one-off payment of an estimated \$1,500,000 that is due from Financial Assurance Funds that have been held in trust by the Metropolitan Waste and Resource Recovery Group (MWRRG) on behalf of landfills in the Clayton South area. There is a requirement for landfills to contribute to an approved Financial Assurance Fund and this was achieved through dedicating a small component of the gate fee paid by Councils and organisations that tipped at the Clayton South Regional Landfill over the years to the Financial Assurance Fund. The contributed funds plus interest are due to be returned to the landfill now that active tipping has ceased.

The key items of operational expenditure in 2017/2018 are:

- \$150,000 for environmental monitoring,
- \$ 40,000 for site maintenance,
- \$110,000 to develop future-use and business plans
- \$370,000 for water treatment of leachate and disposal to sewer
- \$220,000 for audit, accounting and site management fees

The key items of capital expenditure in 2017/2018 are:

- \$2,000,000 to finalise capping to filled landfill areas
- \$ 150,000 for gas collection and gas control systems.



### **9.1.5**

(cont)

The final capping of the northern cell is expected to be completed in the current financial year while final capping of the more recently filled southern cell will continue in 2017/18. The former landfilled areas need to be shaped with soil to a dome shape so that it sheds water, before being compacted and covered with a geotextile membrane that is fabric-welded on site to form a continuous and impervious layer. The geotextile fabric is then covered with a further layer of quality clay that is again shaped and compacted.

The capping layer must be designed and constructed in accordance with the EPA's Best Environmental Practice Management guidelines, including certified supervision and testing of the works as they proceed. The purpose of the capping layer is to prevent water penetration into the landfilled areas from rain and prevent the escape of landfill gas from the rotting garbage as it continues to decompose over the next 25 to 30 years.

Additional landfill gas and leachate wells must be installed to capture leachate and the methane landfill gas. The total estimated cost of the final capping for all landfill cells is \$7.7M over 3 financial years.

Council now sends all the garbage from the kerbside collection to the SUEZ (ex-Sita) landfill in Lyndhurst under the metropolitan landfill services contract 2010/1 to which Whitehorse Council is a signatory. The waste from the Whitehorse Recycling and Waste Centre is disposed of under the metropolitan landfill services contract 2010/1 at 3 different landfill sites as previously reported to Council.

### **CONSULTATION**

The member Councils are consulted on key issues and represented on the Clayton South Regional Landfill User Group/steering committee. Council is represented on the Committee by the General Manager City Development and the Assistant Manager Sustainability.

### **FINANCIAL IMPLICATIONS**

A summary of the income and expenditure for 2017/2018 is outlined in the Discussion section of this report.

There is no financial contribution required from Council to meet the Clayton South Regional Landfill operating or capital costs for 2017/2018 because the funding for all necessary works and site management is being drawn from the Clayton South Landfill reserve funds. Sufficient funding has been accrued in the Clayton South Regional Landfill reserve funds to cover the current site capping, rehabilitation and maintenance works.

On completion of the capping and rehabilitation works in 2017/2018, it is estimated that there will be a balance in the Clayton South Regional Landfill reserve funds of \$5,755,741. Once all of the capping and gas capture works are completed, the estimated ongoing expenditure to monitor and manage the Clayton South Regional Landfill is approximately \$500,000 per annum. Unless a new source of income for the site is identified and implemented, there is only sufficient funding in the Clayton South Regional Landfill reserve fund to fund approximately 11 more years after the site is fully rehabilitated by the end of 2018, ie until approximately 2030.

### **9.1.5**

(cont)

The EPA requirement is for site owners to be responsible for the management of the site for a period up to 30 years post-closure, to around February 2046. Additional funding or income would need to be generated to provide sufficient funding to cover the expenditure that will be necessary at the site for the period from 2030 to 2046. Such funding can either come from owner-Councils making provision to accumulate sufficient funds for this period or to identify and implement a future use of the site that will generate a net income to cover the funding shortfall. The ongoing operating costs have been independently verified by an experienced landfill consultant, so there is limited (if any) opportunity to reduce future operational costs.

There is even a risk that additional funding might be required over such a long period should there be an unexpected environmental failure in future that required major expenditure to resolve. Although landfills are very complex facilities, the Clayton South Regional Landfill site has been lined and constructed to the required standards and well managed over the years, and the risk of unexpected major expenditure is further reduced by the provision of pollution insurance for the site.

A project brief has been prepared to engage a suitable consultancy to identify possible future uses of the site once the site works are completed in 2018, including those uses that might generate an ongoing net income for the use of the site. This consultancy project follows a preliminary investigation that was completed in 2015/16 to identify the broad uses that might be permitted on the site following the C143 Amendment to Kingston City Council's Planning Scheme in late 2015. The amended Kingston Council Green Wedge A planning zone imposes significant restrictions to the possible future use of the Clayton South Regional Landfill site.

The outcome and any recommendations from the consultant will be considered by the Clayton South User Group and owner-Council CEO's once the consultancy project is completed, which is expected to be by mid-2017. While the future use of the site will need to ensure that the site gas capture infrastructure isn't disturbed and the use must be permitted under the Kingston Planning Scheme, the site has possible road frontage along Clayton Road and a section of the perimeter that hasn't been landfilled, so there will be a number of possible future use options available. The task of the consultants will be to assess which of the possible options appears to be the most viable and has the potential to generate a suitable level of income for the landfill owner Councils.

A report will be prepared for Council to provide an update on the future use of the Clayton South Regional Landfill in due course.

### **POLICY IMPLICATIONS**

Council's involvement in the Clayton South Regional Landfill is a key part of the waste disposal arrangements detailed in Council's Waste Management Plan 2011.

### **9.1.6 Eastern Transport Coalition - Transport Priorities document**

FILE NUMBER: 17/31378  
ATTACHMENT

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#### **SUMMARY**

*Whitehorse Council is a member of the Eastern Transport Coalition (ETC). The ETC has developed the 'Transport Priorities' document to be used to advocate for improved transport services and infrastructure in the eastern region of metropolitan Melbourne. It is recommended that Council note this report.*

#### **COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Stennett

***That Council note the Eastern Transport Coalition's 'Transport Priorities' document.***

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

The Eastern Transport Coalition (ETC) consists of Councillors and Council officers from seven eastern metropolitan councils – Whitehorse, Monash, Manningham, Knox, Maroondah, Yarra Ranges and Greater Dandenong. Combined, the ETC represents a population of more than one million people.

The group advocate for sustainable, active and integrated transport services that reduce car dependency. The ETC aims to work with Federal and State Governments to ensure the economic, social and environmental wellbeing of Melbourne's east is enhanced through improved transport services and infrastructure.

#### **DISCUSSION**

The ETC has developed a document that outlines a suite of projects and priorities to promote connectivity, liveability, sustainability, productivity and efficiency throughout Melbourne's eastern region. The 'ETC Transport Priorities' document will be used to advocate for the adoption and implementation by the Federal and State Governments of each of the transport proposed priorities.

Specific projects listed in the document that are relevant to Whitehorse include:

- Upgrade of the Box Hill Public Transport Interchange.
- Extension of tram route 75 along Burwood Highway from Vermont South to Westfield Knox Shopping Centre.
- Construction of the shared use path along the former Healesville Freeway Reservation from Vermont to Forest Hill.
- Construction of a shared use path adjacent to Burwood Highway (south side) from Eastlink to Morack Road, Vermont South.
- Improve cycling infrastructure where the shared use path along the Melbourne Water pipe track crosses arterial roads.
- Increasing capacity along the Belgrave/ Lilydale train line.
- Removal of the remaining level crossing within Whitehorse at Mont Albert Road, Mont Albert.

### **9.1.6**

(cont)

The document also calls for transport improvements across the eastern region including:

- Improved frequency of trains.
- Increased commuter car parking at train stations.
- Improved bus service coverage and frequency.
- Safe access to bus stops and upgrades to bus stops.
- Improved bicycle parking at train stations.
- Support for travel behaviour change programs.

A strategic advocacy plan is being developed by the ETC to guide engagement with relevant stakeholders, the community, and the Federal and State Governments to support adoption of the ETC's transport priorities. Advocacy activities will have the aim to gain increased spending and accelerated delivery of transport improvements in the eastern suburbs of Melbourne. The campaign will be steered by a leading political advocacy consulting company, commencing April 2017.

#### **CONSULTATION**

Councillor and Council officer representatives from the seven member Councils have been consulted during the development of the ETC Transport Priorities document.

#### **FINANCIAL IMPLICATIONS**

Funds to implement ETC activities are allocated in the recurrent Engineering and Environmental Services Department operational budget.

#### **POLICY IMPLICATIONS**

The projects and issues outlined in the ETC's Transport Priorities document are consistent with the following Council strategies:

- Whitehorse Integrated Transport Strategy 2011
- Whitehorse Cycling Strategy 2016
- Whitehorse Community Road Safety Strategy 2013
- Whitehorse Sustainability Strategy 2016

#### **ATTACHMENT**

- 1 ETC Transport Priorities document 

## **9.2 INFRASTRUCTURE**

### **9.2.1 Tender Evaluation Report (Contract 20019) Drainage Repair and Minor Civil Works**

---

#### **SUMMARY**

*There is an allocation in Council's operational budget each financial year to undertake various stormwater drainage repairs and minor civil works to address issues such as damaged pits and pipes, broken pit covers, displaced kerb and channel, road pavement failures, damaged footpaths and other miscellaneous civil works and an allocation in Council's capital works budget each financial year for the renewal and upgrade of these assets. The scope and timing of the works is varied and Council requires a wide range of skills from the contractors appointed to a panel to undertake the works.*

*This report is to consider tenders received for the provision of drainage repair and minor civil works and to recommend the acceptance of a panel of twelve (12) contractors: E and M Unit Trust, trading as Etheredge Mintern Pty Ltd; Jotomex Civil Contracting; Statewide Civil & Maintenance; Blue Peak Constructions Pty Ltd; The Trustee for Evergreen Civil Unit Trust, trading as Evergreen Civil Pty Ltd; Roadside Services and Solutions Pty Ltd; Kalow Holdings Pty Ltd; Tiama Constructions; Fercon Pty Ltd; Mark Tucker Family Trust, trading as M. Tucker & Sons Pty Ltd; Cope Ag Pty Ltd; and Landcare Property Maintenance Pty Ltd on a Schedule of Rates basis for a period of 3 years with an option to extend the contract for a further 2 years or less at Council's discretion and to consider the estimated expenditure over the life of the contract.*

#### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Munroe

**1. Accept the tender and sign the formal contract document for Contract 20019 for Drainage Repair and Minor Civil Works received from:**

- ***E and M Unit Trust, trading as Etheredge Mintern Pty Ltd, (ABN 39 258 254 606), of 25 Kelvin Road Bayswater North 3153;***
- ***Jotomex Civil Contracting, (ABN 72 161 928 436), of 18 Winyard Drive Mooroolbark 3138;***
- ***Statewide Civil & Maintenance, (ABN 61 868 782 480), of 71 Valentine Street Ivanhoe 3079;***
- ***Blue Peak Constructions Pty Ltd, (ABN 88 660 064 079), of 61 Milton Street Elwood 3184;***
- ***The Trustee for Evergreen Civil Unit Trust, trading as Evergreen Civil Pty Ltd, (ABN 67 667 088 791), of 11/24 Brand Drive Thomastown 3074;***
- ***Roadside Services and Solutions Pty Ltd, (ABN 33 137 851 837), of 10 Jesmond Road Croydon 3136;***
- ***Kalow Holdings Pty Ltd, (ABN 51 006 811 641), of 54 Ramset Drive Chirnside Park 3116;***
- ***Tiama Constructions, (ABN 34 154 882 907), of 2/4 Eram Road Box Hill North 3129;***
- ***Fercon Pty Ltd, (ABN 43 116 527 363), of 6 Swanston Street Preston 3072;***
- ***Mark Tucker Family Trust, trading as M. Tucker & Sons Pty Ltd, (ABN 31 559 525 231), of 20 Clancy Road Mount Evelyn 3796;***
- ***Cope Ag Pty Ltd, (ABN 97 139 749 198), of 86 Rushdale Street Knoxfield 3180;***
- ***Landcare Property Maintenance Pty Ltd, (ABN 35 606 414 091), of 130 Clarks Road Whittlesea 3757.***

## 9.2.1

(cont)

***on a Schedule of Rates basis for a period of 3 years with an option to extend the contract for a further 2 years or less at Council's discretion.***

- 2. Authorise the Chief Executive Officer to award an extension of this contract, subject to a review of the individual Contractor's performance and Council's business needs, at the conclusion of the initial 3 year contract term.**

**CARRIED UNANIMOUSLY**

## BACKGROUND

Whitehorse City Council maintains approximately 1,717 kilometres of footpaths, 1,183 kilometres of kerb and channel, 611 kilometres of roads, 831km of drains and over 35,000 pits. This infrastructure is maintained in accordance with Council's Asset Management Policy and the Road Management Plan, Road Asset Management Plan and Drainage Asset Management Plan.

This contract is for the provision of general drainage repairs and minor civil works for these infrastructure assets on an 'as required' basis. The previous drainage repair and minor works contract has now expired and awarding a new contract will ensure continuity of these services.

There is an allocation in Council's operational budget each financial year to undertake various stormwater drainage repairs and minor civil works to address issues such as damaged pits and pipes, broken pit covers, displaced kerb and channel, road pavement failures, damaged footpaths and other miscellaneous civil works and an allocation in Council's capital works budget each financial year for the renewal and upgrade of these assets.

The contract is a Schedule of Rates contract with annual rise and fall Consumer Price Index adjustments. The term of the contract is 3 years with an option to extend the contract for a further 2 years or less at Council's discretion subject to satisfactory performance by the contractor.

In order to maximise cost effectiveness and provide flexibility of service, it is considered appropriate to appoint a panel of contractors. Some projects will be more suited to a specialised contractor. It is common for this type of work that contractors are required at short notice to address urgent issues and it is therefore preferable to appoint a panel of contractors.

## DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 21 January 2017 and were closed on Wednesday 15 February 2017. A total of sixteen tenders were received.

The tenders were evaluated against the following criteria:

- The Tender Offer;
- Tenderer's experience in undertaking similar work;
- The quality of the Tenderer's work;
- The resources (equipment and Staff) available for the Contract; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The preference for Council is to appoint multiple contractors to ensure the services can be delivered in a timely manner and to have a broad range of services to complete all aspects of the contract.

The contract requires a variety of contractors with diverse skills and therefore a panel is recommended to ensure Council can call upon the best contractors for specific works.

### **9.2.1**

(cont)

In the tender document it was stated that contractors do not have to provide rates for all services in the Contract and may choose only to provide rates for their service area of expertise. The preference for Council is to appoint contractors with a broad range of services as many of the works completed under the contract will require a combination of services.

The tenderers that provide a broad range of services were evaluated by applying the tendered rates to typical projects that would be awarded in a year.

There were tenderers in the specialist areas of expertise that are required by Council, including specialist drainage works and specialist boardwalk and bridge maintenance works. These contractors were evaluated separately to the tenderers who provide a broad range of services.

There were tenderers that provided rates only in their area of expertise which are areas that are not required by Council as these services are provided by other Council annual supply contractors. They did not provide prices for enough items in the schedule to make a reasonable comparison of prices with other tenderers.

The recommended tenderers are listed below:

#### General Drainage and Civil Works Contractors

Etheredge Mintern Pty Ltd  
Jotomex Civil Contracting  
Statewide Civil & Maintenance  
Blue Peak Constructions Pty Ltd  
Evergreen Civil Pty Ltd  
Roadside Services and Solutions Pty Ltd  
Kalow Holdings Pty Ltd  
Tiama Constructions  
Fercon Pty Ltd

#### Specialist Drainage Works

M. Tucker & Sons Pty Ltd

#### Specialist Boardwalk and Bridge Maintenance Works

Landcare Property Maintenance Pty Ltd

Cope Ag Pty Ltd

Even though each contractor is competent in one field, they can be utilised in other areas as required thereby providing Council with flexible alternatives to ensure works are completed effectively and efficiently.

The recommended tenderers are experienced in the provision of the type, range and quality of services that will be required under the contract and have successfully completed similar contracts for Councils in the past. These tenderers are considered to provide the best value for money for the contract.

### **CONSULTATION**

The scope and requirements of the contract were developed with all relevant internal stakeholders including officers from City Works and Engineering and Environmental Services.

There was no external community consultation required as part of the tender evaluation. For projects that are completed under the contract, residents will be notified in advance of the works.

### **9.2.1**

(cont)

Reference checks were undertaken with other Councils as part of the tender evaluation. The preferred tenderer's business viability has been considered.

#### **FINANCIAL IMPLICATIONS**

The contract for the provision of drainage repair and minor civil works is based on a Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

The financial advantage of each tender submission was determined by comparing rates for services that are used most frequently by Council. The tenderers that provide a broad range of services were evaluated by applying the tendered rates to typical projects that would be awarded in a year. The tenderers that provide specialist drainage services and specialist boardwalk and bridge maintenance services were evaluated separately by applying the tendered rates to typical specialist projects that would be awarded in a year.

The estimated expenditure under the contract over the initial contract term is \$2,400,000, including GST. The expenditure will increase to approximately \$4,000,000, including GST if the options to extend the contract are exercised. The expenditure will be allocated among the recommended tenderers in accordance with the schedule of rates, availability and capability considerations.

The costs incurred under the contract will be charged to the relevant recurrent operating budget for maintenance works and the relevant capital works budget for renewal and upgrade works.



## **9.2.2 Tender Evaluation Report (Contract 20015) Hazardous Material Removal and Associated Specialist Services**

---

### **SUMMARY**

*Council is required by OH&S regulations to ensure the safe management of building materials that contain asbestos in the facilities on Council owned land. Tenders have been received for hazardous material removal and associated specialist services. The current contract used for hazardous material removal expires on 10th May 2017. This contract is comprised of 2 parts:*

- Part 1 - is for the provision of Hazardous Material Removal Services
- Part 2 - is for Associated Specialist Services including Air Monitoring, Asbestos Clearance Certificates, Hazardous Material Reports and consultancy services

### **COUNCIL RESOLUTION**

Moved by Cr Liu, Seconded by Cr Bennett

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

- 1. Accept the tender and sign the formal contract document for Contract 20015 for Hazardous Material Removal and Associated Specialist Services, for the initial contract term of three (3) years commencing on 10 May 2017 from:***
  - ***Part 1 – The Trustee For Aware Unit Trust Trading As Australian Wide Asbestos Removal Encapsulation Pty Ltd, (ABN 23 547 221 192), 24-28 Pacific Drive Keysborough 3173, For The Estimated Expenditure Of \$524,700 Including Gst And From***
  - ***Part 2 - Identifibre Pty Ltd, (ABN 42 059 114 500), Suite 2, 207 Warrigal Road, Oakleigh 3166, for the estimated expenditure of \$101,655 including GST***
- 2. Authorise the Chief Executive Officer to award a 2 year extension of this contract, subject to a review of each Contractor's performance and Council's business needs, at the conclusion of the initial 3 year contract term, in accordance with the contract provisions.***

**CARRIED UNANIMOUSLY**

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### **BACKGROUND**

Council is required by OH&S Regulations to ensure the safe management of asbestos containing building materials on Council land. Under the regulations Council is required to keep a register of all buildings containing asbestos and every 5 years to conduct an audit to ensure the building materials containing asbestos are identified, labelled and present no danger to building occupants in their current undamaged condition.

In the event that asbestos building material deteriorates, becomes damaged or needs to be removed or altered for building improvement works, a registered and licensed A grade asbestos removalist must be engaged to ensure all the requirements for hazardous materials removal are satisfied.

As part of the removal process, an independent and qualified Occupational Hygienist must be engaged to conduct back ground air monitoring, and to inspect the work area to ensure the removal has been undertaken to a satisfactory standard and all hazardous material removed for safe re-entry by unprotected personal. Another role of the Occupational Hygienist is to sample suspect building materials to test for the presence of hazardous material such as asbestos, lead paint, and synthetic mineral fibre (SMF).

## **9.2.2**

(cont)

This Contract will enable Council officers to manage the asbestos identification and removal process in an efficient manner and meet all the requirements of Council's Procurement Policy and Best Value guidelines.

### **DISCUSSION**

The Tender was advertised in The Age newspaper on Saturday 18 February 2017 and closed on Wednesday 15 March 2017.

All tenders were evaluated against the following criteria:

- a) Financial Benefit to Council
- b) Experience of the tenderer in providing the required services
- c) The capacity of the tenderer to provide the services

Occupational Health & Safety, Equal Employment Opportunity and Business Viability credentials were assessed on a Pass/Fail basis.

Financial evaluation of the tenders was based on the hourly rates tendered for service provision together with an estimate of hours likely to be worked per week over a 12 month period.

Five (5) conforming tenders and one (1) non-conforming tender were received for Part 1 of the contract - Provision of Hazardous Material Removal Services. The tender submitted by The Trustee for AWARE UNIT TRUST trading as Australian Wide Asbestos Removal Encapsulation Pty Ltd (AWARE) met Council's specification requirements in a manner that represents the best overall value outcome for Part 1 of the contract.

AWARE is the current provider of Hazardous Material Removal Services to Council and has successfully met all of Council's expectations and requirements under the current contract.

They are a large well established company that have experience with all aspects of asbestos and other hazardous material removal.

Eleven (11) tenders were received for Part 2 of the contract - Associated Specialist Services. The tender submitted by Identifibre Pty Ltd was assessed to meet Council's specification requirements in a manner that represents the best overall value for money outcome for Part 2 of the contract. Identifibre Pty Ltd has previously been engaged on an informal basis for Council and has successfully met the expectations and requirements.

Following an extensive interview process with 4 prospective tenderers AWARE and Identifibre Pty Ltd scored the highest in regards to experience and capacity to provide the service for Council.

### **CONSULTATION**

Asbestos management practices and policies fall under the control of WorkSafe Victoria. In preparing this tender documentation Council officers have referenced the most current Standards and Codes as follows:

- Worksafe – Asbestos – A Handbook for Workplaces 2008
- Occupational Health & Safety Act 2004
- Occupational Health & Safety Regulations 2007
- NATA – National Association of Testing Authorities, Australia

This contract has provision to be extended to include additional buildings as required throughout the life of the contract.

## 9.2.2

(cont)

Funding for this contract will be drawn from the Hazardous Material Removal account managed by the Built Infrastructure Department and relevant capital and operating accounts managed by the ParksWide, City Works and Engineering and Environmental Services Departments.

The forecast expenditure estimates for this contract are consistent with recent costs incurred for similar services.

<b>Financial Implications Table</b>	<b>Budget</b>	<b>Expenditure</b>
Built Infrastructure Department Capital funding 2017/18 to 2019/20 (as per draft 10 Year Capital Works Program).	\$255,000	
Other Council Departments Capital and Operating funding 2017/18 to 2019/20.	\$315,000	
<b>Estimated total funding</b>	<b>\$570,000</b>	
Preferred Tenderers Price Estimate - Part 1 (Inc GST)		\$524,700
Preferred Tenderers Price Estimate – Part 2 (Inc GST)		\$101,655
Total Price Part 1 & 2		\$626,355
Less GST		\$56,941
<b>Estimated total expenditure (ex GST)</b>		<b>\$569,414</b>

## 9.3 HUMAN SERVICES

### 9.3.1 Tender Evaluation Report (Contract 20023) Maintenance of Morack Public Golf Course

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#### SUMMARY

*To consider tenders received for the provision of turf maintenance services at Morack Public Golf Course and to recommend the acceptance of the tender received from All Areas Turf Management Pty Ltd for the amount of \$668,551.80 per annum, including GST.*

#### COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Bennett

- 1. Accept the tender and sign the formal contract document for Contract 20023 for the Maintenance of Morack Public Golf Course received from All Areas Turf Management Pty Ltd (ABN 97 603 395 553), of 44 Fairway Grove Rosebud 3939, commencing on the 1 July 2017 for the tendered amount of \$668,551.80 per annum including GST as part of a total expected project expenditure of \$3,342,759.***
- 2. Authorise the Chief Executive Officer to award an extension of this contract for a further three x 1 year terms, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial 2 year contract term.***

**CARRIED UNANIMOUSLY**

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#### BACKGROUND

Morack Public Golf Course is a Council owned 18 hole golf course located in Vermont South. The course is irrigated by an automatic system and sustained by an on course dam. The facility also features a pro shop and kiosk facilities, 17 bay floodlit driving range, two practice putting greens and a sealed car park.

In addition, there is a small timber clubhouse facility, situated adjacent to the pro shop that accommodates five resident golf clubs – Creekside Golf Club, Morack Ladies Blue, Morack Ladies, Morack Seniors Club and Waverley Life Activities.

The responsibility for the provision of turf maintenance services has been externally contracted since 1995 and re-tendered a number of times. The current contract is due to expire on 30 June 2017.

Australian Golf Services Management Pty Ltd (AGCM) is the current turf maintenance contractor and has maintained Morack Public Golf Course for the past 7 years.

#### DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 28 January 2017 and were closed on 3.00pm day 22 February 2017. A total of five tenders were received.

The tenders were evaluated against the following criteria:

- Financial Benefit
- Experience
- Qualifications
- Resources
- Quality Assurance.

### **9.3.1**

(cont)

The term of this contract will be for 2 years with an option to extend for a further three x 1 year periods.

The rationale for the short term nature of the contract is due to Council currently considering the strategic direction for the golf course. The multiple 1 year options gives Council maximum flexibility in terms of the direction it may choose to take with regards to future course improvements and the potential impact on the turf maintenance requirements.

After conducting an initial review of the tender submissions three companies were shortlisted and interviewed. Site inspections, referee checks and a final evaluation were undertaken.

The preferred tenderer is All Areas Turf Management Pty Ltd who currently deliver the turf maintenance services at Kingston Links Golf Course in Rowville and the adjacent driving range which is under separate management. The Kingston Links Golf Course is regarded as one of metropolitan Melbourne's finest public golf courses.

Whilst the company have only been operating for just over 2 years, the principal director was course superintendent at the Kingston Links Golf Course for a number of years prior to this. He also has over 20 years of experience within the industry having worked at a number of high profile course including Huntingdale Golf Course, Eagle Ridge Golf Course and The Grange in South Australia.

In addition, All Areas Turf Management Pty Ltd have undertaken turf related contract works for a number of Councils including Darebin, Casey, City of Melbourne, Macedon Ranges and Dandenong. Works include spraying programs, turf establishment, turf renovations, seeding and mowing.

Referee checks confirm that All Areas Turf Management Pty Ltd deliver a high standard of presentation to the Kingston Links Golf Course and driving range, have a flexibility in their approach and a willingness to implement improvements to the turf maintenance regime.

The tender received from All Areas Turf Management Pty Ltd is considered to provide the best value for money for this Contract.

### **CONSULTATION**

An independent consultant was engaged to review and draft the tender specifications to ensure that the maintenance of the course is consistent with industry standards for public golf courses. The consultant was also engaged as part of the evaluation panel to provide an independent industry perspective.

### **FINANCIAL IMPLICATIONS**

The total cost of golf course maintenance services over the term of the contract of 2 years and 3 x 1 year options will be \$3,342,759.

The tendered amount of \$668,551.80 plus GST in the first year is within the recurrent expenditure budget allowance for 2017/18. The tendered amount is subject to CPI adjustment on each anniversary of the contract.

The preferred tenderer's business viability has been considered.

## 9.4 CORPORATE REPORTS

### 9.4.1 Review of Council's Investment Policy

ATTACHMENT

#### SUMMARY

*This report presents a reviewed Investments Policy (April 2017) for consideration and adoption by Council.*

#### COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Ellis

***That Council adopts the Investments Policy dated April 2017, as presented in Attachment 1.***

**CARRIED UNANIMOUSLY**

#### BACKGROUND

The Investment Policy provides mandatory rules and guidelines for Council officers to follow in managing cash flow requirements and investing surplus funds. This policy provides a safeguard that investment management will conform to relevant regulations and standards. This Policy conforms to all federal and state statutes governing the investment of public funds. Investment of Council's funds are to be in accordance with Section 143 of the *Local Government Act 1989*.

Council adopted the current Investments Policy in June 2014. A review of the policy has been undertaken and a revised policy is attached (**Attachment 1**). The revised policy was endorsed at the Audit Advisory Committee meeting on 20 March 2017.

#### DISCUSSION

The purpose of Council's Investments Policy is to outline Council's guidelines regarding the investment of surplus funds, with the overall objective of ensuring security of funds and the maximisation of earnings on funds invested.

The primary investment objectives of Council in priority order are:

- Safety - Preservation of Capital and Protection of Principal
- Maintenance of Liquidity
- Diversification
- Return on Investment.

#### CONSULTATION

The policy has been revised in consultation with key officers. The attached revised policy was endorsed at the Audit Advisory Committee meeting on 20 March 2017 and recommended to Council for formal adoption.

#### FINANCIAL IMPLICATIONS

The revised policy does not result in a requirement for additional resources.

#### POLICY IMPLICATIONS

The Investments Policy dated April 2017 will replace the current Investments Policy dated 23 June 2014.

#### ATTACHMENT

- 1 Investments Policy - April 2017 

## 9.4.2 Review of Council's Fraud Policy

ATTACHMENT

### SUMMARY

*This report presents a reviewed Fraud Policy (April 2017) for consideration and adoption by Council.*

### COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Carr

***That Council adopts the Fraud Policy dated April 2017, as presented in Attachment 1.***

**CARRIED UNANIMOUSLY**

### BACKGROUND

Council's Fraud Policy provides a framework for the prevention, detection and reporting of fraudulent activity at Whitehorse City Council. The policy applies to all Council employees, Councillors, Council volunteers and service providers at Whitehorse City Council and provides a better practice approach to fraud detection and prevention.

The principles behind this policy are based on the *Australian Standard AS 8001:2008 'Fraud and Corruption Control'*.

Council adopted the current Fraud Policy on 23 June 2014. A review of the policy has been undertaken and a revised policy is attached (**see Attachment 1**).

The attached revised policy was endorsed at the Audit Advisory Committee meeting on 20 March 2017.

### DISCUSSION

Whitehorse City Council requires all Council employees, Councillors, Council volunteers and service providers at all times to act honestly and with integrity and to safeguard the public resources for which they are responsible.

Whitehorse City Council is committed to protecting all of its financial and non-financial assets including cash from theft, embezzlement and misappropriation and any attempt to gain illegal financial or other benefits.

Council will not tolerate fraud in any form and is committed to:

- Preventing fraud in the workplace
- Ensuring immediate and appropriate investigation procedures are implemented in the case that fraud is suspected
- Referring cases of suspected fraud to the authorities following due investigation
- Applying appropriate disciplinary penalties should fraud be proven
- The recovery of any loss suffered (both direct and indirect) through fraudulent activity.

This revised policy documents Council's intended action in implementing and monitoring Council's fraud prevention, detection and response initiatives.

### CONSULTATION

Key stakeholders have been consulted with extensive feedback provided. The attached revised policy was endorsed at the Audit Advisory Committee meeting on 20 March 2017 and recommended to Council for formal adoption.

### **9.4.2**

(cont)

#### **FINANCIAL IMPLICATIONS**

The revised policy does not result in a requirement for additional resource allocation. Council's fraud prevention monitoring and detection activities form part of the annual operating budget.

#### **POLICY IMPLICATIONS**

The Fraud Policy dated April 2017 will replace the current Fraud Policy dated 23 June 2014.

#### **ATTACHMENT**

- 1 Fraud Policy - April 2017 [⇒](#) 



### 9.4.3 Councillor Appointments to Organisations and Community Bodies

FILE NUMBER: SF09/28

#### SUMMARY

*Council may appoint Councillor representatives to various committees, organisations and community bodies. The resignation of former Councillor Tanya Tescher has created a vacancy on Council's internal Audit Advisory Committee and Council is requested to consider a replacement Councillor representative.*

#### RECOMMENDATION

***That Council appoint Councillor..... to Council's Audit Advisory Committee.***

#### BACKGROUND

Councillor representative appointments to various committees, organisations and community bodies are made by Council each year during November/December, as well as other times throughout the year as required, when new committees or groups are established or vacancies occur

#### DISCUSSION

It is suggested Council consider and resolve to appointment a Councillor representative to the internal Audit Advisory Committee

### **COUNCILLOR REPRESENTATIVE APPOINTMENT TO THE FOLLOWING BODY For the Period 18 April 2017 – 21 November 2017**

#### **INTERNAL COMMITTEE**

<b>NO</b>	<b>BODY</b>	<b>COUNCILLOR NOMINATION 2016/2017</b>
<b>11</b>	<b>Audit Advisory Committee (Two Councillors)</b>	(Mayor) Cr Massoud One Vacancy to be filled (NB Crs Andrew Davenport and Ben Stennett have nominated for the vacancy)

### **9.4.3**

(cont)

The Chief Executive Officer Ms Noelene Duff was the Returning Officer for the conduct of an election held to appoint a Councillor delegate to the Audit Advisory Committee.

#### **ELECTION**

##### **Audit Advisory Committee (One Vacancy)**

There were two nominations:

Cr Davenport

Cr Stennett

A vote was conducted and Councillor Stennett was elected.

#### **COUNCIL RESOLUTION**

Moved by Cr Ellis, Seconded by Cr Munroe

***That Council endorse the appointment of Councillor Stennett as Council delegate as per the result of the election for the Delegate appointment for Council's Audit Advisory Committee.***

**CARRIED UNANIMOUSLY**

#### **9.4.4 Municipal Association of Victoria (MAV) State Council Meeting and Submission of Motions for Consideration**

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##### **SUMMARY**

*Council endorsement is sought for the motions detailed in this report, which are recommended for submission as a matter of state-wide significance to the next MAV State Council Meeting to be held 12 May 2017. Motions are required to be with the MAV by 14 April 2017.*

##### **COUNCIL RESOLUTION**

Moved by Cr Ellis, Seconded by Cr Carr

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

##### **1. Endorse the proposed Whitehorse Motions:**

- a) Increasing Penalties for removal of Trees**
- b) Increased affordable housing in Eastern Metropolitan Melbourne**
- c) Provision of equitable sporting opportunities, facilities and amenities for women (To be submitted also as modified to the 2017 National General Assembly of Local Government (ALGA) at the June Congress as a matter of national significance)**

***to be submitted as matters of state-wide significance to the next MAV State Council Meeting to be held on 12 May 2017.***

**CARRIED UNANIMOUSLY**

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##### **a. Increasing Penalties for removal of trees**

##### **MOTION:**

Advocate to the Victorian State Government for an increase in the penalties for illegal tree removal and for stronger tree protection legislation to prevent “moonscaping” of sites prior to the lodgement and/or approval of a planning permit application.

##### **RATIONALE:**

The leafy garden and bushy character of Melbourne's eastern subregion can be viewed from many high points throughout Melbourne. The treed character of the middle ring areas such as Whitehorse provides an important 'green' link between Melbourne and the Yarra Valley.

The Whitehorse Neighbourhood Character Study states that “vegetation character is generally the most significant determinant of neighbourhood character” in the city, whilst the Whitehorse Housing Strategy (2014) aims to manage the significant population growth and change that is anticipated over the next 20 years. The community engagement undertaken in late 2016 for the preparation of the new Whitehorse Council Plan and Municipal Health and Wellbeing Plan showed that residents across all age groups highly value trees and the leafiness across the municipality. Additionally, the community identified that maintaining and protecting trees through increased development controls is a key priority for Whitehorse City Council.

#### **9.4.4**

(cont)

Whitehorse City Council regards the tree canopy loss as a legacy issue that will have irreversible negative consequences if a comprehensive and strategic approach is not put in place to promote tree preservation and planting. Council is concerned that without further intervention the ongoing incremental loss of canopy trees will diminish the city's character, liveability and ecological sustainability.

In particular, Council is concerned that in some areas where there are controls, these need to be strengthened to place higher priority on canopy tree retention and planting as part of the building design process. Council is particularly concerned about 'moonscaping' of properties where all the trees and vegetation on a site are removed prior to development occurring.

Monitoring and enforcement of vegetation controls can assist in ensuring both awareness of the requirements and as a deterrent to potential non-compliance through illegal tree removal. Therefore, Council is also concerned that the current Penalties are minimal and are not a deterrent to illegal tree removal. Often, the person removing the tree is willing to accept the penalty, which is often a small fraction of the cost of development.

#### ***b. Increased Affordable Housing in Eastern Metropolitan Melbourne***

MOTION:

That the MAV advocate to the State Government and seek a commitment for a minimum of 526 new social housing dwellings in the EMR per year until 2036, to meet the minimum supply required.

RATIONALE:

The Eastern Affordable Housing Alliance (EAHA) advocates for increased affordable housing in the Eastern Metropolitan Region of Melbourne to meet the needs of our communities for safe, secure, affordable housing now and in the future.

In 2015 the six member Councils making up the Eastern Affordable Housing Alliance (EAHA) – Knox, Maroondah, Manningham, Monash, Whitehorse and Yarra Ranges – endorsed an advocacy position to the State Government calling for the State to commit to a minimum of 526 new social housing dwellings in the EMR per year until 2036, to meet the minimum supply required.

This number is based on the Minimum supply of social housing, Eastern Metropolitan Region (2014-2036), which quantifies need for social housing in the Eastern Metropolitan Region of Melbourne. With a social housing rate significantly below the metropolitan average an additional 11,580 social housing dwellings are required by 2036 in the region to meet demand. This equates to '526 dwellings per year every year over the next 22 years (2014-2036).'

This motion supports the primary aim of the EAHA: to increase the supply of social and affordable housing in the Eastern Metropolitan Region of Melbourne.

#### **9.4.4**

(cont)

##### ***c. Provision of equitable sporting opportunities, facilities and amenities for women***

###### **MOTION:**

That the MAV advocate to the State and Federal Government to support their policies regarding women and sport by allocating significant funds to assist local government build and maintain 'female friendly' sporting facilities and amenities to give girls and women a fair go in equal access to community sporting opportunities and hence to enable improved health and wellbeing in their lives.

###### **RATIONALE:**

There is a significant growth in girls and women's participation across major sporting codes in Australia. This is especially in Victoria of the traditional male sports of Australian Rules Football, soccer and cricket.

This growth is likely to continue and is already placing significant pressure on the provision of appropriate women's change room facilities at local sporting fields. Currently Whitehorse is experiencing an increase in female participation in sport and this trend is predicted to accelerate as media coverage of these women's sports continues.

Whitehorse City Council is a strong advocate for women in sport at all skill levels as outlined in Council's Recreation Strategy (2015) – from junior novice participation through to national elite. The benefits of sport and recreation participation in community life is well researched and clearly documented.

The critical issue on this growth for local government is how local government and its partners can fund, build, maintain and manage the required infrastructure and women have equality of opportunity to their male counterparts.

Whitehorse calls on State and Federal Government to support their policy settings regarding women and sport by allocating significant funds to assist local government build and maintain 'female friendly' sporting facilities.

Without such significant financial support local government will not be able to fund the necessary sporting infrastructure necessary to give girls and women a fair go in equal access to community sporting infrastructure and hence to enable improved health and wellbeing in their lives.

Council will also submit this motion to the 2017 National General Assembly of Local Government (ALGA) at the June congress as a matter of national significance, seeking Federal government support

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

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##### **SUMMARY**

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

##### **COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Cutts

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

**CARRIED UNANIMOUSLY**

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##### **BACKGROUND**

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

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

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

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

##### **CONSULTATION**

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

##### **FINANCIAL IMPLICATIONS**

There are no financial implications.

##### **POLICY IMPLICATIONS**

There are no policy implications.

### 9.4.5

(cont)

## Whitehorse City Council

## Instrument of Appointment and Authorisation

under the Planning and Environment Act 1987

STAFF	
Surname	Given name
SEACH	Mitch

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

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

- a) Mitch Seach

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

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

**It is declared that** this instrument -

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

This instrument is authorised by a resolution of the **Whitehorse City Council** on **18 April 2017**

**THE COMMON SEAL OF THE  
WHITEHORSE CITY COUNCIL** was hereunto  
affixed this  
**day of April 2017** in the presence of:

**Councillor**

**Chief Executive Officer**

## 9.4.6 Delegated Decisions February 2017

### SUMMARY

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

### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Bennett

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

**CARRIED UNANIMOUSLY**

DELEGATION	FUNCTION	Number for February 2016	Number for February 2017
Planning and Environment Act 1987	Delegated Decisions	112	108
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		30	12
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	87	65
Liquor Control Reform Act 1998	Objections and Prosecutions	Nil	3
Food Act 1984	Food Act Orders	Nil	Nil
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	1	2
Local Government Act 1989	Temporary Road Closures	6	7
Other Delegations	CEO Signed Contracts between \$150,000 - \$500,000	Nil	2
	Property Sales and Leases	22	7
	Documents to which Council seal affixed	Nil	Nil
	Vendor Payments	918	937
	Parking Amendments	1	8
	Parking Infringements written off (not able to be collected)	342	295



## DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS FEBRUARY 2017

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

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1119	10-02-17	Application Lapsed	20 Eley Rd, Burwood	Riversdale	Development of six double storey dwellings	Multiple Dwellings
7	17-02-17	CMP Approved	9-21 Cook Rd, Mitcham	Springfield	CMP for Develop and use of 21 warehouses and reduction in the standard car parking requirements	CMP Process
19	06-02-17	CMP Approved	109 Carrington Rd, Box Hill	Elgar	CMP	CMP Process
20	14-02-17	CMP Approved	15 Irving Ave, Box Hill	Elgar	Construction Management Plan (Construction of a 9 storey building (plus basement carpark) comprising of multiple dwellings; Reduction in car parking requirements for dwellings)	CMP Process
23	16-02-17	CMP Approved	76 Mahoneys Rd, Forest Hill	Central	Construction of six (6) double storey dwellings and consolidation of land into one lot	CMP Process
113	22-02-17	Delegate Approval - S72 Amendment	33 Orchard Cres, Mont AlbertNorth	Elgar	construction of three double storey dwellings and removal of protected trees	Permit Amendment
405	06-02-17	Delegate Approval - S72 Amendment	997-1003 Whitehorse Rd, Box Hill	Elgar	Construction of a 12 Storey building, comprising 108 apartments, a restaurant and three (3) shops and reduction in standard car parking requirement	Permit Amendment

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
817	16-02-17	Delegate Approval - S72 Amendment	34 Margaret St, Box Hill	Elgar	Construction of two double storey dwellings	Permit Amendment
945	15-02-17	Delegate Approval - S72 Amendment	86-88 Broughton Rd, Surrey Hills	Riversdale	The development of four dwellings in two double storey building. The subdivision of the land into four lots	Permit Amendment
191	21-02-17	Delegate NOD Issued	9 Wellesley St, Mont Albert	Elgar	Construction of two double storey dwellings	Multiple Dwellings
349	20-02-17	Delegate NOD Issued	17 Blenheim Ave, Mont Albert	Elgar	Alterations and additions to the existing dwelling for an upper level addition	Heritage
512	07-02-17	Delegate NOD Issued	39 Katrina St, Blackburn North	Central	Construction of a double storey dwelling to the rear of an existing single storey dwelling	Multiple Dwellings
707	23-02-17	Delegate NOD Issued	8 Sunnyside Ave, Nunawading	Springfield	Construction of two (2) double storey dwellings on a lot	Multiple Dwellings
760	17-02-17	Delegate NOD Issued	22 Gerald St, Blackburn	Springfield	Buildings and works to construct a double storey dwelling and tree removal	Special Landscape Area
785	09-02-17	Delegate NOD Issued	37 Boondara Rd, Mont AlbertNorth	Elgar	Construction of three double storey dwellings	Multiple Dwellings
808	08-02-17	Delegate NOD Issued	9 Rotherwood Ave, Mitcham	Springfield	Construction of two double storey dwellings and removal of three trees	Multiple Dwellings
881	07-02-17	Delegate NOD Issued	17 Mont Crt, Vermont South	Morack	Double storey dwelling at the back of existing property	Multiple Dwellings
923	27-02-17	Delegate NOD Issued	7 Linlithgow St, Mitcham	Springfield	2 lot subdivision	Permit Amendment
1011	24-02-17	Delegate NOD Issued	1 Karwitha St, Vermont	Morack	Two new dwellings - double storey townhouses	Multiple Dwellings

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
11	28-02-17	Delegate Permit Issued	645-647 Burwood Hwy, Vermont South	Morack	Install and display an electronic business identification sign	Advertising Sign
17	28-02-17	Delegate Permit Issued	31 Shady Grv, Nunawading	Springfield	Three (3) lot subdivision	Subdivision
18	24-02-17	Delegate Permit Issued	13-15 Verona St, Vermont South	Morack	Four (4) lot subdivision	Subdivision
30	22-02-17	Delegate Permit Issued	210 Blackburn Rd, Blackburn South	Central	Two (2) lot subdivision	Subdivision
42	27-02-17	Delegate Permit Issued	3A Forster St, Mitcham	Springfield	Construction of four double storey dwellings	Multiple Dwellings
45	02-02-17	Delegate Permit Issued	56 Gardenia St, Blackburn	Central	Remove a tree to make way for an extension to the dwelling	VicSmart - General Application
55	22-02-17	Delegate Permit Issued	11 Deep Creek Rd, Mitcham	Springfield	Two (2) lot subdivision	Subdivision
56	22-02-17	Delegate Permit Issued	6 Second Ave, Box Hill North	Elgar	Two (2) lot subdivision	Subdivision
57	23-02-17	Delegate Permit Issued	9 Peter St, Box Hill North	Elgar	Three (3) lot subdivision	Subdivision
59	13-02-17	Delegate Permit Issued	1/18 Standard Ave, Box Hill	Elgar	Construction of a 1.75 metre high front fence	VicSmart - General Application
62	17-02-17	Delegate Permit Issued	1 Dummy St, Dummy	Dummy Ward	Six (6) double sided internally illuminated signs	Advertising Sign
63	23-02-17	Delegate Permit Issued	7 Unley Crt, Vermont	Morack	Two (2) lot subdivision	Subdivision
64	13-02-17	Delegate Permit Issued	7 Norris Crt, Blackburn	Central	Replacement of pool safety barrier	VicSmart - General Application
66	09-02-17	Delegate Permit Issued	28 Collins St, Box Hill	Elgar	Externally paint a building	VicSmart - General Application
67	17-02-17	Delegate Permit Issued	35 Cornuta Wlk, Vermont South	Morack	Buildings and works for installation of timber battens to carport	VicSmart - General Application

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
77	09-02-17	Delegate Permit Issued	16-18 Grove St, Vermont	Springfield	Removal of a diseased tree	VicSmart - General Application
78	22-02-17	Delegate Permit Issued	5 Mall Crt, Blackburn North	Central	Two (2) lot subdivision	Subdivision
89	22-02-17	Delegate Permit Issued	11 Aspinall Rd, Box Hill North	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
96	22-02-17	Delegate Permit Issued	133 Canterbury Rd, Blackburn	Central	Two (2) lot Subdivision	Subdivision
99	27-02-17	Delegate Permit Issued	27 Carrington Rd, Box Hill	Elgar	Building and works to install a flue	VicSmart - General Application
100	24-02-17	Delegate Permit Issued	5 Eustace St, Blackburn	Central	Removal of one tree in SLO2	VicSmart - General Application
105	24-02-17	Delegate Permit Issued	157 Dorking Rd, Box Hill North	Elgar	Two (2) lot Subdivision	Subdivision
111	28-02-17	Delegate Permit Issued	30 Cadorna St, Box Hill South	Riversdale	Two (2) lot subdivision	Subdivision
112	28-02-17	Delegate Permit Issued	15 Cornfield Grv, Box Hill South	Riversdale	Two (2) lot subdivision	Subdivision
118	15-02-17	Delegate Permit Issued	24 Park Rd, Surrey Hills	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
170	20-02-17	Delegate Permit Issued	4/14 Highland Ave, Mitcham	Springfield	Buildings and works for the construction of one (1) double storey dwelling	Permit Amendment
184	15-02-17	Delegate Permit Issued	13 Highmont Drv, Vermont South	Morack	Construction of a second (double storey) dwelling	Multiple Dwellings
196	06-02-17	Delegate Permit Issued	77 Middleborough Rd, Burwood	Riversdale	Construction of 8 attached dwellings and alteration of access to a Road Zone	Multiple Dwellings
210	21-02-17	Delegate Permit Issued	36 Cadorna St, Box Hill South	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
225	15-02-17	Delegate Permit Issued	9 Erasmus St, Surrey Hills	Riversdale	Construction of two double storey dwellings	Multiple Dwellings

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
234	21-02-17	Delegate Permit Issued	83 Dunlavin Rd, Mitcham	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling.	Multiple Dwellings
256	15-02-17	Delegate Permit Issued	1 Middleborough Rd, Burwood	Riversdale	Construction of 11 dwellings comprising 8 three storey and 3 double storey dwellings with basement, removal of easements, and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
267	23-02-17	Delegate Permit Issued	78 Middleborough Rd, Burwood East	Riversdale	Subdivision of land into four superlots, creation of access to roads in a Road Zone Category 1 and variation of part Easement E-2 on PS347288N	Subdivision
288	20-02-17	Delegate Permit Issued	49 Tainton Rd, Burwood East	Morack	Construction of two (2) double storey dwellings	Multiple Dwellings
304	11-02-17	Delegate Permit Issued	50 Broughton Rd, Surrey Hills	Riversdale	Construction of two double storey side by side dwellings	Multiple Dwellings
363	03-02-17	Delegate Permit Issued	1 Hillside Pde, Box Hill North	Elgar	Proposed 2 double storey dwellings	Multiple Dwellings
479	03-02-17	Delegate Permit Issued	14-16 Edwards St, Burwood	Riversdale	Building and works associated with the construction of an aged care facility	Other
544	15-02-17	Delegate Permit Issued	20 Gillard St, Burwood	Riversdale	Construction of three dwellings	Multiple Dwellings
556	21-02-17	Delegate Permit Issued	11 Milton Cres, Box Hill South	Riversdale	5 lot subdivision	Subdivision

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
563	27-02-17	Delegate Permit Issued	61-63 Lexton Rd, Box Hill North	Elgar	The use and development of the land for three (3) warehouses and a store (self-storage facility) and a reduction in car parking associated with the store	Industrial
566	15-02-17	Delegate Permit Issued	21 Churinga Ave, Mitcham	Springfield	Development of two (2) double storey dwellings	Multiple Dwellings
595	15-02-17	Delegate Permit Issued	97 Nelson Rd, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
621	23-02-17	Delegate Permit Issued	43-47 Ashmore Rd, Forest Hill	Morack	6 lot subdivision	Subdivision
625	15-02-17	Delegate Permit Issued	657 Whitehorse Rd, Mitcham	Springfield	Construction of two (2) double storey dwellings and creation of access to a road in a Road Zone Category 1	Multiple Dwellings
651	27-02-17	Delegate Permit Issued	14 Box Ave, Forest Hill	Morack	Construction of three double storey dwellings	Multiple Dwellings
665	15-02-17	Delegate Permit Issued	36 Packham St, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
754	10-02-17	Delegate Permit Issued	123 Lake Rd, Blackburn	Springfield	Building an works for construction of carport and verandah and hard surfaces.	Special Landscape Area
801	09-02-17	Delegate Permit Issued	30 Orchard Grv, Blackburn South	Central	Construction of a single dwelling on a lot less than 500sqm	Residential (Other)
807	27-02-17	Delegate Permit Issued	41A Foch St, Box Hill South	Riversdale	Construction of a double storey dwelling.	Single Dwelling < 300m2
870	16-02-17	Delegate Permit Issued	60-68 Junction Rd, Blackburn North	Central	Buildings and works for new parish office and sacristy and alterations and additions to the church	Residential (Other)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
874	23-02-17	Delegate Permit Issued	836-850 Whitehorse Rd, Box Hill	Elgar	Display of Business Identification Signage.	Advertising Sign
878	15-02-17	Delegate Permit Issued	649 Whitehorse Rd, Mont Albert	Elgar	Development of two (2) dwellings and associated works in accordance with submitted plans	Multiple Dwellings
919	17-02-17	Delegate Permit Issued	234 Mitcham Rd, Mitcham	Springfield	Buildings and works for the installation of a ventilated exhaust canopy flue and the display of two (2) illuminated signs	Advertising Sign
937	24-02-17	Delegate Permit Issued	163-165 Central Rd, Nunawading	Springfield	Buildings and works for a boardwalk	Residential (Other)
949	09-02-17	Delegate Permit Issued	2 Farley Green Crt, Vermont	Springfield	Removal of 2 No. trees - Lawson cypress (chamaecyparis Lawsoniana) - cultivar	Special Landscape Area
956	21-02-17	Delegate Permit Issued	10 Percy St, Mitcham	Springfield	Three (3) lot subdivision	Subdivision
1009	23-02-17	Delegate Permit Issued	28A Orchard Grv, Blackburn South	Central	Construction of a single dwelling on a lot less than 500sqm. Retrospective.	Residential (Other)
1012	21-02-17	Delegate Permit Issued	41A Thames St, Box Hill	Elgar	Four (4) lot subdivision	Subdivision
1036	15-02-17	Delegate Permit Issued	1 Verona St, Vermont South	Morack	2 lot subdivision	Subdivision
1054	27-02-17	Delegate Permit Issued	5-9 Strabane Ave, Mont AlbertNorth	Elgar	Twenty-five (25) lot subdivision of existing apartments	Subdivision
1056	14-02-17	Delegate Permit Issued	56 Cadorna St, Box Hill South	Riversdale	Construction of second (double storey) dwelling and alterations to existing dwelling	Multiple Dwellings
1072	20-02-17	Delegate Permit Issued	55 Railway Rd, Blackburn	Central	39 lot subdivision	Subdivision

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
1076	13-02-17	Delegate Permit Issued	355 Station St, Box Hill South	Riversdale	Removal of three trees	Vegetation Protection Overlay
1082	17-02-17	Delegate Permit Issued	31 Heathcote Drv, Forest Hill	Morack	Height of verandah exceeds 3 metres maximum - (3.96m above ground level)	Single Dwelling < 300m2
1087	14-02-17	Delegate Permit Issued	1 Salisbury Ave, Blackburn	Central	Use for the purposes of a yoga studio	Business
1093	03-02-17	Delegate Permit Issued	362 Burwood Hwy, Burwood	Riversdale	Construction of a four storey apartment building comprising 14 dwellings	Multiple Dwellings
1102	24-02-17	Delegate Permit Issued	1/14 Farleigh Ave, Burwood	Riversdale	Extension to a dwelling on a lot <300 m2	Single Dwelling < 300m2
1106	03-02-17	Delegate Permit Issued	481-483 Burwood Hwy, Vermont South	Morack	Buildings and works associated with the existing drive thru facility including the display of electronic signage	Business
1121	24-02-17	Delegate Permit Issued	338 Burwood Hwy, Burwood	Riversdale	To erect signage along the perimeter of the site for advertising purposes	Advertising Sign
1150	06-02-17	Delegate Permit Issued	757 Station St, Box Hill	Elgar	Use and development of a three to five storey (plus basement car park) child care centre and associated alteration of access to a road in a Road Zone Category 1	Child Care Centre
1178	24-02-17	Delegate Permit Issued	41 Laurel Grv, NorthBlackburn	Central	Building and works for the construction of pool fencing	Special Landscape Area



<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
1180	17-02-17	Delegate Permit Issued	11 Bass St, Box Hill	Elgar	Construction of a minor extension to and enclosure of an existing carport in Neighbourhood Character Overlay.	Residential (Other)
1183	28-02-17	Delegate Permit Issued	19 Irving Ave, Box Hill	Elgar	Forty (40) lot Subdivision	Subdivision
1186	16-02-17	Delegate Permit Issued	20 East India Ave, Nunawading	Springfield	Three (3) lot subdivision	Subdivision
1195	14-02-17	Delegate Permit Issued	172-210 Burwood Hwy, Burwood East	Riversdale	Enclose existing outdoor area with horizontal timber battens. Round hollow windows in middle of each panel. All existing structure and clear glass barrier to remain	Business
1201	08-02-17	Delegate Permit Issued	35 The Ave, Blackburn	Central	Buildings and works in a Significant Landscape Overlay (SLO2)	Special Landscape Area
1211	20-02-17	Delegate Permit Issued	770 Whitehorse Rd, Mont Albert	Elgar	28 lot subdivision	Permit Amendment
460	16-02-17	Delegate Refusal Issued	17 Blackburn Rd, Blackburn	Central	Display of one (1) internally illuminated sign	Permit Amendment
487	21-02-17	Delegate Refusal Issued	5 Barkly St, Box Hill	Elgar	Proposal five (5) double storey dwellings	Multiple Dwellings
649	23-02-17	Delegate Refusal Issued	2 Robert St, Burwood East	Morack	Construction of two new double storey dwellings	Multiple Dwellings
763	16-02-17	Delegate Refusal Issued	4 Roger Crt, Nunawading	Springfield	Construction of two double storey units	Multiple Dwellings
896	09-02-17	Delegate Refusal Issued	4 Loddon St, Box Hill North	Elgar	Construction of 4 double storey dwellings	Multiple Dwellings

<b>Appl No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
1194	17-02-17	Delegate Refusal Issued	659-669 Whitehorse Rd, Mont Albert	Elgar	Buildings and works to construct a five storey building, construction of 22 dwellings, use of land for one retail premises and a child care centre, alteration to access to a Road Zone (Category 1) waiver of loading bay requirements and reduction in car parking requirements	Other
811	13-02-17	No Permit Required	927 Whitehorse Rd, Box Hill	Elgar	Display of business identification signage	Permit Amendment
15	06-02-17	Withdrawn	2 Main St, Blackburn	Central	Cafe with new commercial range hood exhaust fan & new window to facade	VicSmart - General Application
188	06-02-17	Withdrawn	14 Paul Ave, Box Hill North	Elgar	Development of six (6) double storey dwellings	Permit Amendment
378	07-02-17	Withdrawn	119 Woodhouse Grv, Box Hill North	Elgar	Construction of a double storey dwelling at the rear of the existing dwelling and subdivison into two (2) lots	Permit Amendment
749	07-02-17	Withdrawn	97 Rostrevor Pde, Mont AlbertNorth	Elgar	Construction of duplex three storey dwellings in a side by side configuration	Multiple Dwellings
978	10-02-17	Withdrawn	20 Duffy St, Burwood	Riversdale	Use the land for indoor recreation facility (swim school) & reduction in car parking requirements	Education

**BUILDING DISPENSATIONS/APPLICATIONS FEBRUARY 2017**

<b>Address</b>	<b>Date</b>	<b>Ward</b>	<b>Result</b>
1/12 Cootamundra Crescent, BLACKBURN	10-02-17	Central	Amendment Approved R424
19 Aberdeen Road, BLACKBURN SOUTH	10-02-17	Central	Amendment Approved R409
1 Rosen Street, BLACKBURN SOUTH	07-02-17	Central	Consent Granted R409, R414
10 Edinburgh Road, BLACKBURN SOUTH	27-02-17	Central	Consent Granted R424
12 Verbena Street, BLACKBURN NORTH	17-02-17	Central	Consent Granted R415
18 Amery Avenue, BLACKBURN	07-02-17	Central	Consent Granted R424, R427
2 Yorkshire Street, BLACKBURN NORTH	06-02-17	Central	Consent Granted R409
48-50 South Parade, BLACKBURN	27-02-17	Central	Consent Granted R414
61 Williams Road, BLACKBURN	24-02-17	Central	Consent Granted R409
64 Goodwin Street, BLACKBURN	06-02-17	Central	Consent Granted R420, R409, R417,
	08-02-17		Consent Granted R415
9 Ashlar Crescent, BLACKBURN	17-02-17	Central	Consent Granted R409
26 Malabar Road, BLACKBURN	02-02-17	Central	Consent Refused R416
9 Jobert Court, BLACKBURN SOUTH	20-02-17	Central	Consent Refused R424
1 Arcade Road, MONT ALBERT NORTH	21-02-17	Elgar	Amendment Approved R604
1 Main Street, BOX HILL	06-02-17	Elgar	Amendment Approved
16 Rostrevor Parade, MONT ALBERT NORTH	21-02-17	Elgar	Amendment Approved R424
8 Corlett Street, MONT ALBERT NORTH	21-02-17	Elgar	Amendment Approved R414
2/110 Windsor Crescent, SURREY HILLS	28-02-17	Elgar	Amendment Refused R414
1 Main Street, BOX HILL	01-02-17	Elgar	Consent Granted R515
12 Brougham Street, BOX HILL	14-02-17	Elgar	Consent Granted R409
14 Gordon Street, MONT ALBERT	13-02-17 17-02-17	Elgar	Consent Granted R415, R411 Consent Granted R415
19 Irving Avenue, BOX HILL	08-02-17	Elgar	Consent Granted R604
33 Heathfield Rise, BOX HILL NORTH	27-02-17	Elgar	Consent Granted R409
4 Kerry Parade, MONT ALBERT NORTH	06-02-17	Elgar	Consent Granted R414, R415, R409
522 Elgar Road, BOX HILL NORTH	27-02-17	Elgar	Consent Granted R424
545-563 Station Street, BOX HILL	23-02-17	Elgar	Consent Granted R604
6 Tie Street, MONT ALBERT NORTH	27-02-17	Elgar	Consent Granted R409
8 Halifax Street, MONT ALBERT NORTH	27-02-17	Elgar	Consent Granted R414
923 Station Street, BOX HILL NORTH	09-02-17	Elgar	Consent Granted R414
14 Gordon Street, MONT ALBERT	13-02-17	Elgar	Consent Refused R409
8 Halifax Street, MONT ALBERT NORTH	27-02-17	Elgar	Consent Refused R409
127A Terrara Road, VERMONT SOUTH	13-02-17	Morack	Consent Granted R431
16 Philip Street, VERMONT	01-02-17	Morack	Consent Granted R415
25 Coltain Street, VERMONT SOUTH	08-02-17	Morack	Consent Granted R409, R415
27 Hartland Road, VERMONT SOUTH	17-02-17	Morack	Consent Granted R409
13 Hampshire Road, FOREST HILL	27-02-17	Morack	Consent Refused R417
25/312-328 Blackburn Road, BURWOOD EAST	17-02-17	Riversdale	Consent Granted R411
26 Frank Street, BOX HILL SOUTH	27-02-17	Riversdale	Consent Granted R409, R415
7 Alandale Street, SURREY HILLS	17-02-17	Riversdale	Consent Granted R409
79 Broughton Road, SURREY HILLS	24-02-17	Riversdale	Consent Granted R409
8 Fowler Street, BOX HILL SOUTH	20-02-17	Riversdale	Consent Granted R415

Address	Date	Ward	Result
16 Holberry Street, NUNAWADING	27-02-17	Springfield	Consent Granted R411
2 Moresby Street, MITCHAM	06-02-17	Springfield	Consent Granted R411
251-257 Canterbury Road, FOREST HILL	27-02-17	Springfield	Consent Granted R513
30 Carinya Road, VERMONT	14-02-17	Springfield	Consent Granted R412, R411
4 Erskine Street, NUNAWADING	27-02-17	Springfield	Consent Granted R411
54 McCulloch Street, NUNAWADING	20-02-17	Springfield	Consent Granted R424
6 Mountfield Road, MITCHAM	17-02-17	Springfield	Consent Granted R411, R415, R414
76 Esdale Street, NUNAWADING	20-02-17	Springfield	Consent Granted R409
41 Fuller Street, MITCHAM	07-02-17	Springfield	Consent Refused R415, R416

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

Under the Planning and Environment Act 1987

Nil

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

Contract	Service
20008	Upgrade of Outdoor Play Spaces at Blackburn & Vermont South Children's Service Centres
20010	Construction of Mont Albert Reserve Cricket Nets

#### REGISTER OF PROPERTY DOCUMENTS EXECUTED FEBRUARY 2017

Property Address	Document Type	Document Detail
<b>Licences</b>		
Springfield Park Pavillion - 2 Springfield Road, Box Hill North - Box Hill Garden Club Incorporated	Licence	Whitehorse City Council as Licensor (expires 21-Nov-2017)
<b>Fire Services Levy</b>		
Unit 1/11 Duband Street, Burwood East		Changed from Exempt to Residential
7B John Holland Court, Blackburn		Changed from Exempt to Residential
<b>Rateability Changes (Section 154 of Local Government Act 1989)</b>		
51A Centre Road, Vermont	Exempt-Charitable	House located within private school grounds is not used as a residence and is only used for storage by school.
10 Sandgate Road, Blackburn South	Property Now Rateable	Former Salvation Army ministers' residence sold and now owned privately.
23 Oak Street, Surrey Hills	Exempt-Public Purpose	Council owned property. House demolished and site converted to recreation reserve
Rail Kiosk, 3 South Parade, Blackburn	Exempt-Unoccupied Public Land	Rail Kiosk vacated as part of Blackburn Station redevelopment

## REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – FEBRUARY 2017

Nil

## PARKING RESTRICTIONS APPROVED BY DELEGATION FEBRUARY 2017

- Address:** Nelson Road, Box Hill: from southern boundary of 95 Nelson Road to northern boundary of 95 Nelson Road – west side  
**Previously:** 1 '2-Hour, 7.30am to 7.30pm, Monday to Friday' parking space  
**Now:** 1 'Works Zone, 7am to 5pm, Monday to Saturday' parking space
- Address:** Nelson Road, Box Hill North: from southern boundary of 125 Nelson Road to northern boundary of 125 Nelson Road – west side  
**Previously:** 1 'Works Zone, 7am to 5pm, Monday to Saturday' parking space  
**Now:** 1 '2-Hour, 7.30am to 7.30pm, Monday to Friday' parking space
- Address:** Middleborough Road, Blackburn South: from southern boundary of 252 Middleborough Road to northern boundary of 252 Middleborough Road – east side  
**Previously:** 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces  
**Now:** 2 '2-Hour, 9am to 4.30pm, Monday to Friday & 1-Hour, 9am to 1pm, Saturday' parking spaces
- Address:** Wellington Road, Box Hill: from southern boundary of 5-7 Wellington Road to northern boundary of 5-7 Wellington Road – west side  
**Previously:** 4 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces  
**Now:** 4 '2-Hour, Ticket, 8.30am to 9pm, Monday to Saturday' parking spaces
- Address:** Wellington Road, Box Hill: from southern boundary of 6-8 Wellington Road to northern boundary of 6-8 Wellington Road – east side  
**Previously:** 4 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces  
**Now:** 4 '2-Hour, Ticket, 8.30am to 9pm, Monday to Saturday' parking spaces
- Address:** Harold Street, Blackburn: from eastern boundary of 13 Harold Street to western boundary of 13 Harold Street – north side  
**Previously:** 2 'Unrestricted' parking spaces  
**Now:** 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
- Address:** Mount Pleasant Road, Nunawading: from 65m north of Eugenia Street to 35m north of Eugenia Street – east side  
**Previously:** 5 '10-Minute, 8am to 9:30am, 3pm to 4pm, School Days' parking spaces  
**Now:** 5 'No Parking, 8am to 9:30am, 3pm to 4pm, School Days' parking spaces
- Address:** Silver Grove (OSCP), Nunawading: from Oval Way to Silver Grove – west side  
**Previously:** 6 'Permit Zone, Meals On Wheels Only, 8am to 1pm, Monday to Friday' parking spaces  
**Now:** 6 '4-hour, 1pm to 6pm, Monday to Saturday' parking spaces

**VENDOR PAYMENT SUMMARY – SUMS PAID DURING FEBRUARY 2017**

<b>Date</b>	<b>Total Issued</b>	<b>Payments (direct debit, cheques or electronic funds transfer)</b>	<b>Transaction Type EFT/CHQ/DD</b>
02/02/2017	\$30,458.08	10	EFC
02/02/2017	\$287,501.23	31	EFT
02/02/2017	\$18,796.95	20	CHQ
02/02/2017	\$12,203.40	1	EFT
03/03/2017	\$5,130.60	2	EFT
09/02/2017	\$3,260.79	12	EFC
09/02/2017	\$1,661,805.24	252	EFT
09/02/2017	\$79,912.96	64	CHQ
17/02/2017	\$19,471.27	19	EFC
17/02/2017	\$65,289.32	78	CHQ
17/02/2017	\$238,689.37	29	EFT
17/02/2017	\$385.00	1	EFT
17/02/2017	\$19,471.27	19	EFC
23/02/2017	\$19,602.97	18	EFC
23/02/2017	\$129,868.16	44	CHQ
23/02/2017	\$2,324,547.33	336	EFT
28/02/2017	\$3,443.00	1	EFT
<b>Monthly Leases</b>	\$73,000.00		DD
<b>GROSS</b>	\$4,992,836.94	937	
<b>CANCELLED PAYMENTS</b>	-\$67,639.26	-63	
<b>NETT</b>	\$4,925,197.68	874	

## **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 Bennett reported on his attendance at the Whitehorse Business Group Board meeting held on 11 April 2017.
- 10.1.2 Cr Munroe reported on his attendance at the Metropolitan Transport forum on 5 April 2017.
- 10.1.3 Cr Liu reported on her attendance at the Whitehorse Business Group Board meeting on 11 April 2017
- 10.1.4 Cr Cutts reported on her attendance on 18 April 2017 at a meeting of the Heritage Steering Committee.
- 10.1.5 The Mayor Cr Massoud reported on her attendance at a meeting of the Whitehorse Disability Advisory Committee on 5 April 2017.

#### **COUNCIL RESOLUTION**

Moved by Cr Ellis, Seconded by Cr Bennett

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

**CARRIED**

### **10.2 Recommendations from the Special Committee of Council Meeting of 10 April 2017**

Nil

### 10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosure s of Conflict of Interest	Councillor /Officer attendance following disclosure
<b>20-03-17</b> 6.30-7.00pm	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>• Notice of Motion 104</li> <li>• Petition – 28 Thomas Street</li> <li>• Item 9.1.1 - 711-713 Whitehorse Road Mont Albert</li> <li>• Item 9.1.4 28 Thomas Street, Mitcham</li> <li>• Item 9.1.5 – 4-6 Frankcom Street, Blackburn, 48 &amp; 48A Whitehorse Rd, Blackburn</li> <li>• Budget Weekend</li> <li>• WRARA posters throughout the municipality</li> </ul>	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Tescher Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell	Nil	Nil
<b>21-03-17</b> 6.00-8.10pm	<b>Councillor Plan Workshop</b>	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Tescher Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Gorst A Ghastine M Tate	Nil	Nil
<b>24-03-17 to 25-03-17</b>	<b>Councillor Budget Planning Weekend</b> <ul style="list-style-type: none"> <li>• Budget Deliberations</li> </ul>	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Tescher Cr Stennett  NB. Cr Tescher arrived at 2.55pm on 24-03-17 Cr Davenport was absent 24-03-17.	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Gorst D Logan	Nil	Nil



**10.3**  
(cont)

<b>03-04-17</b> 6.30 – 9.30pm	<b>Strategic Planning Session</b> <ul style="list-style-type: none"> <li>• City Watch Councillor Requests</li> <li>• Box Hill Activity Centre Update</li> <li>• Financial Report as at 28 February 2017</li> <li>• Capital Works</li> <li>• Eastern Governance Arrangements</li> <li>• Whitehorse Centre</li> </ul>	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud M Smith R Sheehan W Gerhard D Vincent-Smith R Bullen J Gorst D Logan B Morrison S Price	Nil	Nil
<b>10-04-17</b> 6.30- 7.45pm	<b>Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>• Council Plan &amp; 2017/18 Council Budget</li> <li>• Purchase of Council Land</li> <li>• Special Committee Agenda/Other business</li> <li>• Draft Council Agenda 18 April 2017</li> </ul>	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell J Gorst T Peak K Marriot J Hansen V McLean I Kostopoulos I Barnes B Morrison S Price	Cr Liu declared a Conflict of Interest in Purchase of Council Land	Cr Liu left the meeting at 6.55pm prior to the discussion and returned at 7.00pm after discussion on the item concluded

**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Cutts

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

**CARRIED UNANIMOUSLY**

## 11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Liu reported on her attendance at the Smart Urban Futures Conference held 28 and 29 March 2017.
- 11.2 Cr Bennett report on his attendance at:
- the Municipal Association of Victoria Sustainable Buildings Unlocking Local Leadership seminar held on 23 April 2017.
  - the Smart Urban Futures Conference held on 28 and 29 March 2017.
- 11.3 Cr Davenport reported on the Company Directors update course in early April 2017.
- 11.4 Cr Ellis reported on her attendance at the Municipal Association of Victoria (MAV) Smart Planning Transform Workshop held on 28 March 2017.
- 11.5 Cr Massoud reported on her attendance at:
- Municipal Association of Victoria Managing Councillor Conduct Seminar held on the 22 March 2017.
  - A meeting with the Honourable Steven Ciobo Minister for Trade Tourism and Investment held on 5 April 2017.
  - Australian Local Government Women's Association conference held in Launceston on 11 to 13 April 2017.

### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

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

**CARRIED UNANIMOUSLY**

## 12 CONFIDENTIAL REPORTS

### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Ellis

***That in accordance with Section 89(2) (d) of the Local Government Act 1989 the Council should resolve to go into camera and close the meeting to the public as the matters to be dealt with relate to contractual matters.***

**CARRIED**

The meeting was closed to the public at 8.59pm.

**Attendance**

Cr Liu having declared a Conflict of Interest in Item 12.1 left the Chamber at 9.01pm prior to the discussion taking place.

**12.1 Purchase of Council Land**

**Attendance**

Cr Liu returned to the Chamber at 9.05pm following the vote on Item 12.1.

**COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Davenport

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

**CARRIED**

The meeting was reopened to the public at 9.05pm.

**13 CLOSE MEETING**

Meeting closed at 9.06pm

**Confirmed this 15<sup>th</sup> day of May 2017**

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**CHAIRPERSON**