



City of Whitehorse

AGENDA

Ordinary Council Meeting

To be held in the
Council Chamber
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

Monday 19 February 2018

at 7:00pm

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

Ms Noelene Duff
Chief Executive Officer

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AGENDA

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

3 DISCLOSURE OF CONFLICT OF INTERESTS

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 29 January 2018

RECOMMENDATION

That the minutes of the Ordinary Council Meeting 29 January 2018 having been circulated now be confirmed.

5 RESPONSES TO QUESTIONS

6 NOTICES OF MOTION

6.1 Notice of Motion No 108 - Cr Barker

That:

- 1. Council in support of Council's adopted position (11 December 2017 Council Meeting) , regarding the proposed Yarra Valley Water (YVW) Sewerage Treatment Plant at Eram Park in the City of Whitehorse, authorise a full page paid advertisement in the Whitehorse Leader in the form of a public letter from the Mayor and Councillors to Yarra Valley Water to:*
 - a) Publicise Council's opposition to the proposed plant*
 - b) Outline the inconsistency of the proposal with Council's commitment to environmental sustainability principles embodied in the Council Plan 2017- 2021 (Strategic Direction 2 and 3)*
 - c) Encourage YVW to work in an open and transparent way with the Whitehorse community and Council (Strategic Direction 4)*
- 2. The same full page advertisement be included in the next available edition of the Whitehorse News (Council publication).*

7 PETITIONS

8 URGENT BUSINESS

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 2 Ferguson Street, MITCHAM (LOT 71 LP 8807)– Construction of four double storey dwellings and associated tree removal

FILE NUMBER: WH/2017/83
ATTACHMENT

SUMMARY

This application was advertised, and a total of 10 objections were received from eight objector properties. The objections raised issues with amenity, neighbourhood character, parking, traffic, and landscaping. A Consultation Forum was held on 23 November, 2017, chaired by Councillor Stennett, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions. This application has been called in by Councillor Stennett.

RECOMMENDATION

That Council:

- A. Being the Responsible Authority, having caused Application WH/2017/83 for 2 Ferguson Street, MITCHAM (LOT 71 LP 8807) 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 four double storey dwellings and associated tree removal is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 2 Ferguson Street, MITCHAM (LOT 71 LP 8807) for the Construction of four double storey dwellings and associated tree removal, subject to the following conditions:**
 - 1. Before the development starts, or vegetation is removed, amended plans (three full size copies and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:**
 - a) The locations of Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.**
 - b) Plans to accurately show all features of adjacent lots, including all buildings and the location of the north facing window on the dwelling at No. 23 Purches Street is required to be shown on the plans.**
 - c) The finished floor levels of Dwellings 2, 3 and 4 to be lowered by 0.3 metre.**
 - d) Internal elevations of the proposed dwellings.**
 - e) The location of the proposed vehicle crossing for Unit 1 to be relocated 1 metre east from the proposed location. This may require the relocation or alteration of the existing Telstra pit.**

9.1.1

(cont)

- f) All obstructions within the sight line triangle (including letter boxes, meter boxes and side boundary fencing) to be no higher than 0.9 metre in height, or be relocated clear of the sight line triangle in accordance with Clause 52.06-8. Driver sight lines must take into account level differences between the driveways of Dwellings 2 and 3, which may result in a potential conflict with sightlines for vehicles exiting Dwelling*
- g) The provision of eaves to ground levels of dwellings, except where adjacent to a proposed property boundary.*
- h) A detailed schedule of cladding colours and materials.*
- i) The east boundary fence to be amended to a 2.2 metre high fence.*
- j) Provision of external storage to Dwelling 1.*
- k) The Dwelling 4 shed to be relocated clear of the easement.*
- l) A Sustainable Design Assessment for the development in accordance with Clause 22.10.*
- m) Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- n) The location of all service trenches to serve the dwelling (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) and the locations of protected trees within 4 metres of these trenches (if any). The service trenches must be located and dug (including boring or hand digging) to ensure that protected trees are not damaged, to the satisfaction of the Responsible Authority.*
- o) An amended landscape plan in accordance with condition 3, including the following:*
 - i. Tree 14 to be retained.*
 - ii. All trees are to have a minimum height of 1.5 metres at the time of planting, and should be planted clear of easements, a minimum 3 metres away from dwellings and a minimum 1 metre from property boundaries.*

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

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -*
 - a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
 - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*

9.1.1
(cont)

- 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 must be completed before the building is occupied.

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

- 4. *The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. *Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained on the subject land during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
 - a) *Tree Protection Zone distances:*
 - i. *Tree 15 – Acacia ssp – 2 metre radius from the centre of the tree base.*
 - ii. *Tree 18 – Eucalyptus ssp– 4.4 metre radius from the centre of the tree base.*
 - iii. *Tree 19 – Eucalyptus ssp– 2.9 metre radius from the centre of the tree base.*
 - iv. *Tree 20 – Quercus palustris – 2 metre radius from the centre of the tree base.*
 - b) *Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:*
 - i. *Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
 - ii. *Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
 - iii. *Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
 - iv. *No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
 - v. *All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*

9.1.1
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- vi. All sub surface utilities and utility connection points, inspection pits and associated infrastructure trenching and installation are to be designed so that they are located outside the TPZs of retained trees, to the satisfaction of the Responsible Authority. Utility conduits can be located beneath TPZs but must be installed using trenchless excavation (eg: boring) and installed to a minimum depth of 0.6 metres below natural grade.*
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 6. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:**
- a) 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 metres of the east boundary fence where within the TPZs of Trees 15, 16 and 17.*
 - b) All buildings and works (soft landscaping allowable), including soil level changes, must be setback 2 metres of the east boundary fence where within the TPZs of Trees 15, 16 and 17.*
 - c) Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified arborist (AQF Level 3, minimum).*
- 7. Only the following trees are allowed to be removed or destroyed:**
- Tree 1 (Camellia sp), Tree 2 (Hakea sp), Tree 3 (Pittosporum eugenioides), Tree 4 (Citrus limon), Tree 5 (Hibiscus sp), Tree 6 (Melaleuca bractata), Tree 7 (Photinia davidana), Tree 8 (Metrosideos excelsa), Tree 9 (unknown sp), Tree 21 (Tristaniopsis laurina), Tree 23 (Eucalyptus nicholii), Tree 24 (Escallonia sp), Tree 25 (Nerium oleander), Tree 26 Camellia sp, and Tree 28 (Hakea sp).*
- Note that the following trees may be removed as-of-right:**
- Tree 10 (Lagerstroemia indica), Tree 11 (Escallonia sp), Tree 12 (Hakea nesophylla), Tree 13 (Abelia sp), Tree 22 (Photinia davidana), Tree 29 (Abelia sp) and Tree 30 (Hakea sp).*
- 8. No other trees on site that have a height of at least 5 metres or a trunk circumference of over 1 metre when measured at a point 1 metre above ground level, shall be lopped, removed or destroyed, (other than in accordance with a Notice given pursuant to the Local Government Act). The on-going maintenance of the retained and planted trees must be undertaken to the satisfaction of the Responsible Authority. If any planted trees die or are removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.**
- 9. Council's Planning Inspector must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that species has been adequately maintained.**
- 10. The existing street tree must not be removed or damaged.**

9.1.1

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- 11. No building or works shall be constructed over any easement without the written consent of Council and the relevant Authorities.**
- 12. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- 13. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.**
- 14. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 15. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**
- 16. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.**
- 17. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.**
- 18. Prior to the occupation of the development, the development must be constructed in accordance with the endorsed Sustainable Design Assessment, to the satisfaction of the Responsible Authority.**
- 19. The exposed brickwork of walls on site boundaries facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.**
- 20. The development shall be provided with external lighting capable of illuminating access to each garage and front door. Lighting shall 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.**
- 21. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.**
- 22. This permit will expire if one of the following circumstances applies:**
 - a) The development is not commenced within two (2) years from the date of issue of this permit,**
 - b) The development is not completed within four (4) years from the date of this permit.**

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

9.1.1

(cont)

Permit Notes:

- A. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- B. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- C. All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings**
- D. Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning Permit, amendment of the Planning Permit might be required.**
- E. The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, naturestrip and kerb and channel.**
- F. The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.**
- G. There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.**
- H. 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".**
- I. The shed for Unit 4 must not be constructed over Councils stormwater pit located within the drainage easement.**
- J. The construction or reinstatement of crossovers is to be to Council standards and at the full cost of the permit holder.**
- K. The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.**
- L. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. All street addressing enquiries can be made by contacting our Property Team on 9262 6470.**

9.1.1
(cont)

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.*

MELWAYS REFERENCE 49 C10

Applicant:	Landing Design
Zoning:	General Residential Zone Schedule 2
Overlays:	Significant Landscape Overlay Schedule 9
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 32.08	General Residential Zone Schedule 2
Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Springfield



		Subject site		8 Objector Properties (one outside of map)	 North
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BACKGROUND

History

There have been no previous planning permit applications for this site.

The Site and Surrounds

The subject site is located on the south-eastern corner of Ferguson Street and Purches Street, Mitcham. The site has a frontage of 15.55 metres to Ferguson Street (including a corner splay), a depth of 49.43 metres, a rear (southern) boundary of 20.12 metres, and a total site area of 984m². The site has a slope of 3.37 metres from the south-east corner down to the north-west corner (intersection of Ferguson Street and Purches Street) across the site.

A 1.83 metre wide drainage easement is located along the rear boundary. The site currently contains a single storey brick veneer dwelling. The subject site contains some medium sized trees in the front setback to Ferguson Street, and trees in the rear secluded private open space.

The surrounding properties are residential, comprising a mix of single and double storey dwellings. There are a number of medium density developments evident in the area, including 6 dwellings at 12-14 Ferguson Street, 3 dwellings at 17 Ferguson Street, and 4 dwellings at 14 Purches Street.

A large canopy tree is located on the adjoining property to the east (4 Ferguson Street), with a TPZ that extends into the subject site.

Planning Controls

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

On 8 February 2018, the Minister for Planning approved Amendment C191 to the Whitehorse Planning Scheme on an interim basis until 31 December 2018.

The Amendment implements a municipal wide Significant Landscape Overlay Schedule 9 (SLO9) to all residential land not currently included in a SLO, except for land within the Mixed Use Zone. There are no transitional provisions, so the amendment came into effect immediately and applies to all current Planning Permit Applications that are under consideration.

Therefore, in accordance with the SLO9 at Clause 42.03, the proposed development also requires planning approval to:

- Remove 15 trees, namely: Tree 1 (*Camellia* sp), Tree 2 (*Hakea* sp), Tree 3 (*Pittosporum eugenioides*), Tree 4 (*Citrus limon*), Tree 5 (*Hibiscus* sp), Tree 6 (*Melaleuca bractata*), Tree 7 (*Photinia davidana*), Tree 8 (*Metrosideos excelsa*), Tree 9 (unknown sp), Tree 21 (*Tristaniopsis laurina*), Tree 23 (*Eucalyptus nicholii*), Tree 24 (*Escallonia* sp), Tree 25 (*Nerium oleander*), Tree 26 (*Camellia* sp), and Tree 28 (*Hakea* sp).
- Undertake buildings and works, or construct a front fence, within 4 metres of three trees, namely Tree 14 (*Camellia* sp), Tree 15 (*Acacia* sp) and Tree 27 (*Agonis flexuosa*).

PROPOSAL

It is proposed to construct four double storey dwellings and remove 15 trees on the subject site. Dwelling 1 will front Ferguson Street, whilst Dwellings 2, 3, and 4 will front Purches Street.

9.1.1

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The originally proposed site layout that was advertised comprised four attached double storey dwellings, however the applicant lodged a Section 57 Amendment after the notice period in response to concerns raised by Council and the objectors. The amended plans included a number of significant alterations, including:

- Separation of the dwellings such that only two of the four dwellings are now proposed to be attached, and ground level separation 3 metres wide is provided between Dwellings 1 and 2, and between Dwellings 3 and 4.
- Increased minimum setbacks to Purches Street from 3 metres as originally proposed to 5 metres, and associated upper level reductions.
- Increased secluded private open space areas (49m², 82m², 84m² and 69m²).

The amended plans did not require readvertising, but copies were forwarded to all submitters with their Forum invitations, and were discussed at the Forum.

The amended plans are now the formal application plans and are described below:

Each of the proposed dwellings incorporates a bedroom and living/dining/kitchen area at the ground floor level and three bedrooms at the upper level. Each dwelling is served by a single car garage with a tandem car space, with one new crossover to Ferguson Street proposed at the north-east corner of the lot. This services Dwelling 1 with the existing crossover to Purches Street to be widened to a double crossover to serve Dwellings 2 and 3 and a new single crossover proposed to Purches Street for Dwelling 4.

Dwelling 1 is oriented northwards to Ferguson Street with an 8.1 metre front setback, and has the benefit of 49m² secluded private open space provided within the western sideage setback to Purches Street, screened by a 1.8 metre high fence. The Dwelling 1 garage is proposed to be constructed on the eastern boundary, generally abutting a garage on the adjacent lot. The upper level is proposed to be setback 2.3 metres from the east boundary and 7.4 metres from Purches Street at the intersection with Ferguson Street. There is no front fence proposed to the Ferguson Street front setback.

Dwellings 2, 3 and 4 are oriented to Purches Street, setback a minimum of 5 metres, with each dwelling provided with a bedroom and the front door facing the street at the ground level, and the living/dining/kitchen areas oriented eastwards facing the primary secluded open spaces. The areas of secluded private open space for Dwellings 2, 3 and 4 are 82m², 84m² and 69m² respectively. These dwellings are all setback a minimum of 5 metres from the east boundary at the ground level and 5.3 metres at the upper level.

Dwelling 4 is setback 1.8 metres from the south boundary, allowing for the easement in this location. The upper level south boundary setback steps back to 2.05 metres.

The upper levels of the four dwellings are proposed to be separated from each other by between 4.1 and 5.6 metres. There are no front fences proposed to Dwellings 2, 3 and 4.

The maximum building height of the proposed dwellings is 7.1 metres above natural ground level, at the south elevation of Dwelling 4.

The cladding materials include brick, render and timber-look cladding. Garage doors are proposed to be cedar. Pitched roofs with eaves are proposed at the upper levels, and parapet walls without eaves are provided to the ground levels.

The development plans show the retention of Tree 27 (8 metre high Willow Myrtle) located in the Ferguson Street frontage, and Tree 14 (6 metre high Camellia) located near the east boundary, and in addition, includes deep planting areas for trees at the rear south-east and south-west corners of the site. It is noted that the landscape plan shows Tree 14 as being removed, but the applicant has advised that this is an error.

9.1.1

(cont)

The gazettal of the Significant Landscape Overlay Schedule 9 (SLO9) on 8 February 2018, requires planning approval to be sought for the removal of 15 trees and building and works (including front fence construction) within 4 metres of three trees, as described in the Planning Controls section. The applicant has submitted a further Section 57 Amendment to include the SLO9 triggers as part of this application. Further notification of the amended application is not required to be undertaken as there is no detriment associated with the amendment of the application description and there has been no alteration to the plans. The proposed extent of tree removal and buildings and works in proximity to protected trees has not changed from the plans previously made available to affected properties, and it is noted that the removal of trees is one of the concerns raised by objectors.

CONSULTATION

Public Notice

The application was advertised by mail to the owners and occupiers of surrounding lots and by the display of notices on the two street frontages. Following the advertising period 10 objections from eight properties were received, raising the following concerns:

- Amenity impacts:
 - Overlooking
 - Overshadowing
 - Insufficient room sizes
- Neighbourhood Character:
 - Building bulk and attached forms
 - Insufficient front setbacks
 - Not in keeping with Bush Suburban character
- Car parking and traffic:
 - Increased on-street parking. Additional driveways will reduce on-street parking available.
 - Increased traffic
 - Traffic safety impacts on the street
- Landscaping:
 - Tree removal
 - Insufficient landscape areas
- Engineering:
 - Impacts to infrastructure within easement
- Plan details:
 - Insufficient details included on plans, including buildings on 23 Purches Street are not shown on plans.

Consultation Forum

A Consultation Forum was held on 23 November, 2017. In attendance were five objectors (with one objector acting as a proxy for a sixth objector who could not attend), as well as Councillor Stennett, the applicant's representatives, and the planning officer.

At the forum, the Section 57 Amended plans were provided to all attendees and reviewed. The issues raised in the objections were discussed in detail. Of particular concern to objectors were the overall number of bedrooms proposed in comparison to the Planning Scheme requirements for car parking, and the availability of on-street car spaces. Existing levels of on-street parking and associated traffic movements generated by residents, visitors to the nearby kindergarten and Heatherdale Railway Station were also an issue that objectors felt would be exacerbated by the proposed dwellings.

9.1.1

(cont)

The provision of eaves at the ground floor level was desired by objectors, and the applicant advised that this was not possible as it would breach the garden area requirements. Various discrepancies were identified on the plans, generally relating to representation of surrounding properties. In particular, the north facing window on the dwelling at No. 23 Purches Street is required to be shown on the plans. The proposed east boundary fence was identified as having excessive height potentially resulting in overshadowing impacts, and the owner/occupiers of the neighbouring lot were invited to put forward a preferred fence height to Council.

One objector tabled aerial photographs demonstrating the extent of overshadowing caused by existing trees and buildings.

Subsequently to the Forum, Council Officers passed on objector concerns regarding on-street parking issues to the Community Laws department to investigate.

Referrals

Internal

Engineering and Environmental Services Department

- Transport Engineer

The layout of the associated garages and car spaces for the development are considered satisfactory.

Driver sight line triangles must be kept clear of obstructions. Owing to the difference in levels between the garages serving Units 2 and 3, there will be a potential conflict with sightlines for vehicles exiting the lower Unit 3 garage.

The location of the proposed new vehicle crossing for Unit 4 is satisfactory. However, the location of the proposed vehicle crossing for Unit 1 should be relocated 1 metre east from the proposed location to maximise on street parking and ease of access. It should be noted that this may require the relocation of an existing Telstra pit.

Clause 52.06 of the Whitehorse Planning Scheme requires the following parking provision for the proposed development:

Use	Number/Area	Rate	Required Spaces
Dwellings 3+ bedroom dwellings	4	2 spaces per dwelling	8

The proposal has a statutory car parking requirement for 8 resident car spaces. Accordingly, the proposal satisfies the minimum statutory parking requirements as per the Whitehorse Planning Scheme.

The Transport team has received several concerns from residents in relation to the availability of on street parking in the vicinity of the subject site, which is mainly attributed to by train commuter parking. There is a potential loss of three on street car spaces due to this development as a result of the two proposed vehicle crossings, as well as the proposed widening of the existing vehicle crossing.

- Assets Engineer

No objection, subject to standard conditions.

Planning Arborist

9.1.1

(cont)

No objection to the proposed tree removal and development, subject to the inclusion of tree protection measures.

Parkside Arborist

The new crossovers will not unreasonably encroach on the street trees.

DISCUSSION

Consistency with State and Local Planning Policies

The construction of four dwellings on this site accords with State and Local Planning policies to encourage higher density development within walking distance of community facilities and public transport. The site is located 500 metres from Heatherdale Station, and within two kilometres of the Ringwood Activity Centre. A number of education facilities including Antonio Park Primary School, and parks including Antonio Park, Simpsons Park and Somers Trail are located within walking distance of the subject site.

State Planning Policy Framework (SPPF) aims to increase the supply of housing in existing urban areas, and to encourage well-designed medium density dwellings which respect preferred and prevailing neighbourhood character, increase housing choice, make better use of existing infrastructure and improve the energy efficiency of housing. This proposal is consistent with the relevant sections of the SPPF which seek to ensure that new development appropriately responds to its neighbourhood context and promotes energy efficiency.

Under the Local Planning Policy Framework (LPPF), Clause 21.05 Environment includes objectives to protect and enhance community assets, reduce automobile dependency, encourage sustainable transport use, and achieve best practice environmentally sustainable development.

To achieve this objective, the policy identifies the following relevant strategies.

- Ensuring development is of a high quality design that is compatible with the character and appearance of the area.
- Providing adequate open space and landscaping for new development.
- Requiring the planting of upper canopy trees and other vegetation that enhances the character of the area.
- Reducing the visual impact of on-site car parking from the street by locating parking areas to the side or rear of buildings and the provision of appropriate landscape buffers to soften hard surfaced areas.
- Implementing ecological sustainability principles and Council's Sustainability Strategy.
- Encouraging development in those areas with adequate infrastructure and excellent public transport links.

Clause 21.06 Housing recognises key issues that need to be addressed in respect of housing, and references the Limited, Natural and Substantial Change Areas which reflect the application of the different residential zones across the municipality. Clause 22.03 Residential Development requires development to demonstrate consistency with specified categories of change and character areas identified in the policy. Pursuant to Clause 22.03, the site is within a Natural Change Area and the Bush Suburban Precinct 2. Clause 22.03-4 includes the following strategies for Natural Change Areas:

- Encourage low and medium density housing in the following forms:
 - Detached houses.
 - Semi-detached dwellings, townhouses, row or terrace houses.
 - Units or townhouses.
- Support new medium density developments in Natural Change Areas that:

9.1.1

(cont)

- Contribute to the preferred neighbourhood character for the location.
 - Provide a sensitive and appropriate interface with adjoining streetscapes, buildings and residential areas.
- Locate medium density housing, in the form of townhouses or units, close to transport, activity centres and community infrastructure.
- Ensure that the siting and design of new dwellings is respectful of surrounding development.
- Ensure buildings interfacing sensitive areas and uses in natural change areas are of a scale and massing appropriate to the character and scale of their context.

Pursuant to Clause 22.03-5, the Preferred Character Statement for Bush Suburban Precinct 2 includes:

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

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

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

The proposal will be assessed against these policy directions below:

Design and Built Form

The General Residential Zone Schedule 2 and the Bush Suburban Precinct 2 Guidelines provide direction for Council's discretion for assessing the proposed development.

In relation to Schedule 2 to the General Residential Zone, the proposal achieves the following:

- Garages are set 0.5 metre further back than the front facades of dwellings. Whilst the variation to Standard B6 seeks garages to be offset 1 metre behind facades, it is noted that the 5 metre façade setbacks of Dwellings 2-4 from Purches Street significantly exceed the 3 metre minimum requirement for front setbacks, so that overall the reduced garage setbacks do not detract from the Bush Suburban characteristics of the frontage presentation and the ability of front setbacks to support trees and understory plantings.
- Site (building) coverage of 36.7% is below the preferred maximum 40%.
- Permeability of 46.3% exceeds the preferred minimum 40%.
- Indicative tree planting locations show that the site is able to support two trees per dwelling, located clear of easements. A detailed landscape plan will be required via conditions.

9.1.1

(cont)

- It is difficult to apply the side and rear setbacks requirements to corner lots, as these lots have different interface configuration to side and front boundaries than lots not located on a corner. Schedule 2 of the zone seeks to vary the usual side boundary setback requirement from 1 metre to 2 metres minimum (except for walls on the boundary), and the proposal achieves a 5 metre east side boundary setback (except for the Dwelling 1 garage built to the boundary) which substantially exceeds the varied minimum setback. To the south, Dwelling 4 is setback 1.88 metres, and it is noted that this dwelling is positioned adjacent to the wall of a garage on the adjacent lot that abuts the shared boundary. Overall this is considered an acceptable outcome as it provides for a significant separation between the two adjacent dwellings to provide for views through the subject site into the proposed rear yards and associated landscaping.
- Walls are required to be constructed on one side boundary, which is achieved.
- The private open space areas of the proposed dwellings (49m², 82m², 84m² and 69m² respectively) significantly exceed the preferred minimum 35m² with a minimum 5 metre dimension and provide space for Bush Suburban style landscaping and significant views through the centre of the site.
- There is no front fence proposed, except for a small section to the Purches Street sideage to provide seclusion for the open space serving Dwelling 1. This is not unusual for a corner lot as there needs to be recognition of these lots having two street interfaces, with one frontage in some way acting as a side boundary which would usually be fenced.

As such, the proposed development substantially complies with and often exceeds the Schedule 2 variations to ResCode under the General Residential Zone.

The Bush Suburban Precinct 2 requires substantial garden and tree planting areas, which is achieved by the provision of 5 metre wide front and rear building setbacks which will support tall trees and their mature canopies. The 3 metre wide landscaped areas separating Dwellings 1 and 2 and Dwellings 3 and 4 provide for dwelling spacing consistent with the prevailing streetscape character and allow for the provision of garden areas through the centre of the site.

The provision of four crossovers is allowable as the proposal includes four dwellings facing the two site frontages. All four dwellings are provided with single garages with tandem car spaces which limit the width of paving in front setbacks.

The proposed two storey building forms include upper levels that are well-articulated and well-setback from surrounding residential lots, with upper levels set back from the east boundary 2.3 metres for Dwelling 1 and 5.3 metres for Dwellings 2-4. The Dwelling 4 upper level is setback 2.05 metres from the south boundary, adjacent to a garage on the adjoining lot built to the common boundary. Whilst it is noted that some portions of the upper levels result in sheer or nearly sheer two storey walls, these walls are not positioned at sensitive interfaces and there are landscaping opportunities surrounding the proposed dwellings to soften the presentation of the upper level forms.

The upper level roof forms incorporate eaves, but the proposed ground levels are not provided with eaves as recommended by the Bush Suburban Precinct 2 Guidelines. At the Forum, the applicant stated that the provision of ground level eaves was not possible as eaves reduce the garden area provision of the site. As this application was amended after notice, 35% of the subject site is required to be set aside for garden area, as defined in Clause 72 of the Planning Scheme. The amended plans include a garden area calculation of 456m² or 46%, and so the provision of ground level eaves would not breach the Garden Area requirements, and will be included as a condition requirement. It is noted that eaves cannot be provided over proposed property boundaries.

9.1.1

(cont)

Once eaves are provided to the ground levels, it is considered that the proposed brick, render and timber cladding will reflect the surrounding streetscape character, and a full cladding schedule will be required as a condition. The proposed 1.8 metre high timber fence around the Dwelling 1 secluded private open space is an acceptable incursion into the front setbacks that represents a substantial reduction of fencing to Purches Street in comparison to the existing conditions.

Overall, the subject site is proposed to support four dwellings which will be surrounded with substantial landscaped areas in response to the preferred and prevailing Bush Suburban Character of the area. As noted above, the Preferred Character Statement for Bush Suburban Precinct 2 envisions the provision of medium density development, particularly in areas with good access to train stations, but seeks to ensure that such development is able to support generous landscaping and tree planting areas and maintains space around dwellings to support the streetscape rhythm and allow views through to rear gardens.

There are no restrictions on dwelling density, rather, the applicable Bush Suburban Precinct 2 and Schedule 2 to the General Residential Zone set out a number of performance measures which the proposed development is largely able to achieve. Overall, nearly half of the site (46.3%) is proposed to be permeable area that is able to be landscaped, and importantly the widths of the permeable areas are generally at least 3 metres wide, allowing for the planting of substantial landscaping. The proposed dwellings have a modest overall footprint in relation to the site area (36.7%) and their upper levels are well-articulated, providing suitable transitions to surrounding single storey development.

Amenity

Overlooking

Standard B22 requires habitable room windows to be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres of the window, with views measured within a 45 degree angle.

The proposed development has utilised upper level highlight windows with sill heights over 1.7 metres above finished floor level to satisfactorily screen potential views from the sensitive western elevation, in accordance with the requirements of ResCode.

Owing to the sloping site and finished floor levels, overlooking is possible from ground level east elevation windows. The applicant has proposed a 1.8 metre high fence topped with 1.2 metres of trellis on the east boundary, however at the Forum the neighbours to the east expressed concern regarding the height of this proposed fencing.

Subsequent to the Forum, Council Officers discussed this interface with the adjoining objector, who expressed concern that in order to screen overlooking from east facing habitable room windows, the lowest east boundary height that could be contemplated is 2.5 metres. The required fence/screen height on the east boundary is exacerbated by the slope of the land down towards the east. Given the objector's concerns regarding the boundary fence, a condition will require the finished floor levels of Dwellings 2, 3 and 4 to be lowered by 0.3 metre, thereby lowering the east boundary fence height required to screen overlooking from these dwellings to a 2.2 metre high fence. This will be included as a condition.

External storage has not been provided to Dwelling 1, and this will be required via condition.

Overshadowing

At the Equinox between 9am and 3pm, the shadows cast by the proposed dwellings will fall generally over the subject site, Purches Street and within the existing fence shadows. As such, the proposed dwellings will not cause unreasonable overshadowing of the adjacent dwellings.

9.1.1

(cont)

Internal Amenity

Dwelling 1 is oriented with the living areas facing north, which provides ideal solar access. Dwellings 2-3 have their primary living areas facing east and their secluded private open spaces will have good access to northern light. Given the site circumstances, the orientation of the proposed dwellings is acceptable.

Clause 22.10 Environmentally Sustainable Development requires the provision of a Sustainable Design Assessment to ensure that the proposal achieves best practice in environmentally sustainable development from the design stage through to construction and operation, and this will be required as a condition on any permit issued. It is anticipated that the proposed dwellings will be able to achieve satisfactory compliance with Policy requirements without impacting on the proposed development layout.

The General Residential Zone Schedule 2 requires the provision of 40m² of secluded private open space, including one part having a minimum area of 35m² and a minimum dimension of 5 metres and convenient access from a living room. The secluded private open spaces provided to the proposed dwellings exceed these requirements.

Landscaping and Significant Landscape Overlay Schedule 9

The SLO9 states that Bush Suburban Neighbourhood Character Areas generally include streetscapes that are dominated by vegetation with buildings partially hidden behind tall trees and established planting. The landscape character objective to be achieved in SLO9 areas is: *to encourage the retention of established and mature trees and to provide for the planting of new canopy trees.*

Council's Planning Arborist has advised that the trees proposed for removal are not worthy of retention. In this circumstance, the removal of most existing trees and replacement planting with suitable species in appropriate locations is acceptable. The submitted landscape plan shows a good selection of tree species, some of which are indigenous to the area, and will achieve tall tree planting in excess of the requirements of Schedule 2 to the General Residential Zone that will enhance the Bush Suburban landscape character of the area over time. A condition will require the landscape plan to be amended to show Tree 14 to be retained, in accordance with the development plan.

The existing crossover in Purches Street is proposed to be widened to serve Dwellings 2 and 3 and Council's Parkside Arborist has confirmed that the nearby street tree will not be unreasonably impacted.

Car Parking

The application proposes two car spaces for all dwellings, in compliance with the parking provision requirements at Clause 52.06 Car Parking. All four dwellings have single garages with tandem car spaces, and at the Forum the objectors expressed concern that this arrangement may result in more cars being parked on the street as the two on-site car spaces provided to each dwelling cannot be accessed independently. The tandem parking arrangements provide for landscaping on site to be maximised and have allowed the achievement of building spacing to respond to the streetscape character, which are positive outcomes that would be undermined by the provision of double garages and associated wider accessways. It is further noted that the site's proximity to Heatherdale Station and other community facilities should reduce car dependency for residents of these dwellings. The tandem car parking arrangement is considered an acceptable arrangement under the planning scheme provisions.

9.1.1

(cont)

The provision of one crossover per dwelling is a typical arrangement for a corner lot, and Council's Transport Engineers have acknowledged that the proposed three crossovers (two single and one double-width) will result in a loss of three on-street parking spaces in front of the site. Despite the proximity of a nearby kindergarten, which could be argued to be a generator of additional on street parking, there are sufficient on-street parking opportunities in the vicinity to off-set the loss of parking adjacent to the site. The increase in dwellings will not cause unreasonable traffic generation for the local street network.

Objectors Concerns not Previously Addressed

Whilst the objections received related to the advertised plans, and not the Section 57 Amendment plans that are being considered in this report, it is noted that none of the objectors have withdrawn or amended their objections in response to the amended plans, and as such all of the concerns raised must be considered. The outstanding concerns that have not been addressed in the body of this report are as follows:

- Insufficient room sizes

Whilst ResCode does not recommend minimum room sizes, the submitted plans show indicative furniture layouts within the dwellings, demonstrating that there are sufficient internal areas for standard furniture placement.

- Impacts to infrastructure within easement

Council's Asset Engineers have reviewed the proposal and provided conditions to be included on any permit issued.

- Insufficient details included on plans, including buildings on 23 Purches Street are not shown on plans.

Conditions will require plans to be updated, however the existing site circumstances on the adjoining property have been considered in assessment of this application.

CONCLUSION

The proposal for construction of four double storey dwellings and associated tree removal is an acceptable response to the applicable planning controls and policies, including the State and Local Planning Policy Framework, the General Residential Zone Schedule 2, Significant Landscape Overlay Schedule 9 and Clause 55 ResCode. The subject site is located in proximity to Heatherdale Station, parks, schools and shops and the overall development will provide for increased dwelling density whilst achieving a Bush Suburban character outcome that will provide for front setbacks and secluded private open space provision often well in excess of the minimums required by the Schedule to the Zone and ResCode. Being a large corner lot, the site is able to accommodate four new dwellings without causing unacceptable amenity impacts to the streetscape or adjacent dwellings.

A total of 10 objections from eight objector properties were received as a result of public notice and all of the issues raised have been discussed as required.

It is recommended that the application be approved and a Notice of Decision to Grant a Permit be issued subject to conditions.

ATTACHMENT

- 1 Decision Plans 
- 2 Tree Location Plan 

9.1.2 945 - 945A Station Street, BOX HILL NORTH (Lots 1 and on 2 PS 447472) – Development of the land for the construction of a double storey extension to the existing building, with basement car parking, reduction in the number of car parking spaces associated with Shop and Office use.

FILE NUMBER: WH/2016/470
ATTACHMENT

SUMMARY

This application was advertised, and no objections were received. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme. It is recommended that the application be supported, subject to conditions. The application has been called into Council by Ward Councillors Barker and Liu.

RECOMMENDATION

That Council:

A Having regard to Sections 58, 59, 60, 61 and 62 of the Planning and Environment Act 1987, it is considered that a Planning Permit under the Whitehorse Planning Scheme to the land described as 945 and 945A Station Street, BOX HILL NORTH (Lots 1 and 2 on PS 447472) for the construction of a double storey extension to the existing building, with basement car parking, reduction in the number of car parking spaces associated with Shop and Office use, be issued subject to the following conditions:

- 1. Before the development starts 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) 10 carspaces via car stackers in accordance with Condition 3.***
 - b) A Waste Management Plan in accordance with Condition 4.***
 - c) An Environmentally Sustainable Management Plan in accordance with Condition 7.***
 - d) A Parking Management Plan in accordance with Condition 10.***

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 permitted use and the 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. Provision of 5 x 2 car spaces in the form of car stackers to achieve a minimum of 10 mechanical car spaces. The car stackers must meet the requirements of Design Standard 4 of Clause 52.06 of the Whitehorse Planning Scheme.***
- 4. No building or works must be commenced until a Waste Management 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.***
- 5. The requirements of the Waste Management Plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.***

9.1.2

(cont)

6. *The car parking and access ways as shown on the endorsed plans must be formed to such levels that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained, and lined marked (where applicable). The car park and access ways must be maintained the satisfaction of the Responsible Authority.*
7. *Prior to the commencement of any demolition, buildings or works on the land, a Sustainable Design Assessment (SDA) must be prepared to the satisfaction of the Responsible Authority. Once submitted and approved to the satisfaction of the Responsible Authority, the SDA will form part of the endorsed plans of this permit.*
8. *All works must be undertaken in accordance with the endorsed SDA to the satisfaction of the Responsible Authority, and the approved development must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the Reports may occur without the written consent of the Responsible Authority.*
9. *Prior to the occupation of the development approved under this permit, a report from the author of the SDA, 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 Reports have been implemented in accordance with the approved plan.*
10. *No building or works must be commenced until a Parking Management Plan has been prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. The Plan must detail:*
 - a) *The allocation of car parking spaces.*
 - b) *Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directions signs and/or physical barriers.*
 - c) *Signing of car and bicycle parking spaces.*
 - d) *How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
11. *The subject land must be drained to the satisfaction of the Responsible Authority.*
12. *This permit will expire if one of the following circumstances applies:*
 - a) *The development and use 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.

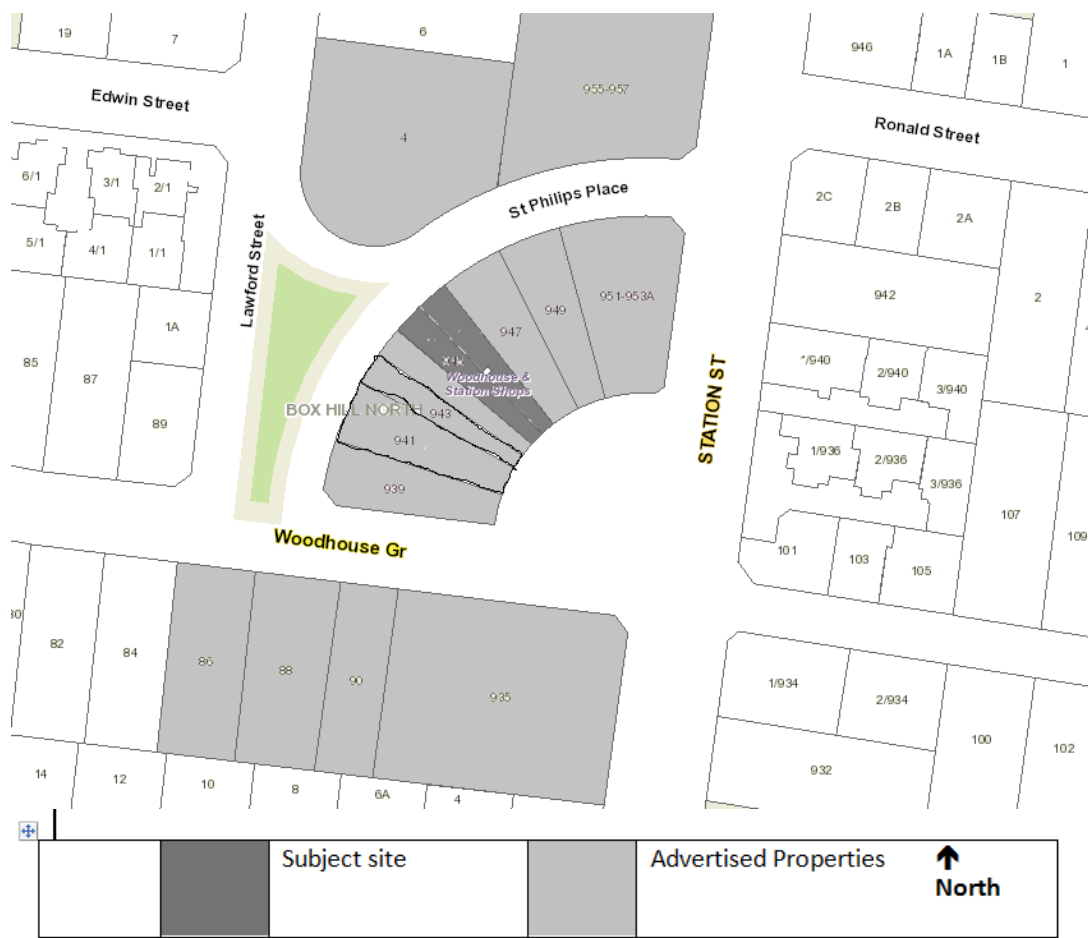
Permit Note:

1. *All stormwater drains must be connected to a legal point of discharge in accordance with the requirements of Council's Engineering Department.*
- B** *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

9.1.2 (cont)

MELWAYS REFERENCE 47E5

Applicant:	Architectural Plans & Permits
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay (DDO4)
Relevant Clauses:	
Clause 11	Settlement
Clause 11.03	Activity Centres
Clause 15	Built Environment and Heritage
Clause 15.01	Urban Environment
Clause 15.02	Sustainable Development
Clause 17	Economic Development
Clause 21.07	Economic Development
Clause 22.06	Activity Centres
Clause 22.10	Environmentally Sustainable Development
Clause 34.01	Commercial 1 Zone (C1Z)
Clause 43.02	Design and Development Overlay - DDO4
Clause 52.06	Car Parking
Clause 52.34	Bicycle Facilities
Clause 65	Decision Guidelines
Ward:	Elgar



9.1.2

(cont)

BACKGROUND

History

An investigation into Council's records reviewed that Planning Permit WH/2007/157 was issued on 7 February 2008 for the subdivision of the land into two lots.

The Site and Surrounds

The subject site is located within a Neighbourhood Activity Centre (Woodhouse Grove and Station Street shops), located on the north-west corner of the Station Street / Woodhouse Grove intersection. The site is trapezoidal in shape, with a frontage of 6 metres, a rear frontage to St. Philips Place of 13 metres and an area of approximately 350 square metres. A single storey building occupies the front portion of the site, with the balance of the site vacant.

The subject site comprises two lots, with a single shop tenancy located on each lot and a total building floor area of 129 square metres across the two lots. Informal parking (2 spaces) is available at the rear of each shop tenancy with access provided via a single shared crossover to St. Philips Place, centrally located between the two shops.

The Neighbourhood Activity Centre comprises a variety of retail and commercial uses. The majority of tenancies have informal parking opportunities provided at the rear, with access via St. Philips Place. A shared car park comprising 18 spaces is located at the front of the strip shopping centre. This shared car park is primarily intended for shopper use, with short term restrictions encouraging turnover of parking.

Surrounding land uses include a Corporate Centre located on the southwest corner of the Station Street / Woodhouse Grove intersection. Beyond this, surrounding land use is primarily residential.

Planning Controls

Development

A planning permit is required pursuant to Clause 34.01-4 under the Commercial 1 Zoning provisions of the Whitehorse Planning Scheme. It states the following;

- *A permit is required to construct a building or construct or carry out works.*

Other

A planning permit is also required pursuant to:

- Clause 43.02 – Design and Development Overlay
- Clause 52.05 – Car Parking, to reduce the standard car parking requirement

Note: Planning Scheme Amendment VC142 was gazetted on 16th January 2017 and now forms part of the Whitehorse Planning Scheme. This amendment has provided for the deletion of Clause 52.07, hence removing the permit requirement related to the loading and unloading of vehicles. Accordingly, the above permit trigger relating to Loading and Unloading is no longer a relevant permit trigger to the current application, despite the application originally seeking permission under this clause.

9.1.2

(cont)

PROPOSAL

The application proposes a two-storey building extension on site. The existing ground floor shop tenancies are to be extended with office floor level above. More specifically, the development comprises the following:

- Two refurbished shop tenancies with a total floor area of 274 square metres. This is an increase of 145 square metres compared to existing conditions.
- Two office tenancies (first floor) with a total floor area of 183 square metres.
- Five car parking spaces within an undercroft car park.
- Reduction of 7 car spaces against the car parking rates in Clause 52.06.

The car parking is to be accessed directly from St. Philips Place via a widened crossover.

The external materials comprise face brickwork, glass balustrade and a flat roof form. When viewed from the east elevation, the building has two storeys (with an overall height of approximately 6.7 metres), extending to three levels when viewed from St. Philips Place (with built form stepped to follow topography).

For further detail, refer to plans prepared by Architectural Plans and Permits, received 14 September 2016, contained in the attachment 1.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the both street frontages. Following the advertising period no objections were received.

Referrals

External

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

Internal

Engineering and Environmental Services Department

- Transport Engineer

Council's Transport Engineering Team has no objections to the proposed parking spaces, however consideration of installing stacker spaces has been suggested given the shortfall in long term parking spaces. Limiting staff numbers to not more than 6 is another suggestion.

- Waste Engineer

Council's waste engineer requested that a Waste Management Plan (WMP) prepared by a suitably qualified and experienced person or firm must be submitted. This requirement forms part of the permit conditions.

9.1.2

(cont)

DISCUSSION

Consistency with State and Local Planning Policies

3. State Planning Policy Framework

The State Planning Policy Framework (SPPF) is outlined at Clauses 9 -19 of the Whitehorse Planning Scheme. The SPPF underpins the key objectives of the *Planning & Environment Act 1987* and its objectives are a fundamental and determinative consideration in the administration of land use and development planning across Victoria. It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls. It is therefore necessary that planning permit applications build on and achieve these important policy objectives.

Clause 10.01 and 10.04 provides that it is the purpose of State Policy in Planning Schemes to inform Planning Authorities and Responsible Authorities of those aspects of State level planning policy which they are to take into account and give effect to and to balance conflicting objectives in favour of net community benefit and sustainable development. As Clauses 9 -19 are State planning policy, the 'community' which is to benefit is the Metropolitan community, not merely the local community.

Fundamentally, the SPPF articulates at Clause 11.03 (Activity Centres) seeks to "...build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres".

Local Planning Policy Framework

In addition to broader metropolitan policy challenges and objectives, the Municipal Strategic Statement (MSS) identifies the important local policy objectives to address the challenges faced by Whitehorse, in relation to managing future land use and development within the municipality to achieve greater economic development. These local policy objectives sit within the context of the achievement of State and metropolitan planning imperatives.

The LPPF provides a profile of the municipality, and identifies the key social, economic, and environmental issues faced by the municipality. The MSS provides long-term strategic directions for land use and development decisions within the Municipality, including within Neighbourhood Centres (which the subject land is located within).

Clause 21.02 cites a key planning issue faced by Whitehorse as being economic development. Clause 21.07 responds to this by firstly, acknowledging challenges facing smaller Neighbourhood Centres and identifying the need to *'further assess as to whether it is appropriate to develop these centres as mixed use precincts with an appropriate mix of uses which help provide meeting places such as cafes, community facilities and even small scale residential development especially in the form of "shop-top" housing.'* Strategies to address these concerns include facilitating new development and employment opportunities in Whitehorse and establishing a network of activity centres, which includes the Woodhouse Grove and Station Street Shops.

Furthermore, Clause 22.06 (Activity Centres) outlines the policy basis for Activity and Neighbourhood Centres, noting that *'the metropolitan planning strategy Plan Melbourne places emphasis on the need to support a network of activity centres. The development of Metropolitan Activity Centres is to be supported to serve their sub-regional catchment, Activity Centres are to be recognised for their role in providing services, employment and housing, and Neighbourhood Centres support the concept of '20-minute neighbourhoods' which enable good local access to a range of services and facilities.'* This policy further states *'It is essential that these centres provide for appropriate community services and facilities consistent with their role and scale and become a focus for social interaction. It is important to ensure that any new development assists Council's aim to improve the amenity and visual appearance of each centre.'*

9.1.2

(cont)

The proposed development achieves the objectives and implements the relevant strategies of the SPPF and LPPF as:

- The proposed development is commensurate with expectations for the Woodhouse Grove and Station Street shops Neighbourhood Activity Centre (NACS) and will deliver a well resolved building form ranging from single storey and double storey in height that will make a positive contribution to the development of the centre;
- At present, the existing NACS provides a range of commercial services. The proposal will provide for an increase in net commercial land, including office spaces that will benefit the community through the provision of employment opportunities. This is also consistent with the Neighbourhood Centres policy outlined at Clause 22.06-3 of the Whitehorse Planning Scheme which seeks to improve existing smaller Neighbourhood Centres;
- The land enjoys two (2) public frontages and as such all of the building's façades are 'activated'. Fenestration is created through indented balconies to the rear (St Philips Place) and large window frame elements, and ground level shops are provided with separate entries to allow the building to interact with the street. These treatments all serve to activate various aspects of the building;
- The commercial component ensures the provision of community facilities that will maintain/ increase the number of jobs provided to the Woodhouse Grove & Station Street Shops Neighbourhood Centre;
- The provision of adequate levels of secure on-site car parking, facilities and on-site amenities provides an appropriate commercial product that will be attractive to future end-users and as such increase the economic vitality of the centre; and
- The proposal achieves the objectives of the Urban Design Guidelines for Victoria by delivering a development that responds to the design principles outlined within Clause 15.01-2 by way of a built form that contributes to the public realm, pedestrian spaces, safety and architectural quality. The proposal also appropriately responds to the context of the site with two street frontages.

Design and Development Overlay

The site is contained within the Design and Development Overlay, Schedule 4 – Neighbourhood Activity Centres. The Schedule provides a number of design objectives including:

- *To ensure new development is designed to facilitate a lively, attractive and safe local activity centre, and assist in improving its economic viability.*
- To ensure new development is designed to respond to the immediate site environs, reflect the role of the centre and enhance the character of the surrounding residential area.
- To ensure new buildings incorporate design detail that provides a high quality and visually interesting interface with the streetscape (including internal streets within larger centres) and the surrounding residential area, addressing issues of amenity, functionality, adaptability and accessibility.
- To ensure new buildings create a complementary interface to enhance the public realm.
- To ensure new development is designed to minimise potential off-site impacts such as noise (including from services), overlooking, access to sunlight, and light spillage on adjoining residential properties.

9.1.2

(cont)

The Woodhouse Grove and Station Street shops are designated as a NAC Category 2A (small-medium neighbourhood centre on a wide main road). The proposed development is assessed against the requirements for Category 2A centres in the table below:

Preferred maximum height	14.5m (4 storeys) 7.5m (2 storeys) on a boundary adjoining a residential zone.	Overall height of the building is 9.3 metres Complies
Preferred front (street) setbacks	0m	The front façade continues the alignment of adjacent shops in the street at the ground and first floor levels fitting with the existing zero setback Complies
	Setback upper levels over 11 metres a minimum of 3 metres from the front boundary	The second floor is setback approximately 1.79 metres although is only 6.9 metres in height. Complies
Preferred rear setbacks	Where the rear of the lot abuts a residential property or street, set back buildings up to 7.5 metres in height a minimum of 3 metres from the rear boundary.	The rear of the lot abuts a street (St Philips Place) and requires a 3m setback. The undercroft car parking provides for walls adjacent to either side boundary with the ground floor level setback approximately 2.1 metres Non-compliant
	Where the rear of the lot abuts a laneway, setback buildings up to 7.5 metres in height a minimum of 1 metre from the rear boundary. Set back upper levels over 7.5 metres a minimum of 5 metres from the rear boundary.	The rear of the lot abuts a street (not a laneway).
	Set back upper levels over 11 metres a minimum of 5 metres from the rear ground level building footprint.	N/A
	Set back upper levels over 7.5 metres a minimum of 5 metres from the rear ground level building footprint.	Proposal provides a 6 metre setback. Complies

9.1.2 (cont)

Preferred side setbacks	Where the side of the lot abuts a residential property, buildings over 7.5 metres should be set back 1 metre from that boundary.	The side of the lot abuts commercial properties within the Neighbourhood Activity Centre Complies
	Where the height exceeds 11 metres, the setback should be setback 3 metres from that boundary.	N/A
Built form outcome	The scale of development provides an appropriate interface with the surrounding residential areas	Existing development within the NAC comprises single storey development. This development will see the introduction of the first double storey form, however this is consistent with other commercial developments within the wider area. There is an expectation that this form of development will emerge within the Neighbourhood Activity Centre as encouraged by local policy. Complies

As demonstrated in the table above, the rear side boundary setbacks of the proposed building are not fully compliant with the preferred setbacks set out in the Design and Development Overlay Schedule 4, owing to the provision of the boundary walls being constructed adjacent to the rear setback. As the basement level is undercroft parking, this is not seen to cause any unreasonable visual detriment. The north side of St Philips Place includes large road reserves with limited outlook towards the rear of the subject site from any nearby residential property.

As the northern façade is well articulated with varied forms and materials, the impact of the encroachment of the ground level walls is minimal. The DDO4 also provides for three storey building forms within small-medium activity centres which are typically located within Whitehorse's single and double storey scale residential hinterlands. This acknowledges the need to support and strengthen activity centres whilst providing appropriate built form transitions and setbacks to residential areas.

It is noted that a Sustainability Management Plan has not been submitted with the application and one will be required as a condition of approval. In particular, this will address building, energy and water efficiency outcomes.

Car Parking

Clause 52.06 seeks:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities. To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

9.1.2

(cont)

According to Clause 52.06-2, before a new use commences or the floor area of an existing use is increased, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. If all of the required parking spaces cannot be provided, pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces required under Clause 52.06-5. Table 1 to Clause 52.06-5 prescribes the following parking requirements:

Table 1: Car parking requirement

Use	Rate (spaces)	Parking measure
Shop	4	To each 100sqm of leasable floor area
Office	3.5	To each net floor area

As shown on the plans, parking is provided within the undercroft in the following manner:

- 2 spaces for shop (staff parking); and
- 3 spaces for the office tenancies.

Council's Transport Engineering Team has reviewed the proposal and provided the following Statutory Assessment in relation to the vehicular parking requirements:

Use	Size / number	Parking Rate	
Shop	145 square metres (additional shop floor area) ¹	4 spaces per 100 square metres of LFA	6 spaces
Office	183 square metres	3.5 to each 100 square metres of net floor area	6 spaces
Total			12 spaces

¹*It is noted that Council's Transport Engineer has excluded the floor area of the existing shop from the total floor area calculation above as the existing floor area is benefited from parking credits pursuant to Clause 52.06-7 of the Planning Scheme. The informal parking (2 spaces) cannot be considered as it appears that they do not meet the design standard of Clause 52.06 (minimum dimensions and access).*

Accordingly, the proposed development has a statutory parking requirement of 12 spaces. A total of 5 car parking spaces are proposed on site. Therefore the development seeks a reduction of 7 car parking spaces against the statutory requirements.

The proposal does not apply the required rate as specified above and therefore pursuant to Clause 52.06-3, Council may consider to grant a permit to allow a reduction to the standard car parking provision. In doing so, the applicant must satisfy Council that the justification is appropriate having regard to the requirements set out in Clause 52.06-6. In addition, Council must also consider a number of factors in allowing the reduction in car parking, which is also set out in Clause 52.06-6. It is noted that Council's Transport Engineer requested a condition setting the maximum number of staff at any one time for the office use. In addition, the Transport Engineer suggested installing stacker spaces should be considered given the short-fall in long term parking spaces. In a follow up discussion with the engineer, it was suggested that a minimum of 10 stacker spaces for the development is desirable. Accordingly, this is dealt by permit conditions. On this basis, the development seeks a reduction of 2 spaces.

9.1.2

(cont)

The following assessment is offered in relation to the proposed car parking reduction:

- Within the Applicant's traffic report (Ratio's Traffic Assessment), the estimated office parking demand is for 6 spaces. This rate reflects the likely office parking demands based on the size of the tenancies. Whilst not all six spaces can be accommodated within the designated car parking area (as spaces will be allocated to shops), Ratio's traffic assessment provides a detailed analysis of the parking surveys undertaken. The surveys conclude:
 - A peak occupancy of 41% occurring at 12 noon on Tuesday 6 September. At this time, 43 out of 73 spaces in the vicinity of the subject site; Station Street, Phillips Place, Woodhouse Grove and Narallah Grove remained vacant, and would be available to accommodate the likely parking demands. The survey areas are included as part of the residential and commercial areas within the vicinity of the subject site.
 - Specific analysis of the survey results outside the residential areas indicates that there are no less than 39 vacant spaces at all times surveyed. This demonstrates more than sufficient opportunity to cater for the modest parking demands associated with the proposal.
- It is considered there is adequate provision of car parking within the centre to accommodate carpark demands generated by the retail customers. In terms of office staff and staff of the retail tenancies, public car parking is available within close proximity to the site however it is generally restricted (time). Details of parking restrictions are given in the car parking survey result table included in the Traffic Impact Assessment Report prepared by Ratio. It is considered that the shortfall in car parking supply on site will require occupiers of the site to choose alternative modes of transport. Given the site's location in close proximity to bus stops, the use of public transport is certainly a feasible and practical option.
- The configuration and size of the property makes it difficult to accommodate any more car parking than proposed. Based on the limitations of the site, it is important to encourage and promote alternative modes of transport such as public transport, cycling and share car provision. This has been partly satisfied by the proposed layout.

Based on the above, it is considered that the overall proposal provides for a positive outcome to the site as it offers retail opportunities and is close to public transport. Accordingly, Council's Transport Engineer's request to limit the number of office staff is therefore not considered necessary, given the site has demonstrated sufficient opportunity to cater for the modest parking demands associated with the proposal. A condition of permit will, however, require the installation of 10 carspaces via a car stacker system.

Bicycle parking

The bicycle parking requirements for a number of uses are listed within Clause 52.34-3. For both 'office' and 'shop' use, Clause 52.34-3 only requires that bicycle parking be provided where the floor area exceeds 1,000 square metres. As both the proposed shops and offices are less than 1,000 square metres, there is no requirement for bicycle parking to be provided.

General Provisions (Clause 65.01)

The application has been assessed against the Decision Guidelines, in particular Clause 65.01 (Approval of an Application or Plan) and section 60(1) and (1B) of the Act, and it is considered that the proposed development meets the relevant decision guidelines contained within this section of the Whitehorse Planning Scheme, subject to certain conditions being included on any planning permit issued (these conditions are outlined throughout this report).

9.1.2



(cont)

CONCLUSION

The use of the land for shops and office is supported by the purpose of the Commercial 1 Zone and the Local Planning Policy Framework, including Clauses 21.07 (Economic development) and 22.04 (Activity Centres). The development is consistent with the Zone and the Design and Development Overlay, Schedule 4. The level of car parking reduction (2 spaces) requested is reasonable having regard to the number of surrounding and available car spaces, and the other transport opportunities available to future staff and customers.

The application has been advertised with no objections received. It is therefore considered that the application should be approved subject to conditions.

ATTACHMENT

- 1 Advertised Plans (Stamped) ➡ 
- 2 Traffic Report ➡ 

Strategic Planning

9.1.3 Preparation of Eastern Region Land Use Framework Plan

SUMMARY

Plan Melbourne is the current metropolitan planning strategy, which is proposed to be realised through a separate five year Implementation Plan. The Implementation Plan includes a number of actions across both State and Local government, including the preparation of Land Use Framework Plans for six sub-regions across metropolitan Melbourne.

The purpose of this report is to highlight the work being coordinated by State government so far regarding the Land Use Framework Plans and flag the upcoming Vision Statement that will be presented to Council for endorsement at a future Council meeting.

This report recommends that Council note work undertaken so far.

RECOMMENDATION

That Council note this report and the work undertaken so far by the Economy and Planning working group for the Plan Melbourne eastern region.

BACKGROUND

In March 2017, the State Government released *Plan Melbourne 2017-2050*. *Plan Melbourne* builds on the work of previous metropolitan strategies, including *Melbourne 2030*, *Melbourne @ 5 Million* and the previous version of *Plan Melbourne*. A separate 5 year Implementation Plan was also prepared which embeds actions across state government, local government, public authorities and agencies to implement *Plan Melbourne*.

Plan Melbourne identifies six Melbourne metropolitan regions across Victoria. Whitehorse is located within the Eastern sub-region which also includes Knox, Manningham, Maroondah, Monash and Yarra Ranges.

The Implementation Plan identifies that Land Use Framework Plans (LUFP) will be developed for each of the metropolitan regions in the medium term (2-5 years, by end of 2021). The LUFP will be developed in conjunction with various state government departments, the Victorian Planning Authority (VPA) and Council. The plans are to include strategies for population growth, jobs, housing, infrastructure, major transport improvements, open space and urban forests. The plans are proposed to identify:

- Land to be set aside primarily for business and employment-generating purposes
- Precincts and activity centres where a mix of higher-density residential, commercial and other activities are encouraged
- Urban renewal precincts and sites where medium- and higher-density housing and mixed-use development will be encouraged
- Transit-oriented development opportunities that arise from major transport infrastructure projects such as the Metro Tunnel, level crossing removals and the Regional Rail Link
- An access framework that ensures that activity centres and urban renewal, employment and tourism precincts are supported by walking, cycling, public transport and night travel options
- Additional regional-scale community, health, education, recreation, sporting and cultural facilities
- Additional regional open space networks and enhancements and greening initiatives

9.1.3

(cont)

The Economy and Planning Working Group (EPWG) was established by State government in 2017 with membership from all six of the municipalities within the Eastern Region, as well as officers from the relevant State government departments. The purpose of the EPWG is to provide a partnership between State and local government to develop work plans to implement *Plan Melbourne*, including the preparation of the LUPF.

A scoping workshop was held with the EPWG in August 2017. The purpose of the workshop was to “identify priority land use issues, gaps and further work which need to be addressed to develop the eastern metro regional land-use framework plan”.

DISCUSSION

All regions across metropolitan Melbourne have now commenced development of LUPF.

The LUPF are being developed by the six metro EPWGs (Inner Metro, Inner South, Western, Northern, Southern and Eastern), through which the Department of Environment, Land, Water and Planning (DELWP) is resourcing development of the Plans that articulate land use, transport, jobs, health, education and open space requirements (locational and regulatory) to be prepared for a 30 year future.

These will be the first ever agreed and detailed plans across local and State government for development of each sub-region to accommodate growth over the next 30 years. The outcomes will take effect through the planning scheme, and will enable focused dialogue; aligned and streamlined efforts; and investment within the metro regions across all levels of government, and the public and private sectors.

The Plans will be completed for the eastern region, including Whitehorse, by the end of 2018.

The EPWGs are developing initial Vision Statements for each metro region, to be agreed across State and local government. The visionary statements will be included in the Victorian government's regional 5 Year Jobs, Services and Infrastructure Plans which will help to direct and outline State government investment across the six metro regions of Melbourne. The following draft process has been provided by State government for the vision statements in 2018:

- First draft of the Vision Statement were circulated to the EPWG for review mid-February 2018
- DELWP will incorporate changes and circulate Draft 2 for discussion
- Draft 3 will be circulated for final review
- Councils to circulate the final Vision Statement at their March/April Council meetings, anticipating an April/May 2018 endorsement
- Vision Statements to be finalised by mid-year 2018
- Vision Statements to be published as part of the release of the 2018/2019, 5 Year Jobs Services and Infrastructure Plans to guide State government investment

It will be important for Council to thoroughly review the Vision Statement in order to provide endorsement. The process has been designed to provide Council with reasonable time to review the Vision Statements, and to provide input and endorsement. It is proposed that the agreed Vision Statements will be tabled in the State Cabinet, along with the 5 Year Jobs, Services and Infrastructure Plans. These Plans are proposed to be published in June 2018.

9.1.3

(cont)

CONSULTATION

As part of the process of preparing *Plan Melbourne*, the State government undertook “extensive collaboration across government and a sustained dialogue with a wide range of professional, industry and community members”. Consultation included a series of events, publications and engagement strategies over the two years that the review of *Plan Melbourne* was undertaken.

There is no requirement for Council to undertake any consultation in relation to *Plan Melbourne*, however as certain initiatives throughout the strategy are progressed, there may be instances where further consultation needs to be undertaken with the community and other stakeholders.

The State government will consult Council, through the EPWG, regarding the Vision Statement.

FINANCIAL IMPLICATIONS

Officer time will be required to review the draft Vision Statements and contribute to the preparation of the LUFP. This will require approximately 2 officers reviewing relevant documents, attending meetings, collating feedback and providing updates to Council. This could equate to 1-2 weeks of officer time, and 1-2 days for the General Manager City Development.

As the initiatives and actions of *Plan Melbourne* and the LUFP are progressed; there may be further financial implications for Council. In particular, Council may be required to update the Whitehorse Planning Scheme by preparing planning scheme amendments or to review strategic documents such as structure plans.

If a planning scheme amendment is initiated by Council to implement the outcome of any further strategic work, this will require a full time officer for approximately 4 weeks across the life of the amendment to prepare, exhibit, review submissions, arrange a planning panel if required and prepare a report to Council at each stage of an amendment.

Additionally, for a Council initiated amendment, Council will be required to pay a fee of \$462.20 to the Department of Environment, Land, Water and Planning if it wishes to seek approval of an amendment. Additionally, if a planning panel is required to review the amendment, Council will be required to pay for all costs associated with the planning panel, including legal representation and room hire if required. Based on recent planning panels these costs could be approximately \$40,000-\$50,000 per panel hearing.

POLICY IMPLICATIONS

The revised metropolitan planning strategy is an overarching state policy document which Councils and agencies across the metropolitan region will need to consider. Council will be required to ensure compliance with, and implementation of, the changes comprised in the amendments to the Victoria Planning Provisions and consequential amendments to the Whitehorse Planning Scheme.

The LUFP for the eastern region is proposed to articulate land use, transport, jobs, health, education and open space requirements for the next 30 years. The outcomes of the LUFP will take effect through the planning scheme and therefore there may be policy implications for Whitehorse in the future, including potential amendments to the Whitehorse Planning Scheme.

9.1.3

(cont)

CONCLUSION

The State Government has undertaken a review of *Plan Melbourne* and provides commitment to working with local government and the sub regions to development LUPP as part of the implementation process.

Council officers will await the release of the Vision Statement for review and endorsement, as well as the implementation of further initiatives and actions contained within *Plan Melbourne*.

It is recommended that Council note the work undertaken so far to implement *Plan Melbourne*.

9.1.4 Residential Aged Care Facility Reform

ATTACHMENT

SUMMARY

The Minister for Planning has asked The Department of Environment, Land, Water and Planning (DELWP) to reform existing planning controls for aged care facilities to support a more streamlined approach to developing residential aged care facilities (RACF). In December 2017 the Department of Environment, Land, Water and Planning (DELWP) released a Draft Particular Provision of the Victoria Planning Provisions (VPP) for consultation.

The draft provision would enable the development of RACF which meet specific criteria without the need for notification. A planning permit may also be considered for RACFs which do not meet the specific requirements of the draft provision.

This report provides an assessment of the draft provision. It is recommended Council endorse a submission to DELWP on the discussion paper, to be generally formed on the basis of the officer assessment in this report.

RECOMMENDATION

That Council endorse a submission to the Department of Environment, Land, Water and Planning on draft Residential Aged Care Particular Provision, to be generally based on the officer assessment in this report.

BACKGROUND

Aged care facilities have, historically, had a myriad of definitions. This is largely owing to the components that are included, such as 'over 55's independent living', 'assisted care', 'retirement village', and 'high care' residential facilities.

In the past, these facilities have traditionally been large, sprawling, single storey structures. However, in more recent times, these complexes now comprise multi-level buildings including 4-6 storey structures.

The 'Facilitating Residential Aged Care Development', December 2017 information pamphlet (attachment 1) states:

"In March 2017, the Victorian Government released the housing strategy, *Homes for Victorians* to provide certainty in planning and housing supply and to coordinate cross-government issues to achieve housing affordability, access and choice. *Homes for Victorians* complements *Plan Melbourne 2017 – 2050* which focuses on the need to streamline approvals processes for specific housing types including RACF development to ensure that future community needs are met.

In July 2016, the *Managing Residential Development Advisory Committee – Residential Zones Review* identified the need for residential zones to provide greater support and flexibility. The Committee concluded that:

- There is strong planning policy support at a State level to facilitate RACF development and to enable 'ageing in place'.
- The maximum building height controls in the current suite of residential zones do not support State planning policy support for facilitating RACF development.
- RACFs should be excluded from mandatory maximum building height requirements and some ResCode requirements.
- A working group, with representatives from industry, peak bodies, councils and state government, has been established to provide advice in developing new RACF planning controls to ensure their timely and cost effective delivery."

9.1.4

(cont)

Currently the use of land for a RACF does not require a planning permit within the Neighbourhood Residential Zone (NRZ), General Residential Zone (GRZ), Residential Growth Zone (RGZ) or Mixed Use Zone (MUZ). However a planning permit is required for the building and works of a RACF. Such an application must be assessed under the full building and works requirements of the zones which includes assessment against the requirements of ResCode, and subsequent to the recent zone reforms, any mandatory building height, minimum garden area, etc.

The Department of Environment, Land, Water and Planning (DELWP) released a Draft Particular Provision of the Victoria Planning Provisions (VPP) in December 2017 for consultation until 16 February 2018. DELWP has extended the time that Whitehorse Council can make a submission to allow this report to be received at the February Council meeting.

DISCUSSION

At clause 74 of the Whitehorse Planning Scheme, a 'Residential Aged Care Facility' is defined as *"Land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility."* This use is currently 'nested' under the broader land-use term of 'Residential Building'.

In order to streamline the assessment of residential aged care facility application, DELWP is proposing the following changes to the VPP:

1. At Clauses 74 and 75, relocate the definition of 'Residential aged care facility' from under 'Residential Building' to under 'Accommodation' and remove 'Nursing home' as a defined use.
2. Introduce a new RACF focused Particular Provision at Clause 52 (the draft provision) (see Attachment 2).

The draft provision proposes to override all other provisions of the planning scheme excepting the Heritage, Floodway, Land Subject to Inundation, Special Building and Bushfire Management Overlay provisions.

The clause will exempt a planning permit application that meets the specific requirements of the clause from the notice provisions of section 52 of the *Planning & Environment Act 1987* ('the Act'). The specific requirements include a building height that does not exceed 13.5 metres; a carparking rate of 0.3 spaces per lodging room and site coverage not exceeding 80%. There are also a number of specific ResCode 'standards' that must be met.

A planning permit that does not meet the requirements of the clause may also be granted, but will be subject to notification requirements.

The proposed change to the VPP is generally considered to be a valid reform, in the broader consideration of streamlining the provision of housing for the elderly, particularly in the context of Victoria's ageing population.

Officers consider, however, that some aspects of the proposed reform need further consideration in the context of the various zones available for this type of facility, and the possible impact on local communities. These are assessed in further detail below.

Form of Draft Provision

The proposed form of the draft provision could become mis-used by developers interpreting the 'requirements' as being 'as-of-right' allowances. For example the maximum height could easily be seen as what is automatically 'allowed' or as a 'deemed to comply' provision rather than a requirement that still needs to be assessed in the context of the local area.

There should be a requirement to enter into a Section 173 agreement to ensure the facility is used for the purposes of aged care into the future, and not be sold off for conventional residential, thus avoiding other parts of the planning scheme.

9.1.4

(cont)

The clause should be updated to include the Significant Landscape Overlay and Vegetation Protection Overlay provisions as applying to proposals.

The clause does not provide an ability to consider traffic impacts in residential areas, for example the need for additional traffic treatment. This would be addressed by including a requirement to provide a car parking/traffic assessment as recommended by officers below.

The information requirements and decision guidelines should be amended to include:

- A carparking / traffic assessment and decision guideline considerations
- A Waste Management Plan required as part of information and decision guidelines
- Clear neighbourhood character consideration
- Existing vegetation protection and replanting

Notification

The proposal to exempt developments that meet the requirements of the draft clause from the need to be notified under section 52 of the Act is not considered acceptable. Local communities are often supportive of these type of developments as they can see a 'need' for them. Local communities should be allowed to provide valid input into the development of such proposals, particularly when there is a direct impact on local residential amenity. Officers are supportive of development of land without further notification via a 'development plan' process, this could be an example where a similar process is enabled, so local communities are aware of the future development of a site and are able to have their say early.

Locational Attributes

No restrictions have been included in terms of location aspects. Consideration should be given to locating multi storey structures (irrespective of use) to main road interfaces, surrounding Activity Centres, and within close access to public transport (as would be the case for an apartment building) or to large, strategically located sites. The Whitehorse Housing Strategy has previously considered the appropriate location of housing within the city and it is considered that the appropriate zones for this built form have been established via this process.

Officers recommend the Clause be amended so these types of buildings be limited to the MUZ, RGZ, and (where appropriate) GRZ.

RACFs could also be incorporated into existing or proposed mixed use developments in Activity Centres such as Box Hill, in lieu of a section of apartments/dwellings.

Zones

It is considered that the draft provisions may not be appropriate in the NRZ areas. Specifically heights of up to 13.5m (or higher) could have a significant impact on the character of some of our NRZ areas, particularly where single storey dwellings dominate the area.

The proposed exemption from notice and review may be a concern for local communities, especially in the NRZ areas which are identified as 'limited change' in our Neighbourhood Character Study.

Built Form Outcomes

As stated previously, residential aged care facilities have a built form which has evolved from large sprawling single storey structures, to large, more intensive multi storey buildings.

A RACF provides permanent accommodation for multiple people usually as multiple small units of accommodation available within a single building or complex of buildings.

9.1.4

(cont)

For all intents and purposes, a RACF can often appear to look just like a standard apartment building, and often feature a similar layout. In a development context, the focus should be on the nature of the built form, and whether it corresponds with the neighbourhood character, and purposes of the zone.

The proposed building height limit of 13.5 metres is greater than the maximum allowable height for residential buildings in the GRZ (9-11.5 metres) and NRZ (9 metres). Whilst it may be appropriate to have higher buildings than the surrounding built form as part of a RACF (particularly where sites are very large and appropriately located) this should be considered contextually, and provide appropriate setbacks to adjoining land. Officers consider that the current wording of the draft controls will lead to an expectation by developers that a height up to 13.5 metres across the site is 'as of right', whereas the draft controls would appear to be written such that building height is matter to be considered as part of any assessment.

Whilst the ResCode Standards listed in the draft provision should be met, Officers believe this should be a 'minimum' requirement. There is also a strong argument that the following additional standards should be met:

- B1 - Neighbourhood character
- B4 - Infrastructure objectives
- B9 – Permeability
- B13 – Landscaping
- B14 – Access
- B23 – Internal views
- B25 – Accessibility
- B28 - Private open space
- B31 - Design detail
- B34 – Site services

There is a requirement that site coverage must not exceed 80%, which is quite high compared to standard B8 of Clause 55 where the default is 60%, and is different to schedules which have been varied across Whitehorse. This has obvious implications for matters such as retention of vegetation, and/or meaningful perimeter landscaping to soften taller built forms. There should be a requirement to provide a certain component of garden area/open space as part of aged care developments, garden areas also being an important contributor to the health and wellbeing of RACF residents.

Any RACF should also have the apartment building standards applied, where the building exceeds 5 storeys in height.

Transport Infrastructure

The following aspects of infrastructure should be added to the draft provision:

- The need for dedicated ambulance bays.
- A dedicated senior bus parking bay (dependent on facility size).
- A suitable carparking ratio - Eg: Should the level of car parking be dependent upon the number of residents in the various categories of care (ie the relationship to number of carers needed for different level of care)?
- Bicycle Parking should be a requirement to be considered for visitors, and for staff, including end of trip facilities.
- A Parking Management Plan for high visitation days, such as Mothers Day, Fathers Day, Christmas, and Easter.
- The need to provide for safe, convenient and direct pedestrian access, both internally and externally to the site.

9.1.4

(cont)

CONSULTATION

Councils were advised on 14th December 2017 that the Minister for Planning had released the draft provision for public consultation. **The consultation period commenced on Thursday 14 December 2017 and concludes Friday 16 February 2018.** Officers are unaware of the extent of public notification undertaken by DELWP on the draft controls, other than that the DELWP website was updated and the consultation was released via the Department's electronic news.

Council has been provided with an extension to the above timeframe to allow submission after the February Council meeting.

FINANCIAL IMPLICATIONS

There are no financial implications arising from Council making a submission on the reforms proposed by the State government. If the reforms are approved, there are potential cost savings in the planning application process by streamlining assessment in line with a structured particular provision and the proposed exemption from notice for developments that comply with the particular provision.

POLICY IMPLICATIONS

Strategic Direction 2 of the *Council Plan (2017 – 2021)* seeks to *Maintain and enhance our built environment to ensure a liveable and sustainable city*. By making a submission, Council is noting concerns with the draft provision that may impact on achievement of this strategic direction.

Strategic Direction 4 of the *Council Plan (2017 – 2021)* seeks to achieve *Strategic Leadership and Open and Accessible Government*. By making a submission, Council is informing Victorian Government policy reform to ensure the ultimate outcome reflects Councils and the community's interests.



If the above change to the VPP is to occur Council may need to consider the local planning policy assessment for these proposals. This is, however, dependent on the form and outcomes of any reform.

CONCLUSION

The Minister for Planning released the draft Residential Aged Care Particular Provision for public consultation in December 2017.

An Officer assessment of the proposed provision is outlined in this report. It is recommended Council endorse a submission to DELWP in response to the draft provision, to be generally formed on the Officer assessment in this report.

ATTACHMENT

- 1 Facilitating Residential Aged Care Development Information Sheet ➡ 
- 2 Draft Particular Provision - Residential Aged Care Facility ➡ 

9.2 INFRASTRUCTURE

9.2.1 Tender Evaluation Report - Bulk Fuel, Fuel Card Services and Oils, Lubricants and Vehicle Care Products

SUMMARY

Council has an ongoing requirement to purchase fuel, oils, lubricants and vehicle care products for its fleet of 485 vehicles, plant and equipment.

The purpose of this report is to recommend the acceptance of the offer from the Municipal Association of Victoria (MAV), trading as MAV Procurement to access the National Procurement Network Contract NPN 1.17 – Bulk Fuel, Fuel Cards and Oils, Lubricants and Vehicle Care Products preferred supplier arrangement for Victoria for an initial term of 3 years commencing on 1 February 2018, plus extension options for a maximum period of 2 years at the discretion of MAV Procurement and Council, and to consider the estimated expenditure over the duration of the contract.

Council was part of the MAV Procurement contract (Council Contract 12010) for the preferred supplier arrangement for the provision of fuel card services, bulk fuel purchases, oils and lubricants that expired on 31 January 2018. It is recommended that Council continue with its current suppliers that were preferred suppliers in the previous contract and are preferred suppliers in the new contract including BP Australia Pty Ltd, Caltex Australia Petroleum Pty Ltd, Castrol Australia Pty Ltd and Viva Energy Australia, trading as The Shell Company of Australia Pty Ltd.

RECOMMENDATION

That Council:

- 1. *Accept the offer from the Municipal Association of Victoria (MAV), trading as MAV Procurement to access the National Procurement Network Contract NPN 1.17 – Bulk Fuel, Fuel Cards and Oils, Lubricants and Vehicle Care Products preferred supplier arrangement for Victoria for an initial term of 3 years commencing on 1 February 2018, plus extension options for a maximum period of 2 years at the discretion of MAV Procurement and Council. The preferred suppliers include:***
 - *BP Australia Pty Ltd (ABN 53 004 085 616) of 360 Elizabeth Street Melbourne VIC***
 - *Caltex Australia Petroleum Pty Ltd (ABN 17 000 032 128) of Level 24, 2 Market Street Sydney NSW***
 - *Castrol Australia Pty Ltd (ABN 87 008 459 407) of 132 McCredie Road Guildford NSW***
 - *Viva Energy Australia (ABN 46 004 610 459), trading as The Shell Company of Australia of 720 Burke Street Docklands VIC***
 - 2. *Authorise the Chief Executive Officer to accept additional suppliers from the contract panel of preferred suppliers for Victoria should it be determined that other suppliers offer the best value for money for Council.***
 - 3. *Authorise the Chief Executive Officer to award an extension of this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial 3 year contract term.***
-

9.2.1

(cont)

BACKGROUND

Council has an ongoing requirement to purchase fuel, oils, lubricants and vehicle care products for its fleet of 485 vehicles, plant and equipment. The exact number of the fleet varies from time to time depending on operational needs for the delivery of services to the community.

Fuel is purchased by a fuel card service, and in bulk to fill a diesel storage tank at the Whitehorse Recycling and Waste Centre for the machinery including the drott and front end loader that operate at the Centre.

Oils, lubricants and vehicle care products such as transmission fluids and brake fluids are predominately purchased and used by staff in Council's workshop at the Operations Centre as part of fleet maintenance.

Council was part of the MAV Procurement contract (Council Contract 12010) for the preferred supplier arrangement for the provision of fuel card services, bulk fuel purchases, oils and lubricants that expired on 31 January 2018. MAV Procurement has joined with the National Procurement Network member states and appointed the Western Australian Local Government Association (WALGA) to be the lead agency to renew the preferred supplier arrangement for the purchase of Bulk Fuel, Fuel Cards Services, and Oils, Lubricants and Vehicle Care Products.

DISCUSSION

The tender process for the Preferred Supplier Arrangement – Bulk Fuel, Fuel Card Services, and Oils, Lubricants and Vehicle Care Products, Contract NPN 1.17 was managed by WALGA as the lead agency for the National Procurement Network (NPN). MAV Procurement is part of the NPN. Tenders were advertised on 29 July 2017. In Victoria, the Tender was advertised on Tenderlink and The Saturday Age. Tenders closed 2.00pm on 29 August 2017. A total of 26 tenders were received by the closing time. No Late Tenders were received. A panel of preferred suppliers for Victoria was appointed for; Bulk Fuel; Fuel Card Services; and Oils, Lubricants and Vehicle Care Products. The initial term of the contract is 3 years commencing on 1 February 2018, plus extension options for a maximum period of 2 years at the discretion of MAV Procurement and Council.

The suppliers that Council currently uses under Contract 12010 including BP Australia Pty Ltd, Caltex Australia Petroleum Pty Ltd, Castrol Australia Pty Ltd and Viva Energy Australia, trading as The Shell Company of Australia Pty Ltd are all preferred suppliers under the new Contract NPN 1.17.

Council currently has the majority of fuel cards from BP Australia Pty Ltd that can be used at any BP service station in Australia with convenience and security and a small number of fuel cards from Viva Energy Australia (Shell) that are used as an alternative to obtaining fuel from BP. It is recommended that Council continue to use BP Australia Pty Ltd and Viva Energy Australia (Shell) for the supply of fuel cards.

Bulk fuel is currently purchased from Caltex Australia Petroleum Pty Ltd. There are a limited number of suppliers that supply and deliver bulk fuel to site.

Oils, lubricants and vehicle care products are currently purchased from Castrol Australia Pty Ltd. It is appropriate that Council continue to use Castrol Australia Pty Ltd as the range and quality of products that are supplied meet the servicing requirements for the Operations Centre workshop.

Council may accept additional suppliers from the contract panel of preferred suppliers for Victoria should it be determined that other suppliers within the contract offer best value for money for Council.

9.2.1

(cont)

CONSULTATION

The tender process was managed by WALGA as the lead agency for the National Procurement Network.

FINANCIAL IMPLICATIONS

Council has no obligation to use any particular supplier or to spend any amounts under the contract.

Using the preferred suppliers from the national contract provides Council with the most cost effective financial outcome.

The total estimated expenditure under this contract over the initial contract term is \$2.5 million, including GST. This expenditure will increase to approximately \$4.4 million, including GST if the options to extend the contract are exercised. The prices for the supply of products under this contract are subject to changes in the price of oil.

The costs incurred under this contract will be charged to the relevant recurrent budgets. Funds are provided in many areas of the budget to purchase fuels and oils.

9.3 CORPORATE REPORTS

9.3.1 Quarterly Performance Report for the quarter ended 31 December 2017

FILE NUMBER: 18/4268
ATTACHMENT

SUMMARY

The purpose of this report is to brief Council on the performance against the Council Plan 2017-21 and the Annual Budget 2017/18 for the quarter ended 31 December 2017.

RECOMMENDATION

That Council notes the Quarterly Performance Report for the quarter ended 31 December 2017, as attached.

BACKGROUND

The Quarterly Performance Report for the quarter ended 31 December 2017 provides a detailed report of performance against the major initiatives and initiatives identified in the *Annual Budget 2017/18*. These major initiatives and initiatives contribute to the achievement of the *Council Plan 2017-21*. Therefore, the Quarterly Performance Report reviews Council's performance against the Council Plan and the Annual Plan, pursuant to sections 131(3)(a)(ii) and 138 of the *Local Government Act 1989*.

The financial section of the Quarterly Performance Report has been prepared on an accruals basis to ensure accurate matching of income and expenditure, both operating and capital, for the year-to-date ended 31 December 2017. Furthermore, the financial section is prepared on the basis of year-to-date, year-end projection, cash and key balance sheet items, and analysing trends against budget.

DISCUSSION

Performance against Council Plan

The Annual Plan, which is a part of the *Annual Budget 2017/18*, identifies 37 major initiatives and initiatives which contribute to the achievement of the strategic directions and goals (strategic objectives) of the *Council Plan 2017-21*. Of the 37 major initiatives and initiatives in the *Annual Budget 2017/18*, 5 are complete, 27 are on track, 2 are below target, and 3 are not yet due to commence.

Highlights for the quarter included:

- Elgar Park North Pavilion Redevelopment - The development of the Elgar Park North Pavilion reached practical completion in October 2017. The official opening took place on Saturday 25 November 2017. The \$3.4 million project included the redevelopment of the existing pavilion to include six change rooms and storage, new pavilion in between the north-east sports field and the synthetic hockey pitch to include a large kitchen and serving area, a multipurpose room, umpires room, toilets and a large undercover area for spectators.
- Nunawading Community Hub Redevelopment – A Community Information Day was held 25 November 2017 for local community to inspect plans and view 3D model on site – attended by approximately 150 residents.
- Sustainability Strategy Implementation - Launch of Green Money, a new online platform and program to reward sustainable behaviours actioned by the Whitehorse community such as attending sustainability-themed workshops, planting trees or indigenous plants, using sustainable forms of transport.

9.3.1


(cont)

Performance against Annual Budget

The year-to-date financial result at 31 December 2017 was favourable to budget by \$10.06m. This primarily reflects \$2.84m additional contributions, and a mix of permanent and timing differences on year-to-date grant income (\$2.31m), employee costs (\$1.49m) and materials and services costs (\$2.47m). The year-end result is forecast to be a surplus of \$33.86m, \$7.12m favourable to budget.

As at 31 December 2017, actual capital YTD expenditure was \$14.04m, which is slightly lower than the YTD forecast of \$17.14m (see table below). Actual capital YTD expenditure represents 34.08% of the total available capital funding. Total capital commitment stands at \$22.9m which equates to 55.6% of total available capital funding.

ATTACHMENT

- 1 Quarterly Performance Report - Q2 October - December 2017 

9.3.2 Delegated Decisions December 2017

SUMMARY

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

RECOMMENDATION

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

DELEGATION	FUNCTION	Number for December 2016	Number for December 2017
Planning and Environment Act 1987	Delegated Decisions	135	112
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		19	29
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	59	62
Liquor Control Reform Act 1998	Objections and Prosecutions	2	1
Food Act 1984	Food Act Orders	4	2
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	4	2
Local Government Act 1989	Temporary Road Closures	8	1
Other Delegations	CEO Signed Contracts between \$150,000 - \$500,000	2	2
	Property Sales and Leases	18	6
	Documents to which Council seal affixed	1	3
	Vendor Payments	1132	1162
	Parking Amendments	2	13
	Parking Infringements written off (not able to be collected)	370	191

9.3.2 (cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS DECEMBER 2017

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

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/234	15-12-17	Application Lapsed	370 Burwood Highway BURWOOD VIC 3125	Riversdale	Construction of eighteen triple storey dwellings, reduction in car parking and alteration of access to a road in a Road Zone, Category 1.	Multiple Dwellings
WH/2017/827	20-12-17	Application Lapsed	8 Kipling Court BURWOOD EAST VIC 3151	Morack	Demolition of existing dwelling, carport and garage, for the construction of two dwellings on a lot.	Multiple Dwellings
WH/2002/13544/A	08-12-17	Delegate Approval - S72 Amendment	3/51 Station Street BURWOOD VIC 3125	Riversdale	Construction of a two storey residential building for student housing	Permit Amendment
WH/2013/204/A	05-12-17	Delegate Approval - S72 Amendment	28 Heatherdale Road MITCHAM VIC 3132	Springfield	Construction of three double storey dwellings	Permit Amendment
WH/2013/449/B	28-12-17	Delegate Approval - S72 Amendment	131-173 Central Road NUNAWADING VIC 3131	Springfield	Use and development for a retirement village with associated convenience shop, food and drink premises (cafe) and place of assembly, removal of vegetation, car parking reduction and waiver of loading bay requirements	Permit Amendment

9.3.2
(cont)

WH/2013/774/E	29-12-17	Delegate Approval - S72 Amendment	1/313 Middleborough Road BOX HILL SOUTH VIC 3128	Riversdale	Use and development of the land for restricted retail premises, convenience shop, food and drink premises and creation of access to a road in a Road Zone, Category 1, display of advertising signage (including internally illuminated major promotion pylon sign and floodlit signs), reduction of car parking and waiver of loading and unloading facilities for the food and drink premises and convenience shop.	Permit Amendment
WH/2016/761/A	06-12-17	Delegate Approval - S72 Amendment	77 Elgar Road BURWOOD VIC 3125	Riversdale	Use and development for student accommodation reduction in car parking requirements and alteration of access to a road in a road zone category 1	Permit Amendment
WH/2017/499/A	05-12-17	Delegate Approval - S72 Amendment	7-9 Carrington Road BOX HILL VIC 3128	Elgar	Amendment to Planning Permit WH/2017/499 issued for the construction of buildings and works to an existing premise in a Commercial 1 Zone	Permit Amendment
WH/2017/631/A	12-12-17	Delegate Approval - S72 Amendment	29 Faulkner Street BLACKBURN SOUTH VIC 3130	Central	Extension and Alteration to Existing Dwelling and Construction of a New Garage in the Special Building Overlay	Permit Amendment
WH/2007/468/A	08-12-17	Delegate NOD Issued	1/38A Dudley Street MITCHAM VIC 3132	Springfield	Amendment to Planning Permit WH/2007/468/A (issue for construction of two dwellings to rear of existing) for alterations and additions to Dwelling 1	Permit Amendment

9.3.2
(cont)

WH/2016/1058	20-12-17	Delegate NOD Issued	27 Box Hill Crescent MONT ALBERT NORTH VIC 3129	Elgar	Construction of two double storey dwellings	Multiple Dwellings
WH/2016/117	06-12-17	Delegate NOD Issued	1 Parer Street BURWOOD VIC 3125	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2016/1197	12-12-17	Delegate NOD Issued	9 Caroline Crescent BLACKBURN NORTH VIC 3130	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2016/438/A	06-12-17	Delegate NOD Issued	26 Birdwood Street BOX HILL SOUTH VIC 3128	Riversdale	Construction of a double storey dwelling at the rear of an existing house	Permit Amendment
WH/2017/124	14-12-17	Delegate NOD Issued	49 Warrigal Road SURREY HILLS VIC 3127	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/191	14-12-17	Delegate NOD Issued	20 Clifton Street BOX HILL SOUTH VIC 3128	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/219	06-12-17	Delegate NOD Issued	5 Bellara Street VERMONT VIC 3133	Morack	Construction of an additional double storey dwelling and alterations to the existing two dwellings	Multiple Dwellings
WH/2017/301	13-12-17	Delegate NOD Issued	16 Laburnum Street BLACKBURN VIC 3130	Central	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/324	22-12-17	Delegate NOD Issued	19 Rostrevor Parade MONT ALBERT NORTH VIC 3129	Elgar	Construction of three double storey dwellings	Multiple Dwellings
WH/2017/340	04-12-17	Delegate NOD Issued	18 Winjallock Crescent VERMONT SOUTH VIC 3133	Morack	Construction of a double storey dwelling at the rear of an existing dwelling	Multiple Dwellings
WH/2017/390	12-12-17	Delegate NOD Issued	27 Boisdale Street SURREY HILLS VIC 3127	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/403	22-12-17	Delegate NOD Issued	20 Iris Street BURWOOD VIC 3125	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/404	04-12-17	Delegate NOD Issued	9 Benwerrin Road SURREY HILLS VIC 3127	Elgar	Construction of two double story dwellings	Multiple Dwellings

9.3.2
(cont)

WH/2017/407	14-12-17	Delegate NOD Issued	7 Hibiscus Road BLACKBURN NORTH VIC 3130	Central	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/435	01-12-17	Delegate NOD Issued	513 Springvale Road VERMONT SOUTH VIC 3133	Morack	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/492	14-12-17	Delegate NOD Issued	17 Rye Street MITCHAM VIC 3132	Springfield	Construction of two, two storey dwellings	Multiple Dwellings
WH/2017/510	08-12-17	Delegate NOD Issued	6 Lakeside Drive BURWOOD EAST VIC 3151	Morack	Use of childcare centre (176 places) with associated buildings and works (outdoor play area and fencing)	Child Care Centre
WH/2017/536	11-12-17	Delegate NOD Issued	50 Belgravia Avenue MONT ALBERT NORTH VIC 3129	Elgar	Construction of three double storey dwellings	Multiple Dwellings
WH/2017/602	11-12-17	Delegate NOD Issued	8 McCubbin Street BURWOOD VIC 3125	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
WH/2017/95	08-12-17	Delegate NOD Issued	62 Davis Street BURWOOD EAST VIC 3151	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
WH/2016/207	21-12-17	Delegate Permit Issued	35-37 Blackburn Road BLACKBURN VIC 3130	Central	Landscape works in the vicinity of existing trees. Replace concrete driveway and root barrier works to protect residence	Special Landscape Area
WH/2016/711	11-12-17	Delegate Permit Issued	371 Springfield Road NUNAWADING VIC 3131	Springfield	Construction of two double storey dwellings on a lot	Multiple Dwellings
WH/2016/825	30-12-17	Delegate Permit Issued	142 Thames Street BOX HILL NORTH VIC 3129	Elgar	16 lot subdivision	Subdivision
WH/2016/836	18-12-17	Delegate Permit Issued	13 Sutton Parade MONT ALBERT NORTH VIC 3129	Elgar	Construction of 3 double storey dwellings	Multiple Dwellings
WH/2017/1006	29-12-17	Delegate Permit Issued	10 Holberry Street NUNAWADING VIC 3131	Springfield	Buildings and works to extend the front fence	Single Dwelling < 300m2

9.3.2
(cont)

WH/2017/1009	21-12-17	Delegate Permit Issued	99 Roslyn Street BURWOOD VIC 3125	Riversdale	2 lot subdivision	VicSmart - Subdivision
WH/2017/1015	27-12-17	Delegate Permit Issued	17-21 Junction Road BLACKBURN NORTH VIC 3130	Central	buildings and works for a fibreglass swimming pool and associated fencing and equipment	VicSmart - General Application
WH/2017/1019	27-12-17	Delegate Permit Issued	8 Forster Street MITCHAM VIC 3132	Springfield	2 Lot Subdivision of existing units	VicSmart - Subdivision
WH/2017/1029	27-12-17	Delegate Permit Issued	36 Barry Road BURWOOD EAST VIC 3151	Morack	Two lot subdivision	VicSmart - Subdivision
WH/2017/186	14-12-17	Delegate Permit Issued	25 Greenwood Street BURWOOD VIC 3125	Riversdale	Construction of four (4) double storey dwellings	Multiple Dwellings
WH/2017/250	11-12-17	Delegate Permit Issued	15 Hiddleston Avenue BOX HILL SOUTH VIC 3128	Riversdale	The construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/391	22-12-17	Delegate Permit Issued	4 Roger Court NUNAWADING VIC 3131	Springfield	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/408	15-12-17	Delegate Permit Issued	388 Belmore Road MONT ALBERT NORTH VIC 3129	Elgar	Construction of four (4) double store dwellings	Multiple Dwellings
WH/2017/419	13-12-17	Delegate Permit Issued	31 Haines Street MITCHAM VIC 3132	Springfield	Construction of a single detached dwelling	Single Dwelling < 300m2
WH/2017/425	21-12-17	Delegate Permit Issued	9 Taylor Avenue BURWOOD EAST VIC 3151	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/455	14-12-17	Delegate Permit Issued	8 Hardwood Court MITCHAM VIC 3132	Springfield	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/471	19-12-17	Delegate Permit Issued	5 Danielle Court VERMONT SOUTH VIC 3133	Morack	Two lot subdivision of vacant land	Subdivision
WH/2017/497	05-12-17	Delegate Permit Issued	4 Central Avenue BURWOOD VIC 3125	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/531	19-12-17	Delegate Permit Issued	20 Francis Street BLACKBURN VIC 3130	Central	Construction of two double double storey dwellings	Multiple Dwellings
WH/2017/540	19-12-17	Delegate Permit Issued	137 Woodhouse Grove BOX HILL NORTH VIC 3129	Elgar	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/553	01-12-17	Delegate Permit Issued	69A Rooks Road MITCHAM VIC 3132	Springfield	Construction of buildings and works (light poles) associated with section 2 use (car park) in NRZ3	Residential (Other)

9.3.2
(cont)

WH/2017/655	29-12-17	Delegate Permit Issued	97-123 Hawthorn Road FOREST HILL VIC 3131	Morack	Construction of a car parking shelter	Residential (Other)
WH/2017/660	11-12-17	Delegate Permit Issued	4/194-196 Whitehorse Road BLACKBURN VIC 3130	Central	The display of internally illuminated business identification signage	Advertising Sign
WH/2017/697	05-12-17	Delegate Permit Issued	36 Rosalind Crescent BLACKBURN VIC 3130	Central	Tree removal	Special Landscape Area
WH/2017/704	11-12-17	Delegate Permit Issued	23 Dalmor Avenue MITCHAM VIC 3132	Springfield	Lop/remove 2x trees as shown in site photos	Special Landscape Area
WH/2017/707	11-12-17	Delegate Permit Issued	19 Gerald Street BLACKBURN VIC 3130	Springfield	Removal of two trees	Special Landscape Area
WH/2017/712	19-12-17	Delegate Permit Issued	3/313 Middleborough Road BOX HILL SOUTH VIC 3128	Riversdale	Display of business identification signs	Advertising Sign
WH/2017/726	27-12-17	Delegate Permit Issued	160 Springvale Road NUNAWADING VIC 3131	Springfield	Install new exhausted canopy (flue) for new kitchen and change of use	Business
WH/2017/796	11-12-17	Delegate Permit Issued	1 Gilbert Street MONT ALBERT VIC 3127	Elgar	2 lot subdivision	Subdivision
WH/2017/801	08-12-17	Delegate Permit Issued	511 Elgar Road MONT ALBERT NORTH VIC 3129	Elgar	4 lot subdivision	Subdivision
WH/2017/821	12-12-17	Delegate Permit Issued	74-108 Burwood Highway BURWOOD VIC 3125	Riversdale	Construction of non-domestic disable access	Heritage
WH/2017/822	12-12-17	Delegate Permit Issued	838 Canterbury Road BOX HILL SOUTH VIC 3128	Riversdale	3 lot subdivision	Subdivision
WH/2017/824	19-12-17	Delegate Permit Issued	301 Middleborough Road BOX HILL SOUTH VIC 3128	Riversdale	Installation of a 24kw packaged air conditioning unit on new conform aluminium roof top platform	Other
WH/2017/829	12-12-17	Delegate Permit Issued	12 Cottage Street BLACKBURN VIC 3130	Central	The construction of buildings and works (flue)	Industrial
WH/2017/839	12-12-17	Delegate Permit Issued	47 Station Street BURWOOD VIC 3125	Riversdale	3 Lot Subdivision	Subdivision
WH/2017/872	12-12-17	Delegate Permit Issued	6 Savage Court NUNAWADING VIC 3131	Springfield	2 lot subdivision	Subdivision
WH/2017/873	13-12-17	Delegate Permit Issued	65 Eley Road BOX HILL SOUTH VIC 3128	Riversdale	2 lot subdivision	Subdivision
WH/2017/877	20-12-17	Delegate Permit Issued	26 Sweetland Road BOX HILL VIC 3128	Elgar	3 lot subdivision	Subdivision

9.3.2
(cont)

WH/2017/880	21-12-17	Delegate Permit Issued	54 Dunlavin Road NUNAWADING VIC 3131	Springfield	Three lot subdivision	Subdivision
WH/2017/886	22-12-17	Delegate Permit Issued	7 Beatty Street MONT ALBERT VIC 3127	Elgar	To remove an unregistered sewerage easement in favour of Yarra Valley Water	Subdivision
WH/2017/888	21-12-17	Delegate Permit Issued	8 Alexander Street MITCHAM VIC 3132	Springfield	Two (2) lot subdivision	Subdivision
WH/2017/889	27-12-17	Delegate Permit Issued	9 Vine Street BLACKBURN VIC 3130	Central	Three lot subdivision	Subdivision
WH/2017/898	28-12-17	Delegate Permit Issued	37 Pine Street SURREY HILLS VIC 3127	Riversdale	Two lot subdivison	Subdivision
WH/2017/899	28-12-17	Delegate Permit Issued	20 Kangerong Road BOX HILL VIC 3128	Elgar	3 Lot subdivision	Subdivision
WH/2017/900	29-12-17	Delegate Permit Issued	526 Station Street BOX HILL VIC 3128	Elgar	Removal of the easement shown as E-1 Lot 1 on TP948807B	Subdivision
WH/2017/901	29-12-17	Delegate Permit Issued	543 Middleborough Road BOX HILL NORTH VIC 3129	Elgar	2 lot subdivision	Subdivision
WH/2017/904	12-12-17	Delegate Permit Issued	11 Wolseley Close MONT ALBERT VIC 3127	Elgar	Construction of a Front Fence within a Heritage Overlay (HO102)	VicSmart - General Application
WH/2017/908	12-12-17	Delegate Permit Issued	19 Tasman Avenue NUNAWADING VIC 3131	Springfield	Buildings and Works (Construction of a Shed) within a Special Building Overlay	VicSmart - General Application
WH/2017/912	05-12-17	Delegate Permit Issued	18-20 Gordon Street MONT ALBERT VIC 3127	Elgar	Two Lot Subdivision	VicSmart - Subdivision
WH/2017/913	06-12-17	Delegate Permit Issued	73 Junction Road NUNAWADING VIC 3131	Springfield	2 lot subdivision	VicSmart - Subdivision
WH/2017/921	07-12-17	Delegate Permit Issued	41 Barkly Terrace MITCHAM VIC 3132	Springfield	Two lot subdivision of approved dual occupancy development	VicSmart - Subdivision

9.3.2
(cont)

WH/2017/926	12-12-17	Delegate Permit Issued	3/549 Elgar Road MONT ALBERT NORTH VIC 3129	Elgar	Buildings and Works (Construction of a Deck) within a Special Building Overlay	VicSmart - General Application
WH/2017/932	08-12-17	Delegate Permit Issued	56 Quarry Road MITCHAM VIC 3132	Springfield	Lop a Tree within an Significant Landscape Overlay (SLO6)	VicSmart - General Application
WH/2017/933	07-12-17	Delegate Permit Issued	4 Victoria Crescent MONT ALBERT VIC 3127	Elgar	The construction of buildings and works (alterations and extension to an existing domestic swimming pool/spa and associated mechanical and safety equipment)	VicSmart - General Application
WH/2017/934	05-12-17	Delegate Permit Issued	587 Middleborough Road BOX HILL NORTH VIC 3129	Elgar	2 Lot subdivision	VicSmart - Subdivision
WH/2017/935	07-12-17	Delegate Permit Issued	14 Narallah Grove BOX HILL NORTH VIC 3129	Elgar	Two lot subdivision	VicSmart - Subdivision
WH/2017/945	08-12-17	Delegate Permit Issued	117 Rooks Road NUNAWADING VIC 3131	Springfield	Construction of a front fence	VicSmart - General Application
WH/2017/957	29-12-17	Delegate Permit Issued	20 Rutland Road BOX HILL VIC 3128	Elgar	Use of land for the sale and consumption of liquor in association with a restaurant	Liquor Licence
WH/2017/964	05-12-17	Delegate Permit Issued	45 Cornfield Grove BOX HILL SOUTH VIC 3128	Riversdale	Two lot subdivision	VicSmart - Subdivision
WH/2017/970	12-12-17	Delegate Permit Issued	618 Station Street BOX HILL VIC 3128	Elgar	Reduction in the car parking space requirements for a food and drink premises.	VicSmart - General Application
WH/2017/972	06-12-17	Delegate Permit Issued	1 Wren Close NUNAWADING VIC 3131	Springfield	Two lot subdivision	VicSmart - Subdivision
WH/2017/975	11-12-17	Delegate Permit Issued	3 Horfield Avenue BOX HILL NORTH VIC 3129	Elgar	Two lot subdivision	VicSmart - Subdivision
WH/2017/986	18-12-17	Delegate Permit Issued	86 Lake Road BLACKBURN VIC 3130	Central	Tree Removal	VicSmart - General Application

9.3.2
(cont)

WH/2017/989	14-12-17	Delegate Permit Issued	31 Bass Street BOX HILL VIC 3128	Elgar	To demolish and construct a front fence	VicSmart - General Application
WH/2017/991	21-12-17	Delegate Permit Issued	172-210 Burwood Highway BURWOOD EAST VIC 3151	Riversdale	Construct or carry out works associated with signage (retrospective and proposed) along the northern and eastern interfaces pursuant to clause 34.01-4 & 52.05-7	Business
WH/2017/1010	27-12-17	Delegate Refusal Issued	33 Churinga Avenue MITCHAM VIC 3132	Springfield	The removal of 1 VPO3 tree	VicSmart - General Application
WH/2017/204	19-12-17	Delegate Refusal Issued	424 Middleborough Road BLACKBURN VIC 3130	Central	Construction of three double storey dwellings and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
WH/2017/218	13-12-17	Delegate Refusal Issued	70 Peter Street BOX HILL NORTH VIC 3129	Elgar	Construction of two (2) dwellings	Multiple Dwellings
WH/2017/490	08-12-17	Delegate Refusal Issued	208 Canterbury Road BLACKBURN SOUTH VIC 3130	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/619	20-12-17	Delegate Refusal Issued	7 Gordon Crescent BLACKBURN VIC 3130	Central	Construct or extend two or more dwellings on a lot, subdivide land into two lots and removal of vegetation	Multiple Dwellings
WH/2017/911	01-12-17	No Permit Required	3/31 Shady Grove NUNAWADING VIC 3131	Springfield	Construction of a verandah	Single Dwelling < 300m2
WH/2017/937	15-12-17	No Permit Required	51 Centre Road VERMONT VIC 3133	Morack	To install a 13m x 11m shade structure over existing playground area	Education
WH/2013/127/B	13-12-17	Withdrawn	18 Jolimont Road FOREST HILL VIC 3131	Morack	Construction of two double storey dwellings	Permit Amendment
WH/2014/1272/A	13-12-17	Withdrawn	5 Morrie Crescent BLACKBURN NORTH VIC 3130	Central	Construction of two (2) double storey dwellings	Permit Amendment

9.3.2
(cont)

WH/2017/501	11-12-17	Withdrawn	16 Wickham Avenue FOREST HILL VIC 3131	Springfield	Proposed boarding house	Residential (Other)
WH/2017/561	12-12-17	Withdrawn	31 Caroline Crescent BLACKBURN NORTH VIC 3130	Central	Construction of two dwellings on a lot (one to the rear of the existing)	Multiple Dwellings
WH/2017/616	27-12-17	Withdrawn	4 Allison Road MONT ALBERT NORTH VIC 3129	Elgar	Construction of four double storey dwellings	Multiple Dwellings
WH/2017/73	11-12-17	Withdrawn	82 Middleborough Road BLACKBURN SOUTH VIC 3130	Riversdale	The construction of a three storey building comprised of five dwellings	Multiple Dwellings
WH/2017/765	01-12-17	Withdrawn	6 Acacia Avenue BLACKBURN VIC 3130	Central	Remove two trees from the land	Special Landscape Area
WH/2017/875	16-12-17	Withdrawn	37 Neville Street BOX HILL SOUTH VIC 3128	Riversdale	2 lot subdivision	Subdivision

9.3.2

(cont)

BUILDING DISPENSATIONS/APPLICATIONS DECEMBER 2017

Address	Date	Ward	Result
13 Bridgeford Avenue, Blackburn North	04-12-17	Central	Consent Granted R414,R409,R411
15 Fithie Street, Blackburn North	21-12-17	Central	Consent Granted R421
15 Hartigan Street, Blackburn	12-12-17	Central	Consent Granted R409
17 Joseph Street, Blackburn North	21-12-17	Central	Consent Granted R412
18 Salisbury Avenue, Blackburn	18-12-17	Central	Consent Granted R414
26 Fuchsia Street, Blackburn	28-12-17	Central	Consent Granted R425
27 The Ridge, Blackburn	04-12-17	Central	Consent Granted R414
40 Holland Road, Blackburn South	27-12-17	Central	Consent Granted R411
47 Raleigh Street, Forest Hill	28-12-17	Central	Consent Granted R414, R411
5 Duckham Street, Blackburn	22-12-17	Central	Consent Granted R414
56 Goodwin Street, Blackburn	11-12-17	Central	Consent Granted R409
61 Holland Road, Blackburn South	28-12-17	Central	Consent Granted R415
7 Fir Street, Blackburn	11-12-17	Central	Consent Granted R411
15 Fithie Street, Blackburn North	21-12-17	Central	Consent Refused R409
5 Duckham Street, Blackburn	22-12-17	Central	Consent Refused R409
6 Belvedere Court, Blackburn North	04-12-17	Central	Refused R424
1/15 Simpsons Road, Box Hill	04-12-17	Elgar	Consent Granted R421
22 Woodhouse Grove, Box Hill North	14-12-17	Elgar	Consent Granted R424
26 Salisbury Avenue, Mont Albert	15-12-17	Elgar	Consent Granted R414
33 Morley Crescent, Box Hill North	18-12-17	Elgar	Consent Granted R417
49 Mitta Street, Box Hill North	18-12-17	Elgar	Consent Granted R414
6 Currie Street, Box Hill North	27-12-17	Elgar	Consent Granted R415,R414,R417
7 Orchard Crescent, Mont Albert North	18-12-17	Elgar	Consent Granted R411, R414
9 Charles Street, Surrey Hills	22-12-17	Elgar	Consent Granted R415
965 Station Street, Box Hill North	21-12-17	Elgar	Consent Granted R424
997-1003 Whitehorse Road, Box Hill	29-12-17	Elgar	Consent Granted R604
49 Mitta Street, Box Hill North	14-12-17	Elgar	Consent Refused R415,R416
6 Currie Street, Box Hill North	27-12-17	Elgar	Consent Refused R416
7 Orchard Crescent, Mont Albert North	04-12-17	Elgar	Consent Refused R424
8 Halifax Street, Mont Albert North	07-12-17	Elgar	Consent Refused R424
80 Harrison Street, Box Hill North	04-12-17	Elgar	Consent Refused R409
930 Whitehorse Road, Box Hill	14-12-17	Elgar	Consent Refused R604
10 Frances Avenue, Vermont	15-12-17	Morack	Consent Granted R425
4/6 Terrara Road, Vermont	08-12-17	Morack	Consent Granted R411
76 Terrara Road, Vermont	15-12-17	Morack	Consent Granted R424
12 Radiant Crescent, Forest Hill	06-12-17	Morack	Consent Refused R409
32 Weeden Drive, Vermont South	01-12-17	Morack	Consent Refused R424
10 Trent Court, Burwood East	04-12-17	Riversdale	Consent Granted R414,R409
37 Samuel Road, Blackburn South	21-12-17	Riversdale	Consent Granted R414,R411
13 Burnett Street, Mitcham	22-12-17	Springfield	Consent Granted R424
14 Mardion Drive, Nunawading	21-12-17	Springfield	Consent Granted R414
2 Fisher Street, Forest Hill	20-12-17	Springfield	Consent Granted R414

9.3.2

(cont)

Address	Date	Ward	Result
22 Menin Road, Nunawading	27-12-17	Springfield	Consent Granted R414, R411
38 Rosstrevor Crescent, Mitcham	12-12-17	Springfield	Consent Granted R414
6A Hopetoun Street, Mitcham	27-12-17	Springfield	Consent Granted R414, R415
2/12 Walker Avenue, Mitcham	11-12-17	Springfield	Consent Refused R414,R420,R411
29 Barkly Terrace, Mitcham	28-12-17	Springfield	Consent Refused R415
42 McCulloch Street, Nunawading	21-12-17	Springfield	Consent Refused R417
6A Hopetoun Street, Mitcham	27-12-17	Springfield	Consent Refused R418

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – DECEMBER 2017

Under the Planning and Environment Act 1987

Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION DECEMBER 2017

Contract	Service
Contract 30006	Highbury Road & Middleborough Road Shops Streetscape Upgrade
Contract 30029	Box Hill City Oval Sports Field Lighting Upgrade

REGISTER OF PROPERTY DOCUMENTS EXECUTED DECEMBER 2017

Property Address	Document Type	Document Detail
Leases		
636 Burwood Highway, Vermont South - Vodafone	Lease	Whitehorse City Council as landlord - Expires 23-Oct-26
Part 31 Surrey Drive, Box Hill - Surrey Park Swimming Club Incorporated	Notice of the Landlord's Intention to offer a Renewal of Lease	s.64(2)(a) Retail Leases Act 2003
Land Transfers		
2-4 Bruce Street & 7 Elland Avenue, Box Hill	Contract of Sale	Contract executed in accordance with Sale of Land Act 1962
Fires Services Property Levy (FSPL)		
Fire Services Property Levy Quarterly Remittance	Vendor Payment Authorisation Form	State Revenue Office
Rateability Changes (Section 154 of the Local Government Act 1989)		
14 Ellingworth Parade, Box Hill	Exempt-Charitable	Occupied by Youth Support & Advocacy Service (YSAS) under a lease
Other		
Withdrawal of Caveat - Galt Street, Box Hill North	Withdrawal of Caveat	Name and street number withheld for Privacy

9.3.2

(cont)

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – DECEMBER 2017

Lease between Whitehorse City Council and Port Phillip Housing Association Limited - Gowanlea Independent Living Units, 1049 Whitehorse Road Box Hill (Council Resolution 20.12.17)

Lease between Whitehorse City Council and Port Phillip Housing Association Limited – Combarton Street Rooming House, 5-7 Combarton Street Box Hill (Council Resolution 20.12.17)

Contract of Sale (Volume 1 of 2) between Whitehorse City Council and MAB Bruce Street Pty Ltd (ACN620633749) for 2A and 2-4 Bruce Street and 7 Elland Avenue Box Hill. (Council Resolution 20.12.17)

PARKING RESTRICTIONS APPROVED BY DELEGATION DECEMBER 2017

Address: **Tyrrell Avenue, Blackburn:** from 35m west of Williams Road to 377m west of Williams Road – south side

Previously: 38 'Unrestricted' parking spaces

Now: 38 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Chapman Street, Blackburn North:** from 3m north of the southern boundary of 13 Chapman Street to 4m north of the southern boundary of 15 Chapman Street – west side

Previously: 2 '1/2-Hour, 8am to 6pm, Monday to Friday & 8am to 2pm, Saturday and Sunday' parking spaces

Now: 2 'No Stopping, 9am to 4pm, Monday to Friday & 1/2-Hour, 8am to 2pm, Saturday and Sunday' parking spaces

Address: **Chapman Street, Blackburn North:** from 9m south of the northern boundary of 7/25 Chapman Street to 22m north of the southern boundary of 39 Chapman Street – east side

Previously: 2 'Unrestricted' parking spaces

Now: 2 'No Stopping' parking spaces

Address: **Malvern Street, Vermont:** from Mitcham Road to 20 Malvern Street – north side

Previously: 20 '2-Hour, 8am to 6pm, Monday to Friday, December to February' parking spaces

Now: 20 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Russell Street, Surrey Hills:** from southern boundary of 42 Russell Street to Mathilde Road – west side

Previously: 10 'Unrestricted' parking spaces

Now: 10 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Pendle Street, Box Hill:** from northern boundary of 24 Pendle Street to 11m south of the northern boundary to 24 Pendle Street – east side

Previously: 1 'Unrestricted' parking space

Now: 1 '5-minute, 7am to 10am and 2pm to 5pm, Monday to Friday' parking space

Address: **Florence Road, Surrey Hills:** from 33 Florence Road to Scottsdale Street – east side

Previously: 20 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Now: 20 'No Stopping' parking spaces

9.3.2

(cont)

- Address:** **Irving Avenue, Box Hill:** from western boundary of 17 Irving Avenue to eastern boundary of 15 Irving Avenue – south side
Previously: 4 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Now: 4 '2-Hour, 7.30am to 7.30pm, Monday to Friday' parking spaces
- Address:** **Irving Avenue, Box Hill:** from 52m east of Shipley Street to 88m east of Shipley Street – north side
Previously: 6 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Now: 6 'P, Ticket, 8.30am to 6pm, Monday to Saturday' parking spaces
- Address:** **Park Road, Surrey Hills:** from the eastern boundary of 21 Park Road to the eastern boundary of 17 Park Road – south side
Previously: 6 'Unrestricted' parking spaces
Now: 6 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
- Address:** **Ferguson Street, Mitcham:** from eastern boundary of 4 Ferguson Street to western boundary of 4 Ferguson Street – south side
Previously: 2 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
Now: 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
- Address:** **Elizabeth Street, Mitcham:** from 17m south of Whitehorse Road to Dead end – east side
Previously: 12 'Unrestricted' parking spaces
Now: 12 '1-Hour, 6am to 9am, Monday to Friday' parking spaces
- Address:** **Elizabeth Street, Mitcham:** from 17m south of Whitehorse Road to Dead end – west side
Previously: 6 'Unrestricted' parking spaces
Now: 6 'No Stopping' parking spaces

9.3.2

(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING DECEMBER 2017

Payments Issued AP Process Date	Payments	Number CHQ/EFT	Transaction Type EFT/CHQ/DD
04/12/2017	\$53,393.70	1	EFT
07/12/2017	\$5,741.90	1	EFT
07/12/2017	\$2,270,576.14	1	EFT
07/12/2017	\$4,752.95	16	EFC
07/12/2017	\$57,963.59	65	CHQ
07/12/2017	\$344,730.91	40	EFT
08/12/2017	\$49,935.09	6	EFT
14/12/2017	\$9,833.88	13	EFC
14/12/2017	\$135,442.82	47	CHQ
14/12/2017	\$2,314,947.97	381	EFT
14/12/2017	\$44,000.00	1	CHQ
15/12/2017	\$4,680.00	1	EFT
18/12/2017	\$2,925.00	1	EFT
20/12/2017	\$524.00	1	EFC
21/12/2017	\$12,999.93	23	EFC
21/12/2017	\$61,406.40	48	CHQ
21/12/2017	\$495,275.93	55	EFT
22/12/2017	\$720.00	1	EFT
22/12/2017	\$720.00	1	EFC
22/12/2017	\$1,000.00	1	EFT
27/12/2017	\$1,310.40	1	EFC
28/12/2017	\$814.85	1	EFC
28/12/2017	\$75,727.29	43	CHQ
28/12/2017	\$6,287,486.15	413	EFT
GROSS	\$12,236,908.90	1162	
Monthly Lease Payments	\$38,588.60		
Direct Debit Payments	\$87,698.43		
CANCELLED PAYMENTS			
	-\$15,794.40	-15	
NETT	\$12,347,401.53	1147	

**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)

RECOMMENDATION

That the reports from delegates be received and noted.

**10.2 Recommendation from the Special Committee of Council
Meeting of 12 February 2018**

Nil

9.1.4
(cont)

10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
29.01.18 5.30-6.00pm	Major Projects Councillor Reference Group <ul style="list-style-type: none"> Quarterly Progress reports General Business Digital Strategy Update 	Cr Davenport (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Hewett M Ackland	Nil	Nil
29-01-18 6.30-7.00pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> Item 9.1.2 739-743 Highbury Road, Vermont South (lot 2LP 28492) Item 9.1.3 Amendment C194 to Whitehorse Planning Scheme (517 & 519-521 Station Street & 2-8 Oxford Street, Box Hill) Item 9.1.5 Tender Evaluation Report (Contract 30018) Box Hill Gardens Play Space & Community Gathering Space 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett Cr Stennett arrived at 6.41pm	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell	<ul style="list-style-type: none"> Cr Liu Declared an Indirect Conflict of Interest in Item 9.1.3 Amendment C194 to the Whitehorse Planning Scheme (517 & 519-521 Station Street & 2-8 Oxford Street, Box Hill). To meet Probity requirements Mr J Green & Mr P Smith were required to remove themselves from the meeting when Item 9.1.3 Amendment C194 to the Whitehorse Planning Scheme (517 & 519-521 Station Street & 2-8 Oxford Street, Box Hill) was discussed 	<ul style="list-style-type: none"> Cr Liu, having declared an Indirect Conflict of Interest in Item 9.1.3 Amendment C194 to the Whitehorse Planning Scheme (517 & 519-521 Station Street & 2-8 Oxford Street, Box Hill) left the meeting at 6.40pm, returning at 6.55pm Mr J Green & Mr P Smith left the meeting at 6.40pm prior to Discussion on Item 9.1.3 Amendment C194 to the Whitehorse Planning Scheme (517 & 519-521 Station Street & 2-8 Oxford Street, Box Hill), returning at 6.55pm.

9.1.4
(cont)

05-02-18 6.35 – 8.45pm	Strategic Planning Session <ul style="list-style-type: none"> Managing Sports Growth Capital Works Update Council Budget Session 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Stennett Cr Stennett arrived at 6.40pm Cr Massoud arrived at 6.45pm	N Duff J Green P Warner T Wilkinson P Smith A De Fazio K Sinclair S Hewett S Cann	Nil	Nil
07-02-18 6.30– 10.00pm	Councillor Budget Directions Meeting <ul style="list-style-type: none"> Budget Workshop 10 Year Capital Program Overview Councillor Capital Initiatives 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Stennett Cr Stennett arrived at 6.45pm	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Hewett S Cann	Nil	Nil
12-02-18 5.30 – 6.30pm	Local Government Act Review	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Ellis arrived at 6.15pm Cr Liu arrived at 6.10pm	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell P Bennett	Nil	Nil

9.1.4
(cont)

<p>12-02-18 7.00 – 8.40pm</p>	<p>Councillor Briefing Session</p> <ul style="list-style-type: none"> Local government Act Review Q & A Quarterly Performance Report for the quarter ended 31 December 2107 Special Committee/Other Business Draft Council Agenda 19-02-18 	<p>Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett</p>	<p>N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell S Cann K Marriott K Mealyea T Peak P Bennett</p>	<ul style="list-style-type: none"> Cr Cutts declared an indirect conflict of interest based on residential amenity relating to Item 9.1.1 2 Ferguson St Mitcham (Lot 71 LP 8807) Cr Liu declared an Indirect conflict of interest 12.1 Contractual Matter 	<ul style="list-style-type: none"> Cr Cutts having declared an indirect conflict of interest based on residential amenity relating to Item 9.1.1 2 Ferguson St Mitcham (Lot 71 LP 8807) left the meeting at 7.50pm returning at 7.52pm Cr Liu having declared a conflict of interest 12.1 Contractual Matter left the meeting at 7.45pm returning at 7.50pm
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RECOMMENDATION

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

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

RECOMMENDATION

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

12 CONFIDENTIAL REPORTS

RECOMMENDATION

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.

12.1 CONTRACTUAL MATTER

13 CLOSE MEETING