



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

Monday 18 March 2019

at 7:00pm

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

Ms Noelene Duff
Chief Executive Officer

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Meeting opened at 7:00pm

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

The Mayor took a moment to reflect on the tragic circumstances which occurred in New Zealand last week which had a devastating impact on human life. The Mayor expressed the condolences of Council, advising that Council utterly condemns this terrorist attack.

1 PRAYER

1a Prayer for Council

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

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

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

Amen.

1b Aboriginal Reconciliation Statement

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

2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 25 February 2019 and Confidential Ordinary Council Meeting 25 February 2019.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Munroe

That the minutes of the Ordinary Council Meeting 25 February 2019 and Confidential Ordinary Council Meeting 25 February 2019 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

5.1 Mr K Earl, Box Hill submitted two questions relating to 837 Whitehorse Road Box Hill and access to Young Street and 820 Whitehorse Road Box Hill.

The Chief Executive Officer Ms Noelene Duff advised Mr Earl that the questions would be referred to the General Manager City Development Mr Jeff Green for investigation and written response.

6 NOTICES OF MOTION

Nil

7 PETITIONS

7.1 Car parking issues for the users of Vermont South Community House

A petition signed by 129 signatories has been received requesting Council consider improving the car parking conditions for the users of Vermont South Community House located at 1 Karobran Drive, Vermont South.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Stennett

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

CARRIED

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 451- 453 Belmore Road, Mont Albert North (Lots 14 & 15 LP 29915): Use and development of a childcare and associated removal of vegetation and alteration of access to a road in a Road Zone Category 1

FILE NUMBER: WH/2018/1403
ATTACHMENT

SUMMARY

This is the second application for a child care centre that Council has received for this site. VCAT upheld Council's refusal of the previous child care centre application. This application was advertised, and a total of 38 objections were received. The objections raise concerns regarding insufficient changes made in comparison to the previous application, traffic congestion, on-street parking, amenity impacts, and neighbourhood character. A Consultation Forum was held on 26 February, 2019, chaired by Councillor Liu, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

- A. Being the Responsible Authority, having caused Application WH/2018/1403 for 451-453 Belmore Road, MONT ALBERT NORTH (LOTS 14 & 15 LP 29915) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the use and development of a child care centre and associated removal of vegetation and alteration of access to a road in a Road Zone Category 1 is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 451-453 Belmore Road, MONT ALBERT NORTH (LOTS 14 & 15 LP 29915) for the use and development of a child care centre and associated removal of vegetation and alteration of access to a road in a Road Zone Category 1, subject to the following conditions:**
 - 1. Before the use and development starts, or any trees or vegetation removed, amended plans (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) The locations of Tree Protection Zones described in Conditions 20 and 21, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of the tree management plan to be annotated on the development and landscape plans.**
 - b) The retention of Tree 18 (street tree) and plans to show any alterations to the crossover location and/or construction required to successfully retain Tree 18, in accordance with the requirements of Condition 11.**
 - c) The plans and elevations to show the location and style of the metal picket front fence.**

9.1.1
(cont)

- d) *The provision of parking availability lights above the car spaces and electronic indicator at the car park entrance showing the number of available car spaces within the basement at any time.*
- e) *Provision of a swept path analysis, using an industry recognised computer based program, which demonstrates satisfactory access to and from car spaces 1, 11, 18, 19 and 27.*
- f) *The ramp grade for the first 5 metres into the basement car park to be shown on the plans as 1:10, and adjacent ramp transitions provided.*
- g) *Signage directing patrons to the basement car park.*
- h) *Remove advertising signs from the plans and elevations.*
- i) *The provision of lighting within the car park to assist visibility of pedestrians and vehicles.*
- j) *Elevations updated to show the location of air conditioners and other plant equipment, and visual and acoustic screening measures to this equipment.*
- k) *The provision of full colour, finishes and building materials schedule for all external elevations and driveways of the development. This must include a light coloured roofing material.*
- l) *The location of all service trenches to serve the approved development (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, and details of required excavation methods provided, all to the satisfaction of the Responsible Authority.*
- m) *Development plans to reflect all sustainability features indicated in the submitted, amended and approved Sustainability Management Plan (SMP). Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fixtures, etc). The plans are to be generally in accordance with the plans submitted with the application but modified to show:*
 - i. *All operable windows, doors, winter garden openings and vents in elevation drawings.*
 - ii. *Any exterior building services equipment, including any heating, cooling, ventilation and hot water systems.*
 - iii. *Include an annotation of the timber species intended for use as decking or outdoor timber, noting that unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) must not be used.*
 - iv. *Where measures cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).*
- n) *Alterations to the plan required by the Waste Management Plan, Landscape Plan and/or Sustainable Design Assessment, as required.*
- o) *Landscape Plan to be updated in accordance with Condition 12, including the following:*
 - i. *The row of evergreen Magnolia grandiflora "Exmouth" on the west elevation, amended to include a wider diversity in tree species, including some deciduous trees for winter sunlight.*
 - ii. *Overall the tree planting palette to be expanded, for greater biodiversity, landscaping resilience and visual interest.*

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- iii. Dianella species to be removed from the species list.*
- iv. Landscape Architect is to utilize plant species that are unlikely to be harmful or tempting to eat (with the exception of edible plants chosen for that purpose).*
Location, construction and materials of any shade structures proposed over the child play areas at ground and upper levels.
- v. Measures to manage the growth of trees within play spaces and to manage potential hazards.*
- vi. Details of the green roof area (containerised plantings above ground level), including:*
 - Soil volume of planting containers.*
 - Substrate: suitability for species selection in relation to nutrients and irrigation requirements.*
 - Dead and live loads of green roof areas, allowing for mature plant growth and potential flooding of containers.*
 - Plant species, including selection criteria and growth rate.*
 - Microclimate and effect on plant health.*
 - Ongoing maintenance procedures to ensure that the green roof areas remain healthy and well-maintained to the satisfaction of the Responsible Authority in accordance with the Landscaping Maintenance Plan required by Condition 19.*

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. The following reports to be amended or endorsed as required will form part of the endorsed documentation:*
 - a) Landscaping Maintenance Plan in accordance with Condition 19.*
 - b) Amended Waste Management Plan in accordance with Condition 23.*
 - c) Sustainable Design Assessment in accordance with Condition 24.*
 - d) Parking Management Plan in accordance with Condition 33.*
 - e) Construction Management Plan in accordance with Condition 34.*

Site Operation

- 4. The approved use must not commence until the approved buildings and works including site landscaping and paving or car spaces and accessways has been completed to the satisfaction of the Responsible Authority.*
- 5. Unless with the prior written consent of the Responsible Authority, not more than 128 children (clients) are permitted on the premises at any one time.*
- 6. Unless with the prior written consent of the Responsible Authority, the hours of operation include:*
 - Monday to Friday 6.30am to 6:30pm.*
- 7. The amenity of the area must not be detrimentally affected by the use or development, through:*
 - a) Transportation of materials, goods or commodities to or from the land,*
 - b) Appearance of any building, works or materials,*
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,*
 - d) Presence of vermin*

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- e) *In any other way.*
- 8. *Alarms must be directly connected to a security service and must not produce noise beyond the premises.*
- 9. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts or playing of music.*
- 10. *All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.*

Landscaping and Tree Protection

- 11. *Prior to the commencement of any building and or demolition works on the land, a Tree Management Plan (TMP) and Tree Protection Plan (drawing) for the street trees (Trees 6, 7, 17 and 18) must be submitted to and approved and endorsed by the Responsible Authority.*

The Tree Management Plan must be specific to the street trees identified for retention in the Greenwood Consulting Pty Ltd - Arboricultural Construction Impact Assessment report, dated 28-03-2018 and these street trees must be shown on the Tree Protection Plan (drawing).

The Tree Management Plan must be prepared by a suitably qualified arborist (minimum Level 5, Diploma qualification) and provide details of tree protection measures that will be utilised to ensure all street trees to be retained, remain viable post-construction. Stages of the development must be specified, at which inspections are required, to ensure street tree protection measures, are adhered to.

The Tree Management Plan and Tree Protection Plan must be prepared in accordance with AS4970-2009, be drawn to scale and provide the following details:

- a) *Tree Protection Zone and Structural Root Zone for all street trees to be retained.*
- b) *The location and type of Tree Protection Zone measures to be utilised.*

All protection measures identified in the Tree Management and Protection Plans must be implemented and development works undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

- 12. *No building or works must be commenced (and no trees or vegetation are to 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 will form part of this permit. This plan shall show:*
 - a) *A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
 - b) *Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
 - c) *Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
 - i. *Providing a complete garden scheme,*
 - ii. *Softening the building bulk,*
 - iii. *Providing some upper canopy for landscape perspective,*
 - d) *A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.*
 - e) *The proposed design features such as paths, paving, lawn and mulch.*

9.1.1
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- 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.

13. *The garden areas and street plantings shown on the endorsed plan and schedule shall only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety.*
14. *Only the following trees are allowed to be removed or destroyed:*
- a) *Tree 1 (Jacaranda mimosifolia), Tree 4 (Corymbia ficifolia), Tree 8 (Nerium oleander), Tree 9 (Pittosporum eugenioides Tree 19 (Camellia sasanqua), Tree 20 (Camellia japonica), Tree 21 (Pittosporum undulatum Tree 22 (Acacia implexa), Tree 23 (Rhododendron arboretum), Tree 24 (Camellia japonica), Tree 25 (Camellia sasanqua), Tree 26 (Pittosporum undulatum), and Tree 27 (Acmena smithii).*
15. *No other vegetation on site, shown as an existing tree or shrub on the endorsed plan, are to be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority (other than in accordance with a Notice given pursuant to the Local Government Act or vegetation not protected by any Overlay control). 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.*
16. *All service trenches to serve the approved development (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) 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, and any required Planning Permits must be obtained in accordance with the Significant Landscape Overlay Schedule 9 and Vegetation Protection Overlay Schedule 2.*
17. *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.*
18. *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.*
19. *Prior to the commencement of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:*
- a) *On-going management of trees on the site to ensure that they remain in good condition and to limit hazards, without restricting their growth to mature height, including maintenance frequency and objectives.*
- b) *Irrigation system/program for ground level landscape areas and containerised plantings above ground level, including details of frequency and water delivery method.*

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- c) *Details of the ongoing maintenance procedures to ensure that the green roof remains healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
- a) *Irrigation frequency and delivery method.*
 - b) *Drainage.*
 - c) *Maintenance frequency and procedures including how access will be achieved to the green wall and roof plantings for maintenance purposes, and provision of safety anchor points.*

The approved landscaping must be maintained in accordance with the Landscape Maintenance Plan for the life of the use and development, to the satisfaction of the Responsible Authority.

20. *Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site and nature strip and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*

- a) *Tree Protection Zone distances:*
- a) *Tree 2 (Eucalyptus leucoxyton) – 2.0 metre radius from the centre of the tree base.*
 - b) *Tree 5 (Cercis siliquastrum) – 2.0 metre radius from the centre of the tree base.*
 - c) *Tree 6 (Quercus palustris) – 10.0 metre radius from the centre of the tree base.*
 - d) *Tree 7 (Platanus orientalis) – 2.2 metre radius from the centre of the tree base.*
 - e) *Tree 10 (Hakea salicifolia) – 2.0 metre radius from the centre of the tree base.*
 - f) *Tree 11 (Hakea salicifolia) – 2.0 metre radius from the centre of the tree base.*
 - g) *Tree 12 (Hakea salicifolia) – 2.5 metre radius from the centre of the tree base.*
 - h) *Tree 13 (Hakea salicifolia) – 2.2 metre radius from the centre of the tree base.*
 - i) *Tree 14 (Hakea salicifolia) – 2.0 metre radius from the centre of the tree base.*
 - j) *Tree 15 (Hakea salicifolia) – 2.4 metre radius from the centre of the tree base.*
 - k) *Tree 16 (Acer palmatum) – 4.1 metre radius from the centre of the tree base.*
 - l) *Tree 17 (Lophostemon confertus) – 4.6 metre radius from the centre of the tree base.*
 - m) *Tree 18 (Lophostemon confertus) – 5.5 metre radius from the centre of the tree base.*
 - n) *Tree A (Callistemon viminalis, location indicated in Appendix 1) – 2.0 metre radius from the centre of the tree base.*
 - o) *Tree B (Eucalyptus mannifera, location indicated in Appendix 1) – 6.2 metre radius from the centre of the tree base.*
 - p) *Tree C (Eucalyptus globulus, location indicated in Appendix 1) – 14.5 metre radius from the centre of the tree base.*

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- b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:*
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 21. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
 - a) A project arborist must be appointed by the applicant or builder and Council must be informed in writing of who the project arborist is and their qualifications. Any Qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboricultural to be appointed as the project arborist. The qualifications of the project arborist must be to the satisfaction of the Responsible Authority (RA).*
 - b) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% of the TPZs of Trees 5-7, 17, 18 and A except where shown on the endorsed plans.*
 - c) For Trees 5-7, 10-18 and A, B and C, no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
 - d) The Project Arborist must supervise all approved works either within the TPZs or in the vicinity of Trees 5-7, and 10-18 and Trees A, B and C. The project arborist must ensure that any buildings and works (including site demolition) do not adversely impact the health or stability of Trees 5-7, 10 – 18, A, B and C now or into the future. The project arborist and builder must ensure that TPZ fencing conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*

9.1.1
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- e) *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).*

Acoustic Measures

22. *The requirements of the endorsed Acoustic Report must be demonstrated on the plans and elevations submitted for endorsement.*

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

The requirements of the Acoustic Report must be implemented in the building construction and maintained for the life of the building by the site manager, owners and occupiers of the site, to the satisfaction of the Responsible Authority.

Waste Management

The Waste Management Plan will form part of the documents endorsed as part of this planning permit.

The requirements of the Waste Management Plan must be implemented by the site manager, owners and occupiers of the site, to the satisfaction of the Responsible Authority.

23. *All bins and receptacles must be kept in a storage area screened from view and maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.*

Environmentally Sustainable Development

24. *Sustainable Design Assessment Prior to the commencement of any buildings or demolition works, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. This SDA must be generally in accordance with the SDA submitted with the application but amended to include the following changes:*

- a) *A STORM Rating Report with a score of at least 100% or equivalent, including a rainwater tank capacity of at least 25,000 litres.*
- b) *A complete, published BESS Report, with an overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ).*
- c) *All east, north and west windows greater than 1.5 square metres, to be provided with exterior shading to shade at least 30% from 11am to 3pm on 1 February.*
- d) *Provide a Preliminary BCA Section J or JV3 Energy Efficiency Report including information regarding artificial lighting, daylighting and ventilation.*
- e) *Control car park ventilation with CO sensors.*
- f) *Control car park lighting (at least 75% of lighting fixtures) with motion sensors.*
- g) *Commit to controlling all common, service and lift area lighting with sensors/timers.*
- h) *Commit to controlling common, service and lift area ventilation with sensors/timers.*
- i) *Commit to the inclusion of energy efficient heating and cooling systems indicating the associated COP and EER values and/or star ratings.*
- j) *Commit to the inclusion of renewable energy technologies including photovoltaic panels having specified a 5kW solar photovoltaic system.*

9.1.1 (cont)

- k) Commit to the inclusion of water efficient fixtures and appliances indicating the associated WELS ratings.*
- l) Connect the rainwater tanks to all toilet flushing, irrigation and bin wash-down areas.*
- m) Commit to diverting at least 80% of construction/demolition waste from landfill.*
- n) Submit a water balance calculation justifying the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with the AS/NZS 6400:2016 standard of 1 full- and 4 half-flushes per person per day (providing 17.5 L/person/day for a 4 star WELS rated toilet). A rainwater tank size should be selected based on calculations, ensuring adequate reliability of supply is maintained given that the rainwater is proposed to cater for all toilets and recommended to facilitate irrigative and bin wash-down areas. The size of the rainwater tank is recommended to increase to 25 kL or collection area increased (if possible), which would enable a longer period of water security.*

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

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

Engineering Assets

- 25. 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.*
- 26. 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.*
- 27. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
- 28. 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.*
- 29. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.*

9.1.1
(cont)

30. *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.*

Car Parking

31. *A minimum of 28 car spaces must be available to staff and visitors to the site during operating hours.*
32. *The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained. The car park and driveways must be maintained to the satisfaction of the Responsible Authority.*
33. *The car spaces in the car parking area on the site must be appropriately designed and must be suitably line marked (nominating all tandem spaces as staff parking) at all times, to the satisfaction of the Responsible Authority. Before the permitted use commences, a Parking Management Plan must be submitted and approved by the Responsible Authority. The Parking Management Plan must include (but not be limited to) the following:*
- a) *Procedures to direct patron parking as follows:*
- i. Encourage patrons to use the basement car park.*
 - ii. Discourage patron parking on street.*
 - iii. Notify patrons and staff of the availability of bicycle parking on site and encourage sustainable transport usage, such as car pooling.*
 - iv. Require the use of parking availability lights above the car spaces.*
 - v. Operation of an electronic indicator at the car park entrance showing the number of available car spaces at any time.*
 - vi. Line marking/labelling of car spaces.*
 - vii. Security.*
 - viii. Arrangements to manage delivery services.*

Measures to direct patron parking should include instructing customers to not park on-street via information sheets, promotional material, induction packs and on the website.

When approved, the Parking Management Plan will be endorsed and form part of this permit. The Parking Management Plan must be implemented to the satisfaction of the Responsible Authority. The plan must not be modified unless with the further written consent of the Responsible Authority.

Construction Management

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

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

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

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

9.1.1
(cont)

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

VicRoads Condition

35. *Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.*

Expiry

36. *This permit, as it relates to advertising signs, expires fifteen years after the date it is issued.*
37. *This permit will expire if one of the following circumstances applies:*
- a) *The development is not commenced within two (2) years from the date of issue of this permit;*
 - b) *The development is not completed within four (4) years from the date of this permit.*
 - c) *The use does not commence within six (6) months of the completion of the development.*

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

PERMIT NOTES

- A. *The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.*

VicRoads

- B. *The work must not commence in, on, under or over the road reserve without all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.*

Asset Engineering

- C. *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.*
- D. *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.*
- E. *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*
- F. *Report and consent – Any proposed structure, cut or fill in 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.*

9.1.1
(cont)

- G. 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.**
- H. 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.**
- I. 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.**
- J. 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”.**

- K. The legal point of discharge may be external to the site and if so the developer must construct a stormwater drainage network within the easements through downstream properties. This drainage network must be paid for by the developer.**

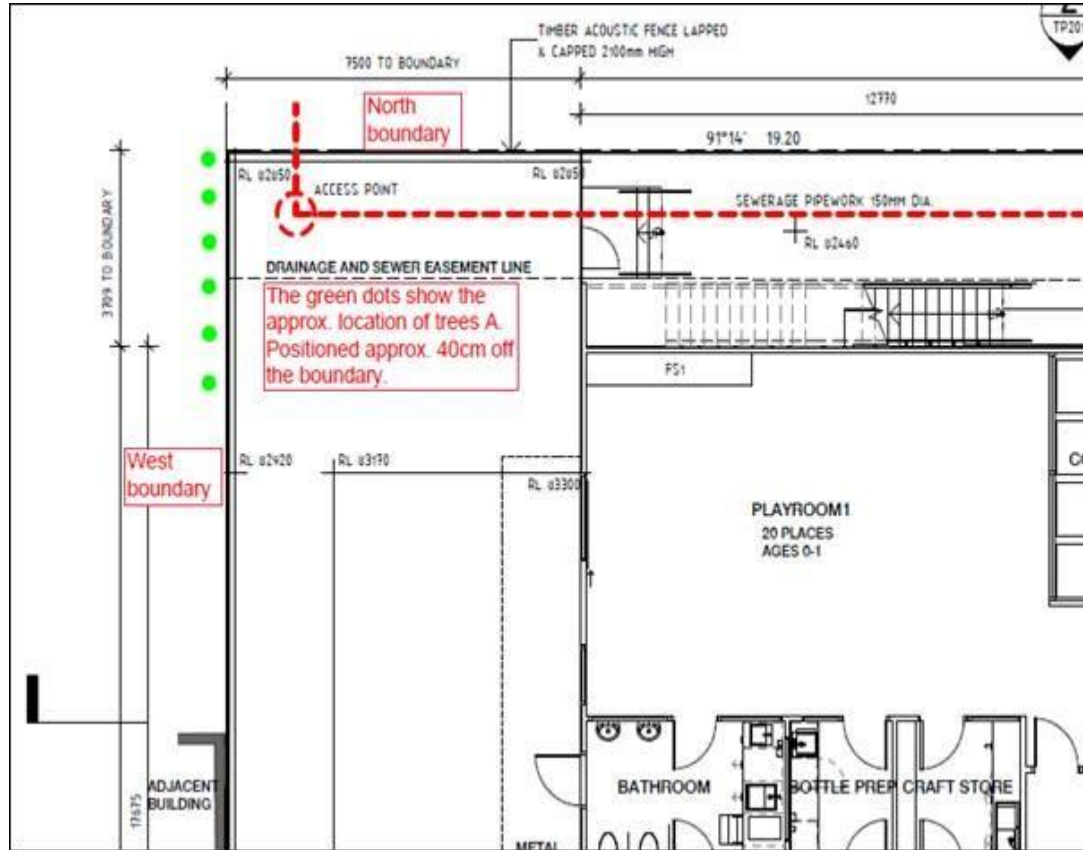
Waste Engineer

- L. Council issued bins will not be required for this development.**
- M. Bins are to be collected internally by private waste collection contractors.**
- N. Waste collection vehicles are to enter and leave the site in a forwards direction**
- O. Health**
- P. The proprietor is required to register the kitchen under the Food Act 1984, and detailed plans must be submitted to Council’s Health Department for assessment.**

9.1.1
(cont)

Permit Appendix 1

Shows the approximate locations of Trees A, B and C.



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.*

9.1.1
(cont)

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Barker

That Council:

- A. *Being the Responsible Authority, having caused Application WH/2018/1403 for 451-453 Belmore Road, MONT ALBERT NORTH (LOTS 14 & 15 LP 29915) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the use and development of a child care centre and associated removal of vegetation and alteration of access to a road in a Road Zone Category 1, is unacceptable and should not be supported.***
- B. *Has formed a position to oppose the application in relation to the land described as 451-453 Belmore Road, MONT ALBERT NORTH (LOTS 14 & 15 LP 29915) for the use and development of a child care centre and associated removal of vegetation and alteration of access to a road in a Road Zone Category 1, on the following grounds:***
- 1. *The proposed site layout and built form are contrary to Clause 15.01-5 (Cultural Identity and Neighbourhood Character) of the Whitehorse Planning Scheme and are inconsistent with the neighbourhood and landscape character context.***
 - 2. *The proposal will unacceptably reduce the availability of on street parking in the area.***
 - 3. *The proposal will result in an unacceptable increase in traffic congestion around the subject site.***
- C. *Has formed this position having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.***

CARRIED

A Division was called.

Division

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


On the results of the Division the motion was declared CARRIED

9.1.1
 (cont)

MELWAYS REFERENCE 47 A4

Applicant:	Charter Hall Social Infrastructure Limited
Zoning:	Neighbourhood Residential Zone, Schedule 2
Overlays:	Vegetation Protection Overlay Schedule 2 Significant Landscape Overlay, Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environmental and Landscape Values
Clause 15	Built Environment and Heritage
Clause 22.02	Visual amenity and advertising signs
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 22.05	Non-Residential Uses in Residential Areas
Clause 32.09	Neighbourhood Residential Zone, Schedule 2 (NRZ2)
Clause 42.02	Vegetation Protection Overlay Schedule 2
Clause 42.03	Significant Landscape Overlay, Schedule 9
Clause 52.06	Car Parking
Clause 52.29	Land Adjacent to a Road Zone, Category 1
Clause 52.34	Bicycle Facilities
Clause 55	Two or More Dwellings on a Lot
Clause 65	Decision Guidelines
Ward:	Elgar



	Subject site	38 Objector Properties (6 outside of map)	 North
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9.1.1

(cont)

BACKGROUND

History

Planning Permit Application WH/2017/612 proposing the use and development of a child care centre (for 128 children) and associated alteration of access to a road in a Road Zone Category 1, tree removal and display of business identifications signs was advertised last year and attracted 38 objections and a petition. Cr Liu chaired a Forum on 29 March, 2018, and the application was refused by Council at its meeting on 23 April, 2018, on grounds relating to neighbourhood character, landscaping, tree removal, overlooking, noise, parking and traffic concerns. Council's refusal was appealed, and the Tribunal determined to uphold Council's refusal, on the ground that there were too many (80%) tandem (one behind the other) car spaces provided.

The Tribunal also concluded that:

- The use was appropriate in the NRZ;
- The development would respond acceptably to the character of the neighbourhood;
- The proposal would not have unacceptable impacts on the amenity of the adjoining properties and area, and
- There was no evidence to substantiate that resultant traffic would have an unacceptable impact on the operation of McColl Road, Belmore Road or the intersection.

The Site and Surrounds

The site comprises two lots and is an irregular shape with a frontage to Belmore Road of 37.69 metres, a frontage to McColl Road of 30.48 metres with a 5.02 metre splay at the intersection, and an overall site area of 1548m². A 2.44 metre wide drainage and sewerage easement is located parallel to the northern boundary.

No. 451 Belmore Road has a high timber paling front fence and has been cleared of buildings and works and most trees. No. 453 Belmore Road contains a single storey detached brick dwelling set within an established garden, including a number of trees around the perimeter of the site. The subject site is relatively flat. One existing crossover is provided to Belmore Road, which is within the Road Zone Category 1 and one crossover connects to McColl Road.

An existing bus stop is located on Belmore Road beside No. 451.

Surrounding development comprises a mix of single and double storey dwellings, including a number of medium density developments. The adjacent lot to the west accommodates a two storey detached dwelling and the adjoining lot to the north accommodates a single storey detached dwelling.

Planning Controls

Zone:

The site is within the Neighbourhood Residential Zone Schedule 2 (NRZ2). The purpose of Clause 32.09 (Neighbourhood Residential Zone) includes:

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

9.1.1 (cont)

Pursuant to Clause 32.09-2, a planning permit is required for use of the land for a child care centre. A planning permit is required for the buildings and works to construct the child care centre pursuant to Clause 32.09-8.

Overlays:

A Vegetation Protection Overlay, Schedule 2 (VPO2) at Clause 42.02 affects the precinct to the north of Belmore Road and requires a planning permit to remove, lop or destroy trees having a single trunk circumference of 1 metre or more at a height of one metre above ground level. The vegetation protection objective to be achieved by this overlay is:

- *To retain and protect large trees and maintain the dominance of exotic and native vegetation cover.*
- *To encourage the planting of native trees and vegetation that will contribute to the tree canopy.*
- *To protect vegetation of special significance, natural beauty, interest and importance.*

Only Trees 4 and 26 require planning approval to remove under the VPO2 in association with the proposal.

The Significant Landscape Overlay Schedule 9 (SLO9) at Clause 42.03, also triggers planning approval to:

- Remove six trees (Trees 1, 4, 9, 22, 26 and 27), as detailed in the table below.
- Undertake buildings and works, or construct a front fence, within 4 metres of 13 protected trees, as detailed in the table below.

Clause 52.29 - Land Adjacent to a Road Zone Category 1

The purpose of this provision is:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

Planning approval is required to close the existing crossover from the subject site to Belmore Road.

PROPOSAL

The application proposes the use and development of a child care centre, and associated removal of six trees and alteration of access to a road in a Road Zone Category 1. The application is summarised as follows:

Use:

A maximum of 128 places.

Staff:

The written submission provided with the application indicated a maximum of 24 staff, however it is noted that at the Forum the applicants indicated that a maximum of 27 staff would be on site at any one time. For the purpose of this assessment, Council has assumed a maximum of 27 staff is proposed.

Proposed hours of operation:

Weekdays: 6:30am – 6:30pm.

9.1.1

(cont)

Development:

Construction of a new child care centre building comprising the following:

- Basement level:
 - The existing vehicle crossover to McColl Road is proposed to be widened to provide a two way access point to the basement car park which will accommodate a total of 28 parking spaces including one disabled car space and six tandem car spaces (three pairs) which are to be set aside for staff.
 - Ten bicycle parking spaces, pram and general storage.
 - Allowance for a 6.4 metre long garbage truck to enter, collect waste within the basement and manoeuvre to exit in a forwards direction.
- Ground floor:
 - Pedestrian entrance off McColl Road.
 - Four playrooms, kitchen, office, laundry and bathroom facilities.
 - Two rainwater tanks and bin storage located on the north elevation.
 - Front setback to Belmore Road varying from 4.2 to 9 metres.
 - Front setback to McColl Road of 4 metres.
 - Minimum north boundary setback of 2.9 metres to be utilised as a service yard.
 - Minimum west boundary setback of 7.5 metres.
 - 589m² landscaped outdoor play areas to the west and south of the building, with a 1.8 metre high black metal picket fence on masonry plinths.
- First floor:
 - Two playrooms, staff room, storage and bathroom facilities.
 - A terrace on the east elevation accessed from the staff room.
 - 315m² outdoor play areas to the north, west and south surrounded by an opaque acoustic fence 1.8 metres high.
 - Areas of roof-top landscaping to the north, east and south.
- Overall:
 - A lift is provided to all levels.
 - Ground level to be clad with horizontal composite cement sheeting and the upper level to be clad with vertical composite cement sheeting.
 - The upper level to have a pitched corrugated metal roof with solar panels on the northern face.
 - A 2.1 metre high timber acoustic boundary fence is proposed along the residential interfaces to the north and west boundaries.
- Advertising Signs
 - Two non-illuminated business identification signs are proposed on the east elevation- one text panel "littlelearningschool.com.au" (approximately 2.5m²) above the car park entrance and one 1.2 x 1.2 metre (1.44m²) sign panel beside the pedestrian entrance containing the text "Little Learning School".

9.1.1 (cont)

In response to the Tribunal's direction on the previous planning permit application, the applicant has amended the proposed basement car park layout to reduce the number of tandem spaces to 21% (three pairs – 6 spaces). In association with the alterations to the car park layout, the area of the basement has increased marginally overall with slight alterations to the overall basement footprint. Aside from these alterations, the proposed child care centre is largely unchanged from the previous application, although the number of car spaces provided has reduced from 31 car spaces (excess of three) previously proposed, to 28 car spaces, which meets the Planning Scheme requirement. As per the previous application, the proposed building is two storeys high and has a basement car park accessed off McColl Road.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the two frontages (one on each lot) facing Belmore Road and one notice facing McColl Road. Following the advertising period 38 objections were received, raising the following concerns:

- Previous application and VCAT appeal:
 - Insufficient changes made in comparison to the previous application.
 - VCAT concerns differed from Council's issues.
- Amenity impacts:
 - Overlooking from upper level play spaces
 - Overshadowing
 - Commercial development is inappropriate in a residential area.
 - Noise impacts to surrounding residents emanating from increased traffic, plant equipment and children playing. The proposed two hours of outdoor play may not reflect the actual duration of time that children play outside.
 - Odour from bins impacting on adjacent residents
 - Increased litter.
- Neighbourhood Character:
 - Building bulk and form and presentation are out of character with the neighbourhood
 - Not in keeping with the Bush Suburban character of the area.
 - Non-residential uses should not be allowed in residential areas
- Car parking and traffic:
 - Insufficient parking provision on site for staff and parents/carers.
 - Insufficient space to manoeuvre within the car park.
 - The six tandem car spaces are not useable.
 - Parents are unlikely to park in the basement and will park on street and exacerbate existing parking issues.

9.1.1

(cont)

- Increased on-street parking on Belmore and McColl Roads. McColl Road is a narrow street that already experiences high levels of on-street parking and traffic congestion, due in part to the townhouses on the former primary school site to the east. Parking restrictions already exist on the east side of McColl Road. When cars park on both sides of McColl Road, it is narrowed to a one-way street.
 - Increased traffic congestion.
 - Impacts to vehicles entering/exiting side streets from/to Belmore Road through increased queuing and reduced visibility caused by parked cars.
 - Increased on-street parking will reduce or block residential driveway access and driver sight lines.
 - Impacts to 302/304 busses travelling along Belmore Road and the bus stop at the front of the site.
 - Traffic safety impacts on the street for vehicles and pedestrians
 - Impacts on residential waste collections.
 - No bicycle parking facilities proposed
 - The submitted Traffic Report does not reflect the local conditions.
- Landscaping:
 - Removal of significant trees
 - Insufficient soft landscaping.
 - Loss of habitat for fauna.
 - Garbage trucks accessing the site will damage the canopies of street trees.
- Statutory requirements:
 - Inconsistent with the Whitehorse Planning Scheme requirements.
 - The timing of notice means that some residents may be on holiday.
- Non-planning matters:
 - Construction impacts on pedestrian safety and traffic flow.
 - There is no need for the child care centre as there are numerous existing child care centres nearby, and birth rates in the vicinity are decreasing
 - Approving another child care centre removes educational options and community building opportunities provided to the community that may be offered by sessional kindergartens.
 - Negative impact on property values

Consultation Forum

A Consultation Forum was held on 26 February 2019, chaired by Councillor Liu and attended by Cr Barker. The meeting was attended by approximately 28 objectors and four representatives for the applicant attended the meeting.

At the Forum, the objectors elaborated on the issues raised in the written submissions, with traffic and on-street parking impacts highlighted as the key community concerns. The applicant's Traffic Engineer provided some explanation regarding the findings in the submitted Traffic Report, and the objectors provided insight into their existing experiences of traffic and parking in the area, and their concerns about the impacts the proposed use and development would have on traffic flows and accessibility in the vicinity.

The need for the proposed child care centre was queried by residents, and amenity impacts such as noise were also raised.

9.1.1 (cont)

The objector concerns were not resolved, but a better understanding of community concerns was reached.

Referrals

External

VicRoads

Consent, subject to one standard condition.

Internal

Engineering and Environmental Services Department

- Transport Engineer

Council's Transport Engineer has noted that the proposal satisfies the Planning Scheme requirement for car parking provision, but has required additional documentation confirming ramp grades, vehicle swept paths and a parking management plan to be provided.

- Waste Engineer

The Waste Management Plan submitted is satisfactory, and provides for private waste collection within the basement car park, with waste vehicles to exit in a forwards direction.

- Assets Engineer

No objection, subject to standard conditions.

Planning Arborist

No objection to the proposed tree removal, and tree protection conditions recommended for retained trees.

Parkswide Arborist

No objection, subject to conditions to protect street trees during the construction process.

ESD Advisor

Council's ESD Advisor, has indicated that the application has not addressed the ESD concerns raised with the previous application, and as such does not meet Council's ESD standards. Conditions are recommended to be included on any planning permit issued to ensure the proposal complies with Council's policies.

9.1.1

(cont)

Landscape Advisor

Limited alterations have been made to the landscape plan from the previous proposal, and conditions are required to amend species and planting layouts reflecting the review of the previous landscape plan presented to VCAT, and also clarification of details for containerised plantings and provision of a landscape management plan.

DISCUSSION

Application History

As discussed above, this is the second application for a child care centre proposed for this site, and has been lodged in response to the decision of VCAT on the first application (WH/2017/612). The Tribunal found that the built form, landscaping, overlooking, noise, traffic and parking impacts of previous proposal were acceptable, and the Tribunal indicated only one ground for refusing the previous application, which was an excessive proportion (80%) of tandem car spaces which the Tribunal felt could cause parking difficulties in the basement.

Consequently, the current child care centre proposal for the site has significantly reduced the number of tandem car spaces, but is otherwise substantially the same as the previous proposal. This report is mindful of the Tribunal's direction in this matter, and otherwise is broadly consistent with previous recommendation.

Consistency with State and Local Planning Policies

Proposed child care centre use

State policy recognises the importance of planning for social, community and physical infrastructure that enables it to be provided in an efficient, equitable and timely manner. The purposes of the Neighbourhood Residential Zone also recognise that non-residential uses such as child care centres that serve local community needs are appropriate, provided they occur in suitable locations.

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

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

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

The use of the site is supported by the policy as the site has an interface with a main road (Belmore Road – Road Zone, Category 1). Although it also abuts residential lots to the north and west, and is located within a residential area, the size of the land and the scale and presentation of the proposed building provide a development which is considered to be compatible with the scale and character of the surrounding residential area. In this way, the proposal responds to the objectives of this policy and the key decision criteria.

9.1.1

(cont)

This policy further requires consideration of the 'need' for the provision of a non-residential use in a residential area. Whitehorse population statistics and trend projections indicate that the current number of children in the municipality aged 0-5 years of age is 9,105 (based on 2016 ABS data). That figure is forecast to increase by 1,471 or 16.2% over the next 10 years. About 4,000 children attend centre based child care services representing a coverage rate of 44%.

An expected increase in the supply of new larger sized child care centres over the next 5-10 years will likely result in the rationalisation of smaller, older and less cost efficient child care centres. In 2018, there were 18 applications for new child care centres (representing a capacity of 1,885 additional places) in the municipality that have been either approved and under construction, approved and awaiting construction or awaiting a decision for approval. Overall a significant net increase in child care places is predicted. If realised, this will lead to an improvement in community access to child care centres across the municipality with the child care coverage rate increasing from 44% to 60% over the next 10 years.

In addition, information sourced from independent property advisory firm Charter Keck Cramer included the following population demand and child care centre supply analysis:

The Charter, Keck Cramer report into the child care sector concluded that the demand for long day care centres is driven by a number of demographic and economic factors including population growth in the target cohort age, an increase in the female labour force participation rate and a corresponding increase in the child participation rate (percentage of children attending centre based child care). The report found that between 2012 and 2017 there was a 29% increase in the number of additional centres in Victoria. It stated that in considering the growth in supply it is important to factor in that new centres are also replacing or rendering older centres obsolete and uncompetitive.

The applicant has advised that there is a shortfall of child care places in the Mont Albert North area. The objectors to this and the previous application have raised doubts regarding the 'need' of the proposed child care centre within the immediate area, however, its decision on the previous application, the Tribunal examined the question of 'need' and found that child care centres may attract patrons from a broader area, and that the idea of 'community' cannot be solely defined on a narrow geographic basis. Furthermore, it is not the role of the planning process to assess commercial competition.

The predominant criterion for assessment, other than the policy context, relates to the potential for any off-site amenity impacts on the surrounding residential context.

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

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

It is considered that the use of the land for a child care centre on the subject site is considered appropriate given its surrounding context (explained in greater detail below under 'design and built form'). The use is compatible with residential uses (responding to the purpose contained within the NRZ) insofar as the purpose of a child care centre is to service the needs of the families residing within in and around the locality. It is not uncommon for child care centres to be located within residentially zoned land, rather than commercially zoned land. Importantly, the site also has a frontage to Belmore Road, which is a larger feeder road, with a different residential context that can support non-residential uses.

The following discussion will consider the merits of the proposal against the abovementioned criteria.

9.1.1

(cont)

Design and Built Form

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

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

Whilst the Neighbourhood Residential Zone states:

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

In considering the policy objectives, both within Clause 22.05 and the Neighbourhood Residential Zone, the context of the site and its immediate surrounds must be taken into account.

To the south of the site, Belmore Road is a Road Zone, Category 1 that separates the site from properties to the south. The proposed two storey child care centre building will have a varied setback to Belmore Road of between 4.4 and 9 metres, with this setback to be utilised for landscaped play areas. The adjacent dwelling to the west includes a carport setback a minimum of 4 metres from Belmore Road, and in this context the proposed 4 metre front setback is appropriate, noting that the proposed building is set at an angle to Belmore Road, and the average front setback is approximately 6.5 metres. The proposed upper level of the child care centre is setback a minimum of 8.5 metres from Belmore Road.

A row of existing trees (Trees 10-16) located at the south-east corner of the lot along the Belmore Road frontage are proposed to be retained, which will provide some immediate softening of the front façade. There is not anticipated to be any visual amenity detriment to the Belmore Road interface nor will the proposed building be incongruous with the preferred neighbourhood character at this interface.

The proposed building presents a setback to the McColl Road frontage (to the east) of 4 metres at the ground level, which exceeds the 2-3 metre setbacks that would be required for a residential development in this location. This setback is utilised for pedestrian and vehicular access, with the remaining areas landscaped. As a residential street, like the Belmore Road interface, it is not considered that there will be unreasonable amenity impacts to this public interface.

To the north, the subject site abuts No. 1 McColl Road, which includes a driveway and carport along part of the common boundary, a roofed pergola adjacent to the boundary to the rear, and a single storey dwelling with an area of private open space within the rear yard. The proposed child care centre will be setback a minimum of 2.9 metres at the ground level and 10.2 metres at the upper level, with the elevated play area extending to within 4 metres of the northern boundary, and raised planters and stair access setback a minimum of 2.9 metres from this interface.

At the ground level, it is noted that the northern setback has marginally increased from the previous proposal presented to Council, and this setback is proposed to be utilised as a service area and landscape buffer, with an upper level access stair, water tanks and bin storage provided along this elevation behind a 4 metre high hedge planted along the north boundary, and one feature *Pyrus chanticleer* tree with a mature height of 10 metres.

The treatment of the northern elevation and setback is considered acceptable, as it provides a transition of building heights and forms and sufficient setbacks to ensure that the building form does not overwhelm the adjoining dwelling and allows for the planting of screening

9.1.1

(cont)

vegetation that will soften the views of this interface from the adjacent residential lot to the north. There will be no overshadowing impacts to the north.

To the west, the adjoining lot accommodates a two storey dwelling which includes a shed located on the common boundary to the rear of the lot, and a swimming pool in the rear yard. The proposed child care centre building will be setback 7 metres from the west boundary at the ground level and 13 metres at the upper level, with the upper level play area extending to within 7.5 metres of the west boundary. The proposed landscape plan offers screen planting within this interface to soften the visual amenity impacts of the built form, including five trees with mature heights of 8 metres to be planted in deep soil 2.2 metres wide and clear of the basement car park.

The shadow diagrams demonstrate that the 2.1 metre high acoustic fence on the west boundary will result in an increase in morning shadows to the adjacent lot. The increased shadowing would be compliant with the Requirements of ResCode Standard B21 (Overshadowing Open Space Objective) which can be reasonably used as a guideline in this instance (in the absence of other methods). The sensitive rear secluded private open space will not be overshadowed.

Therefore, the decision guidelines contained at Clause 32.09-12 become the relevant assessment criteria, which requires Council to consider: *In the local neighbourhood context:*

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

The proposed child care centre will be clad with composite cement sheeting that has an appearance similar to weatherboards, which is consistent with the cladding of the adjacent dwelling to the north. The proposed pitched roof form echoes the forms of many surrounding dwellings, however it is noted that there are some flat roofed dwellings in the vicinity, notably adjacent to the west. In order to help reduce the urban heat island effect, the roof will be required to be a light colour.

The provision of a basement car park limits the visibility of car parking within the site, and allows for landscaped front setbacks to be provided in keeping with the residential character of the area.

The Neighbourhood Residential Zone Schedule 2 allows front fences of main roads to be up to 1.8 metres in height, so the proposed 1.8 metre high front fence to Belmore Road is acceptable. The use of metal picket fencing maintains an open frontage setback that allows for views to the landscaped play areas that surround the child care centre. The submitted plans and elevations do not clearly show the location and style of this picket fence, and this will be required to be clarified via a condition, should a permit issue.

9.1.1

(cont)

In its previous decision, the Tribunal found that the proposed built form and layout of the earlier child care centre proposal for this site (WH/2017/612) *“has a restrained architecture and has been designed to reflect some of the elements which characterise this neighbourhood”* (at paragraph 15). The VCAT decision also states (at paragraph 20) that *“once mature, the proposed planting will present as a suitable landscape setting for the development and an outcome which responds in an acceptable manner to the neighbourhood’s character.”* The Tribunal was satisfied that the previous proposal was an appropriate addition to the local neighbourhood character, and the current proposal is almost unchanged at the ground and upper levels. The landscape plan submitted with this application includes a similar layout to the previous proposal, but incorporated the planting of additional trees on the south, west and north boundaries and an increase in the length of the landscape screen hedge to extend almost the full length of the north boundary.

On balance, it is considered that the proposed child care centre is compatible with the surrounding neighbourhood context as the building scale and presentation reflect the size and cladding materials of the surrounding dwellings, the site will be landscaped in keeping with the context and the use will serve a community need and facilitate social connection. Loading, car and bicycle facilities will be considered below.

Tree Removal/Impacts

Two trees (Trees 4 and 26) require planning approval to be removed under the VPO2. The application proposes removal of six trees protected under the SLO9 and buildings and works within 4 metres of 13 protected trees, as summarised below:

Protected trees to be removed:

Tree No.	Botanical Name	Common Name	Height	Age	Amenity Value
1	<i>Jacaranda mimosifolia</i>	Jacaranda	8m	Mature	Low
4	<i>Corymbia ficifolia</i>	Flowering Gum	8m	Mature	Low
9	<i>Pittosporum eugenioides</i>	Tarata	7m	Mature	Low
22	<i>Acacia implexa</i>	Lightwood	5m	Mature	Low
26	<i>Pittosporum undulatum</i>	Sweet Pittosporum	8m	Mature	Low
27	<i>Acmena smithii</i>	Lilly Pilly	7m	Mature	Low

9.1.1

(cont)

Protected trees to be retained

Tree No.	Botanical Name	Common Name	Height (m)	Age	Amenity Value
2	<i>Eucalyptus leucoxydon</i>	Yellow Gum	5m	Mature	Low
6	<i>Quercus palustris</i>	Pin Oak	15m	Mature	High
7	<i>Platanus orientalis</i>	Plane Tree	6m	Mature	Low
10	<i>Hakea salicifolia</i>	Willow Hakea	5m	Mature	Low
11	<i>Hakea salicifolia</i>	Willow Hakea	5m	Mature	Low
12	<i>Hakea salicifolia</i>	Willow Hakea	5m	Mature	Low
13	<i>Hakea salicifolia</i>	Willow Hakea	5m	Mature	Low
14	<i>Hakea salicifolia</i>	Willow Hakea	5m	Mature	Low
15	<i>Hakea salicifolia</i>	Willow Hakea	5m	Mature	Low
16	<i>Acer palmatum</i>	Japanese Maple	5m	Mature	Low
17	<i>Lophostemon confertus</i>	Queensland Brush Box	8m	Mature	Low
18	<i>Lophostemon confertus</i>	Queensland Brush Box	9m	Mature	Low
A Identified by Council's Arborist	Row of <i>Callistemon viminalis</i> located on the adjoining lot to the west close to the north-west corner of the subject site	Bottlebrush	9m	-	Health-good. Structure-fair

Note that Trees 5, 8, 19, 20, 21, 23, 24, 25, are not protected by the Significant Landscape Overlay Schedule 9. Tree 3 (6 metre *Pittosporum undulatum* Sweet Pittosporum) shown on the plans on the adjoining lot to the west has been removed.

Council's Planning Arborist has assessed the tree removal and impacts to trees on the subject site and adjoining residential lots, and has not raised any concerns, subject to the provision of tree protection measures. The increased basement area to the north proposed with the current application has prompted Council's Planning Arborist to identify the two mature trees (Trees B and C identified in the table below) located on the adjoining lot to the north as requiring tree protection measures during construction. The proposal includes works within the TPZs of these tree, although it is noted that the trees are over 4 metres away from the proposed development, and as such are not directly protected by the Significant Landscape Overlay Schedule 9.

9.1.1
 (cont)

Tree No.	Botanical Name	Common Name	Height (m)	Age	Amenity Value
B Identified by Council's Arborist	<i>Eucalyptus mannifera</i>	Brittle Gum	20m	Mature	Health-fair. Structure-fair
C Identified by Council's Arborist	<i>Eucalypts globulus</i>	<i>Tasmanian Blue Gum</i>	24m	Mature	Health-good. Structure-fair

Council's Parkside Arborist has reviewed the proposed impacts to street trees and advised that Tree 18, located to the north of the extended crossover to McColl Road, could potentially be impacted, as the proposed works encroach 13.3% into the TPZ of this tree, which is considered to be a major encroachment. A Tree Protection Management Plan (TMP) will be required to ensure Council street trees are protected and retained during development.

Car Parking

Clause 22.05-3 Non-Residential Uses in Residential Areas Policy requires:

- *Adequate provision is encouraged for on-site staff and visitor parking.*
- *Parking areas are encouraged to maximise usage and to minimise on-street parking.*
- *Parking is discouraged at the front of the site.*

Parking policy and requirements applicable to the development are specified in Clause 52.06 (Car Parking) of the planning scheme. In accordance with Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority.

A child care centre requires 0.22 car spaces per child, requiring 28 car spaces for the 128 children proposed. The amended basement layout proposed with the current application proposes total of 28 car parking spaces (including one disabled car space) which meets the Planning Scheme requirement.

Although the previous proposal included additional three on-site car spaces, the Tribunal refused the earlier application on the ground (at paragraph 42) that the proportion of tandem car spaces (80%) provided was excessive, and as such did not provide for easy and efficient use as required by Clause 52.06. The Tribunal further stated that *"If tandem parking is provided, the number of car spaces in such an arrangement should be in the minority and should, for practical reasons, ideally be allocated solely for staff use (both the front and rear spaces should be assigned to staff"* (paragraph 43).

The current application has altered the proposed basement layout to reduce the number of tandem car spaces to six (three pairs), which are shown on the plans as allocated to staff. This represents a proportion of 21% of car spaces in a tandem arrangement, and it is considered that the proposed 21% proportion meets the Tribunal's direction in this matter.

9.1.1

(cont)

The new car park layout includes two blind aisles, and in order to assist patrons in locating available car spaces and navigating the car park, the Traffic Report submitted with this application recommends that car parking availability lights are installed above parking spaces (similar to those used in some shopping centres) and an external sign is also provided which displays the number of vacant spaces within the car park. Staff parking within the tandem car spaces will be managed by the operator, and it is acknowledged that the majority of staff will arrive and depart from outside of the customer peak times.

The use of parking availability lights above the car spaces and external to the building will be required as a condition, should a permit issue, and the location of the external sign will be required to be shown on the plans. Line marking within the basement car park indicates pedestrian priority pathways which will assist with the movement of patrons within the car park. The proposed vehicle access ramp to the basement allows for two way vehicle movements, and with the assistance of the car parking availability indicators, all vehicles should be able to manoeuvre to exit in a forwards direction, however Council's Transport Engineer has advised that swept path diagrams are required to demonstrate satisfactory access to and from car spaces 1, 11, 18, 19 and 27.

Further, Council's Transport Engineers have required the plans to show the ramp grade for the first 5 metres into the basement car park consistent with the Traffic Report, which indicates a ramp grade of 1:10 for the first 5 metres. A Parking Management Plan will be required to detail how car parking will be managed. Traffic and additional vehicle movements have been raised by objectors to this and the previous application, and the Tribunal decision provided an overview of the Traffic Expert Evidence presented at the previous VCAT Hearing. Paragraph 44 of the decision included a summary of the findings as follows:

According to Mr Turnbull, the use will generate 0.8 vehicle trip-ends per child during the morning peak hour (102 movements) and 0.7 vehicle-trip ends per child during the evening peak hour (90 vehicle movements). The residents are concerned about the impact of this additional traffic on McColl Road, at the intersection with Belmore Road. A SIDRA analysis of this intersection was undertaken and formed part of the evidence. What the analysis shows is that the degree of saturation will increase from 0.210 to 0.393. The evidence is that a degree of saturation less than 0.8 is considered to represent good operating conditions. The analysis also shows that the average delay at the intersection will increase from 19.7 seconds to 23.1 seconds, and that the 95th percentile queue will increase from 4.7 metres to 10.2 metres. In Mr Turnbull's opinion, a delay of up to 30 seconds when turning out onto a main road is not a long delay. The average queue length was estimated to be 1.5 vehicles, with the evidence being that a three-vehicle queue would be necessary in order to (sic) the access into and out of the proposed car park to be affected.

In conclusion (at paragraph 46) the Tribunal found that "while there will be greater delays than what is experienced at present, these will not be unreasonable or excessive".

The site is located on an arterial road (Belmore Road) and Council's Transport Engineers have reviewed the submitted Traffic Report and noted that the SIDRA intersection analysis undertaken by the applicant's traffic engineer is considered satisfactory and the traffic generated by the proposal can be accommodated within the surrounding road network. The intersection of McColl Road and Belmore Road will continue to operate satisfactorily with the facility as proposed.

The Tribunal also noted in its decision (at paragraph 45) that vehicles parking opposite the solid white line on McColl Road at the intersection with Belmore Road are currently restricting vehicles entering McColl Road from Belmore Road when there is a queue. It is noted that the white line tailing from the intersection is 30 metres long, parking is only prohibited by No Standing signs within 10 metres of this intersection. The increase of the No Standing zone could be investigated via a separate process. It is further noted that the application has been referred to VicRoads, however they have not identified any concerns.

9.1.1

(cont)

Bicycle Parking

The bicycle parking requirements for the subject site are identified in Clause 52.34 of the Whitehorse Planning Scheme. The Planning Scheme does not specifically refer to parking requirements for child care centres and therefore no bicycle parking is required.

However, it is noted that the plans demonstrate the provision of five bicycle spaces within the basement car park.

Amenity

Noise

Many VCAT decisions have viewed noise emanating from child care centres as being reasonable within a residential area and particularly accepted as a necessary trade-off in providing community facilities. The Tribunal decision of *Petzierides v Hobsons Bay CC (Red Dot) [2012] VCAT 686 (28 May 2012)* identifies that whilst the noise of children playing is reasonable, this does not mean that a centre can obviate the need to act responsibly and appropriately by not ensuring any noise impact is of an acceptable level.

The applicant has provided an Acoustic Report with this application, which states that the proposed child care centre will generally comply with the Association of Australian Acoustical Consultants Child Care Centre Noise Assessment Technical Guideline play criterion at the nearest residential properties, as 1.8 metre high acoustic fencing is provided to the play areas at ground and first floor levels to shield potential noise emissions. The report concluded that the proposed child care centre presents a low risk of exceeding the requirements of State Environment Protection Policy (Control of Noise from Commerce and Industry) No. N-1. Waste collection and is proposed to be from within the basement car park, which will limit off-site noise emissions.

The submitted plans show the required acoustic screening, and the Tribunal noted (at paragraph 29) that an acoustic report and the required noise attenuation measures could be required as a condition of Permit. On this basis, it is considered that the potential acoustic impacts to the surrounding dwellings from the proposed child care centre, including the ground and first floor play areas, will not be unreasonable, and a condition will be imposed to ensure that the appropriate acoustic barriers are installed in accordance with the Acoustic Report.

Overlooking

It is noted that the outdoor play area at the upper level is provided with opaque 1.8 metre high acoustic fencing around its perimeter, which will screen potential overlooking into the adjoining properties within 9 metres to the north and west from this play area.

Advertising Signs

The plans show two non-illuminated business identification signs on the east elevation, however primary consent is required for advertising signs, and the application form did not seek specific approval for the display of signs. As a result, the removal of the advertising signs will be required via conditions. The applicant can make a separate planning permit application for advertising signs.

Objectors Concerns not Previously Addressed-

- Noise impacts to surrounding residents emanating from increased traffic, plant equipment and children playing. The proposed two hours of outdoor play may not reflect the actual duration of time that children play outside.

The development includes acoustic screening to play areas and along boundaries adjacent to residential lots, and the application was accompanied by an Acoustic Report indicating that the screening measures complied with the relevant standards.

9.1.1

(cont)

- Odour from bins impacting on adjacent residents.

The bins will be stored within and collected from the basement.

- Parents are unlikely to use the basement carpark and will park on street

Sufficient car parking is provided on-site with direct access into the centre via a lift. Basement car parking is becoming a common feature in modern child care centres and many other buildings. Those parents that will become frequent users can be reasonably expected to acquaint themselves with the operation of the basement car park.

- Garbage trucks accessing the site will damage the canopies of street trees.

Street trees should be pruned to clear vehicles and trucks where the canopies overhang streets and accessways.

- The timing of notice means that some residents may be on holiday.

The Planning and Environment Act 1987 does not allow for the giving of notice to cease over holiday periods and imposes statutory timeframes on assessment of applications, however Council's Planning Department made some allowance for key holiday periods around the New Year. The proposal was advertised in mid-January, and signs were placed on site for two weeks, which is considered suitable notice.

- Construction impacts on pedestrian safety and traffic flow

A Construction Management Plan will be required should a permit issue, and the land owner will be required to meet relevant Building and EPA regulations regarding construction practices to ensure these impacts are mitigated.

- Negative impact on property values

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

CONCLUSION

The proposal for use and development of a child care centre and associated alteration of access to a road in a Road Zone Category 1, tree removal and display of business identification signs is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, and the Neighbourhood Residential Zone. Further, the current application has responded to the direction VCAT gave in its refusal of the previous proposal (WH/2017/612).

It is considered that the proposal is capable contributing to the supply of community infrastructure in the municipality, offering a complementary non-residential land use which will not prejudice the amenity of the locality or the character of the area.

A total of 38 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved.

ATTACHMENT

- 1 Plans 

Strategic Planning

9.1.2 Strategic Planning Update

FILE NUMBER: SF10/90

SUMMARY

This report outlines progress with key strategic planning projects from September 2018 to date and recommends that this update report be acknowledged.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Liu

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

CARRIED UNANIMOUSLY

BACKGROUND

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

DISCUSSION

The following is a summary of the current status of key projects being undertaken through the Strategic Planning Unit. The last update to Council was provided at its meeting on 17 September 2018.

Key planning scheme amendments and their status include:

Amendment C191, C196 and C214 –Municipal Wide Significant Landscape Overlay (SLO9)
– Tree Protection Controls

Council adopted the Whitehorse Tree Study Final Options Report on 18 July 2016 and sought authorisation from the Minister for Planning in May 2017 to commence an amendment to the Whitehorse Planning Scheme to implement the recommendations from the Tree Study.

Amendment C196 sought to extend the Significant Landscape Overlay to all residential land in the municipality on a permanent basis. Amendment C191 sought to apply the proposed Significant Landscape Overlay on an interim basis while the permanent controls were being pursued.

The Minister for Planning approved Amendment C191 which came in effect on 8 February 2018. The interim tree protection controls were due to expire after 31 December 2018, however an extension to the interim controls to 30 June 2019 was gazetted on 21 December 2018 via Amendment C214.

The Minister for Planning refused Council's request to commence Amendment C196 and directed Council to undertake further strategic work to justify the controls on a permanent basis. The additional work to support the introduction of permanent controls has been completed and will be the subject of a separate report to Council. Subject to Council's consideration of the additional work, a new request to the Minister for authorisation to commence an amendment for permanent controls will be lodged. If authorised, it is anticipated that the amendment will commence exhibition in the coming months and will be a full planning scheme amendment including a statutory exhibition period where the community will be able to make submissions. Updates will be provided on Council's web site at:

<http://www.whitehorse.vic.gov.au/Planning-Scheme-Amendments.html>

9.1.2

(cont)

<http://www.whitehorse.vic.gov.au/TreeStudy.html>

Amendment C215 and C216 – 42-48 Glenburnie Road, Mitcham

Under delegation, Council officers lodged a request with the Minister for Planning to apply an interim Heritage Overlay (HO) to the property at 42-48 Glenburnie Road, Mitcham via Amendment C215 to the Whitehorse Planning Scheme. At the same time, officers sought authorisation from the Minister to prepare an amendment to apply the HO to the site on a permanent basis through Planning Scheme Amendment C216 to conserve and enhance buildings of identified local heritage significance and to ensure that future development does not adversely affect this heritage significance.

The urgent request for interim heritage protection arose from an application for report and consent under Section 29A of the *Building Act 1993* to demolish the dwelling and outbuildings. Council is currently awaiting authorisation from the Minister to exhibit the amendment.

Activity Centres

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

Burwood Heights Activity Centre – Former Burwood East Brickworks Site

The Development Plan Overlay (DPO) that currently applies to the former brickworks site at 78 Middleborough Road, Burwood East requires that a development plan be prepared to Council's satisfaction before planning permits can generally be granted for the development. The development plan is intended to guide future planning permit applications for each stage of this major development and assessment of those applications. A development plan was endorsed by Council on 28 February 2018.

Several planning permit applications have been granted by Council and construction has commenced. Applications must be generally in accordance with the approved development plan and are exempt from third party notification.

In October 2018, an update to the development plan to add entertainment-related uses (such as a cinema) to the potential mix of uses in the retail centre was placed on display. Submissions received were considered by Council at its meeting on 10 December 2018. Council approved the changes to the development plan which was subsequently endorsed on 27 December 2018.

Box Hill Metropolitan Activity Centre (MAC)

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

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

Further work is also being undertaken to progress longer term strategic work for the MAC. At the Council meeting on 25 June 2018 Council resolved to abandon an amendment to implement the Box Hill Built Form Guidelines. As a major budget initiative in 2018/2019, Council has subsequently initiated a review of the Vision for Box Hill, including 3D modelling for the MAC and updating parts of the Structure Plan. The project has commenced.

9.1.2

(cont)

Community consultation to gather ideas for the future of Box Hill took place in February with an online survey and publicity on Council's web site, on social media and in the Whitehorse Leader. A 'pop-up' consultation session was held in the mall on 11 February 2019 and a Stakeholder Reference Group (SRG) has been formed comprising State Government, key landowner, community group and agency representatives. The SRG had its first meeting on 5 March 2019. Updates on the project will be on the project web page at:

<http://www.whitehorse.vic.gov.au/BoxHill.html>

Tally Ho Activity Centre – Review of Commercial 1 Zone

As part of the 2018/2019 budget funding was allocated to do a review of the Commercial 1 Zone in the Tally Ho Activity Centre to determine whether the Commercial 1 Zone is the most appropriate zone to achieve the vision for the centre into the future. Consultants have recently been appointed to assist Council in determining whether this zone is still appropriate or whether there is a more suitable planning tool available.

Nunawading Mitcham MegaMile Structure Plan Background Review

The *Nunawading/MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan* had been in operation since 21 April 2008, when Council formally adopted the document. As part of the 2017/2018 budget, a comprehensive background review of key policy changes and development trends that have occurred since adoption of the Structure Plan was completed. The background review will inform and guide the process for the update of the Structure Plan proposed to commence in the 2018/2019 year.

Heritage

Heritage Assistance Fund

A total of \$40,000 was allocated to the Heritage Assistance Fund for the 2018/2019 financial year. The Fund provided grants up to \$2,000 from the funding pool to eligible owners and occupiers of properties in the Heritage Overlay to assist with the ongoing maintenance of their heritage properties. Applications were open from 6 August to 12 September 2018. Of the 48 applications received 22 were successful in securing funding, which will assist with various heritage preservation works including external painting, repairs and restorative works.

Heritage Advisor

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

The Heritage Advisor existing contract has recently been extended for another 12 months.

Other Major Council Projects

The Neighbourhood Project

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

The Place Activation Guidelines (PAGs) are the final stage of the Neighbourhood Project and focussed on reviewing and refining our processes across Council to ensure that interested community members can work with Council in an efficient and streamlined manner. The project was a cross-Department collaboration.

9.1.2

(cont)

The Draft PAGs are currently being piloted as part of the *This Space, Your Place* activation project in Box Hill. Learnings from this project will be used to refine the PAGs as needed.

Built Environment Awards (BEA)

The Built Environment Awards are part of the wider Built Environment Education and Awards Program, with an education event and the awards program being held on alternate years. The Built Environment Awards will take place as part of Sustainable Living Week in June 2019. The Awards showcase the best in design and recognise the people who contribute to good design and sustainable practice within the City of Whitehorse.

Award categories are:

- Single House Project – New Dwelling
- Single House Project – Renovated Dwelling
- Multi-Residential Project
- Commercial or Retail Project
- Institutional Project
- Landscape Design Project
- Heritage Project

In addition, the following awards will be selected from all shortlisted projects:

- Sustainability Award - recognises a project which demonstrates commitment to sustainable principles
- Innovation Award - recognises a project which displays exemplar use of innovative design elements, technology, materials and/or processes
- People's Choice Award - Open to public vote and reflects the community values and aspirations
- Mayor Award - Chosen by the Mayor and recognises an exemplar project which reflects Council's values and initiatives.

Nominations were open between 1 February and 15 March 2019. Up to three projects will be shortlisted for each category. The shortlisted projects will be announced on 26th April and the judging will take place on in May 2019. The Awards event will take place on 6th June 2019 at Deakin University which sponsors the event.

Residential Corridors Study

The study provides built form guidelines and recommends planning scheme controls for those areas in the City of Whitehorse along key road corridors where land in the Residential Growth Zone interfaces with land in the Neighbourhood Residential Zone and the General Residential Zone. The corridors include Residential Growth Zone land generally along Burwood Highway and Whitehorse Road.

Phase 1 of the community consultation in March/April 2018 attracted approximately 400 survey responses. Phase 2 in July/August 2018 provided the opportunity to comment on the Draft Built Form Guidelines and proposed planning controls and Council received 59 submissions. Council considered the community feedback at its meeting on 29 January 2019 and decided to adopt the Guidelines and the proposed planning controls. In summary, Council proposes to seek:

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

9.1.2

(cont)

The proposed amendment will be sent to the Minister for Planning in the coming months for authorisation to start the planning scheme amendment process. The community will have a further opportunity to make submissions on the proposed controls during that process.

Voluntary Affordable Housing Grant

In June 2018 changes were made to the Planning and Environment Act 1987 (the Act) to support and encourage the development of more affordable housing. A voluntary framework was established under the Act to enable Councils to work with land owners, developers and other partners to agree affordable housing provision as part of development projects.

The Victorian government recognised that Councils may need support with affordable housing policy development, legal advice and negotiation of these agreements and established the Voluntary Affordable Housing Agreements Grants Program. The program provides a total of \$500,000 during the 2018/19 financial year to support councils to advance their work in this area, with a maximum of \$50,000 provided to successful applicants.

A grant submission was prepared and Council was successful in securing funding towards this important work and consultants have recently been appointed to assist Council with the project. It is anticipated that the work will result in the development of an affordable housing local planning policy in the planning scheme.

State Government Projects

SMART Planning - Planning Policy Framework

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

Reform of the Planning Policy Framework will be undertaken by DELWP in consultation with Council's across Victoria in stages. It has not yet been confirmed when work on the Whitehorse Planning Scheme will commence. It is anticipated that the project will involve considerable officer time to liaise with the DELWP and to ensure that important content of the Whitehorse Planning Scheme is not misinterpreted, diluted or removed.

Plan Melbourne

The Implementation Plan that accompanies the metropolitan planning strategy, *Plan Melbourne 2017 – 2050*, identifies preparation of Land Use Framework Plans (LUFP) for each of the six metropolitan regions. Whitehorse is located in the Eastern Region and is represented on the region's Economy and Planning Working Group established by the State government to develop work plans to implement *Plan Melbourne* including the preparation of the LUFP. Preparation of the LUFP is in progress and has included workshops with Councils in the eastern region. Draft plans are expected from State Government in the coming months.

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

9.1.2

(cont)

16-18 Spring Street, Box Hill

The Fast Track Government Land (FTGL) Service facilitated Amendment C197 to change the planning controls relating to two Box Hill Institute (BHI) sites:

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

The Amendment was approved by Minister for Planning and came into effect on 27 April 2018. Since the amendment:

- 1000 Whitehorse Road has been largely demolished (except for the former Box Hill Girls Technical college building which is protected by a Heritage Overlay) to make way for a proposal by the Salvation Army to relocate from its current site in Nelson Road, Box Hill.
- A development plan as required under the Development Plan Overlay was lodged for 16-18 Spring Street in September 2018. Revised documents and further information for the development plan were submitted in January 2019 and these are currently being assessed. The development plan will be the subject of a future report to Council.

CONSULTATION

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

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

9.1.3 Healesville Freeway Reservation: Request for comment on Removal of Public Acquisition Overlay

FILE NUMBER: SF15/719

SUMMARY

This report seeks Council's comment on proposed removal of the Public Acquisition Overlay, Schedule 3 that covers the Healesville Freeway corridor between Springvale and Boronia Roads in the Whitehorse Planning Scheme. The Overlay was applied in 1969 in favour of the Roads Corporation / VicRoads to reserve the land for future road purposes. The State Government declared the land surplus to road network requirements in 2009 and, as an outcome of the 2015 State Election, subsequently decided to revert most of the land to the Crown for use primarily as open space for the community. The Public Acquisition Overlay on the corridor is therefore no longer necessary. There are however related land use zoning considerations which Council can seek to be addressed by the State Government.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Ellis

That Council:

- 1. Support removal of the Public Acquisition Overlay, Schedule 3, as shown in Figure 1, which covers the Healesville Freeway corridor between Springvale and Boronia Roads from the Whitehorse Planning Scheme.**
- 2. Request that VicRoads and the Department of Environment, Land, Water and Planning appropriately zone the Healesville Freeway corridor for its future use as open space and address the residential zoning of residual parcels as outlined in this report.**
- 3. Write to VicRoads to advise of its decision.**

CARRIED UNANIMOUSLY

BACKGROUND

The Healesville Freeway Reservation (HFR), as it first existed from near the Riversdale Road/Station Street to Healesville, was first included in Box Hill and the Nunawading (now Whitehorse) Planning Scheme in 1969. During the 1980s, part of the HFR between Riversdale Road/Station Street to Springvale Road was removed from the Planning Schemes and the land developed for a diversity of uses including Council's Operations Centre, public and private housing, commercial buildings and open space.

In 2009 VicRoads identified nearly all of the remaining Healesville Freeway Reservation (HFR) being 35 hectares of undeveloped land between Springvale Road and Boronia Road, as surplus to road network requirements. This section of the HFR is 3.3 kilometres long and varies in width from 75 metres to 300 metres. In the Whitehorse Planning Scheme the reservation is covered by the Public Acquisition Overlay, Schedule 3 (PAO3).

In 2012, under the previous Liberal State Government, VicRoads commenced the structure planning process for the Healesville Freeway Reservation Renewal Project (HFRRP) which assumed inclusion of substantial parts of the HFR for future housing.

During the 2015 State Government election the Labor party committed to retaining the HFR for open space and to construct a shared path along its length. After the election the State Government commenced a process for most of the HFR to transfer to Crown Land, with Parks Victoria intended to be responsible for the day to day management and maintenance of the land, and indicated the sale of select parcels of land to fund the development of the HFR.

9.1.3 (cont)

Council has an interest in a number of parcels of land along the HFR that are currently used for community recreation and as parkland. Council is also firmly committed to advocating for the best outcome possible for the local and regional community for this significant corridor of open space.

It is anticipated that Parks Victoria will prepare a master plan for future improvement of the HFR now that the Crown Land transfer is completed. While the timing of the master planning process is not yet known, Council has consistently raised: a variety of recreational, environmental and heritage considerations; site conditions; funding concerns; community engagement expectations; and project coordination matters.

VicRoads has written to Council to advise that it intends to apply to the Minister for Planning to remove the redundant sections of PAO3 covering the HFR from the Whitehorse Planning Scheme. The affected land is highlighted yellow in Figure 1 below. It is noted that there are two minor areas of land at Dandenong Creek (outlined in blue) that will remain in the PAO3.

VicRoads proposes that the amendment be undertaken by the Minister, without exhibition, via a prescribed amendment under Section 20A (4) of the *Planning and Environment Act 1987* (the Act). A prescribed amendment can be used for specific classes of amendments to correct obvious or technical errors, remove duplicate and redundant clauses, and to clarify provisions and the like. As the land affected by the PAO3 is no longer required for road network purposes, VicRoads considers a prescribed amendment is an appropriate mechanism.

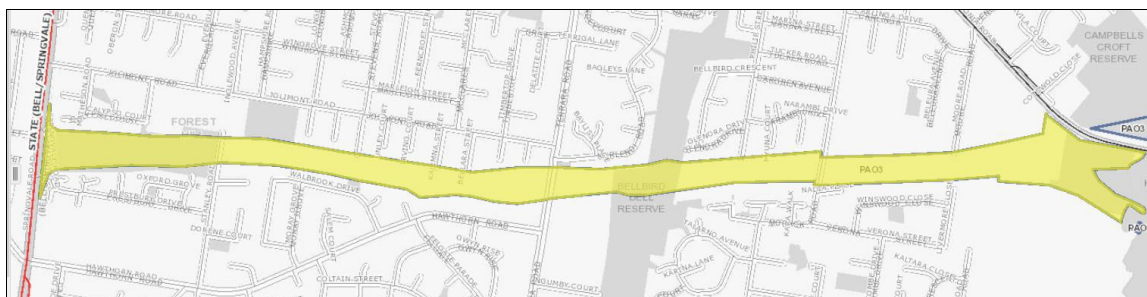


Figure 1 Proposed removal of PAO3 (shaded yellow)

DISCUSSION

The Minister is required to consult with Council when preparing a prescribed amendment. In effect, VicRoads is seeking Council's comment and it is understood that this process will meet the Minister's requirement to consult.

As the land acquired by VicRoads under the reservation is surplus to road network requirements and in view of the State Government's decision to dedicate the HFR to open space, it is appropriate that the PAO3 should be removed. The Overlay is superfluous and may unnecessarily trigger the need for a planning permit for certain activities the state government may want to undertake to implement the future open space vision. For example, a planning permit is required for demolition of structures, for buildings and works, and for vegetation removal unless the activity is consistent with the purpose for which the land is reserved – which in this instance is for road purposes, not open space. It is anticipated that the future agreed master plan by Parks Victoria, with input from the community, will suitably guide future improvement of the corridor.

A legacy from the previous state government was Amendment C200 which was gazetted after the election on 27 November 2014. This amendment put into effect the Liberal Government's commitment to rezone two significant areas to the Public Park and Recreation Zone, being: east of Terrara Road to Morack Road through Bellbird; and the Davy Lane Reserve precinct.

9.1.3 (cont)

Just prior to Amendment C200, the remainder of the HFR was rezoned by the Minister for Planning primarily to the General Residential Zone at the same time he approved Council's request for the new residential zones across the municipality via Amendment C160 (gazetted on 14 October 2014). Council did not request rezoning of the HFR to the General Residential Zone and due to VicRoads' concurrent structure planning process had deliberately omitted the corridor from Council's *Housing and Neighbourhood Character Review* (2014) that informed the new residential zones.

While removal of the PAO3 is important, it is considered equally important to resolve the remaining land use zones. In particular:

1. The boundaries of the future park need to be confirmed and rezoned appropriately for parkland.
2. Land outside the future park boundary needs to be reviewed to be consistent with neighbouring residential areas. In the case of land east of Morack Road shown in Figure 2, Neighbourhood Residential Zone would be consistent with the adjoining residential areas.

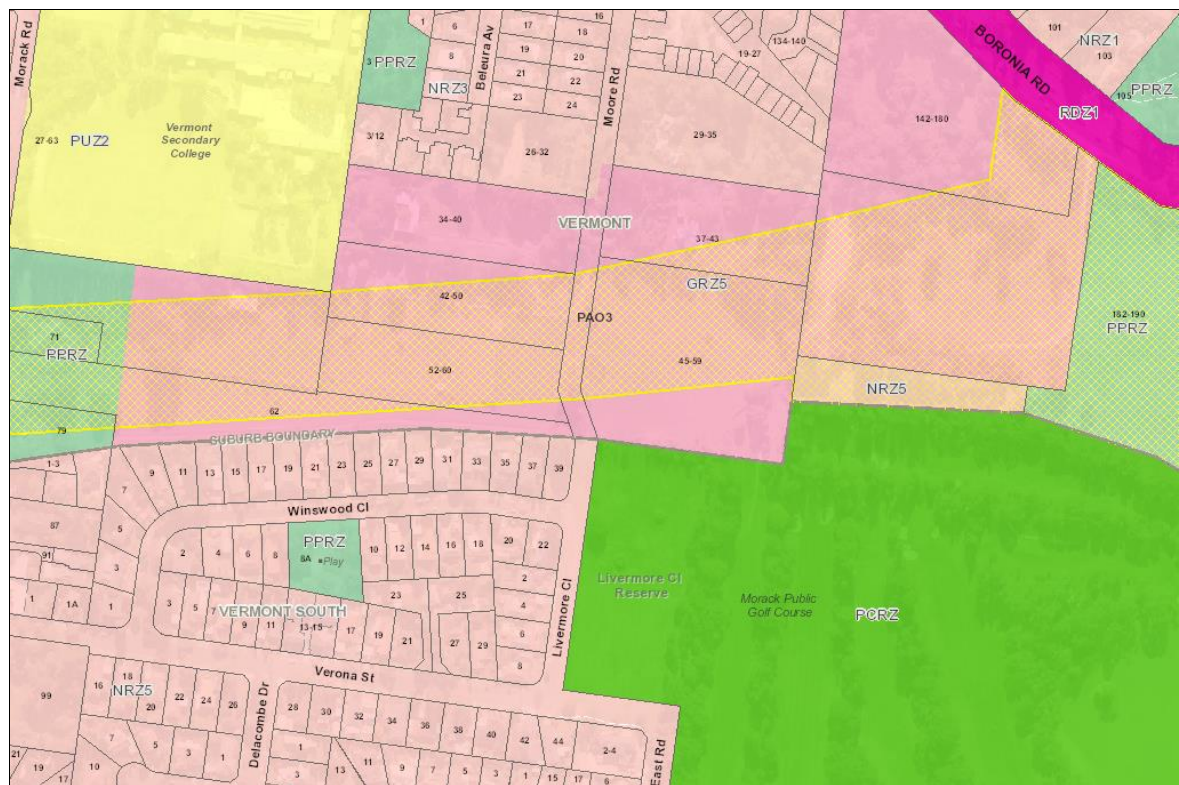


Figure 2 Land use zones in the PAO (east of Morack Road)

9.1.3

(cont)

CONSULTATION

VicRoads is seeking Council's comment on a proposal to remove the PAO3 from the majority of the HFR and has given Council 28 days to respond. VicRoads proposes that the amendment to the Whitehorse Planning Scheme be through a prescribed amendment by the Minister under section 20A (4) of the Act. A prescribed amendment is not exhibited and public comment is not sought.

FINANCIAL IMPLICATIONS

There are no financial implications for Council in providing comment on the proposed amendment.

POLICY IMPLICATIONS

The amendment will facilitate delivery of the HFR as open space and is therefore consistent with the *Council Plan 2017-2021*, Direction 3: *Protect and enhance our opens spaces and natural environments*. Specifically, Goal 3.1.2 *Continue to retain, enhance and increase the amount of open spaces to meet the needs of our diverse community with amenities that encourage opportunities for shared use*.

9.1.4 Permanent Significant Landscape Overlay Control, Schedule 9 (SLO9): Consideration of further strategic work

FILE NUMBER: SF18/1688
ATTACHMENT

SUMMARY

In 2017 Council requested the Minister for Planning apply an interim Significant Landscape Overlay (SLO) Schedule 9 across all residential land in the municipality (excluding land already covered by an existing SLO). Council concurrently sought Ministerial approval to exhibit permanent SLO controls on the same basis. The Minister for Planning approved the SLO9 on an interim basis for a period of 12 months as well as directing Council to undertake further strategic work before seeking to re-apply the SLO on a permanent basis.

This report outlines the recommendations of the further strategic work undertaken and seeks Council's adoption of the work before submitting it to the Minister for Planning along with an application to apply the SLO on a permanent basis.

RECOMMENDATION

That Council:

1. **Adopt the further strategic work as requested by the Minister for Planning as shown in Attachment 1 to support the application of the Significant Landscape Overlay on a permanent basis.**
2. **Provide the further strategic work to the Minister for Planning with a new request to prepare and exhibit an amendment to the Whitehorse Planning Scheme to apply the Significant Landscape Overlay on a permanent basis and make associated policy updates, generally in accordance with the draft planning controls in Attachment 2.**

MOTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

1. **Adopt the further strategic work as requested by the Minister for Planning as shown in Attachment 1 to support the application of the Significant Landscape Overlay on a permanent basis with the following change:**
"A permit is required to remove, destroy or lop a tree. This does not apply to:
 - **A tree less than 10 metres in height and having a single trunk circumference of less than 1.0 metre at a height of 1.0 metre above ground level".**
2. **Provide the further strategic work to the Minister for Planning with a new request to prepare and exhibit an amendment to the Whitehorse Planning Scheme to apply the Significant Landscape Overlay on a permanent basis and make associated policy updates, generally in accordance with the draft planning controls in Attachment.**

LOST

A Division was called.

Division

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

On the results of the Division the motion was declared LOST

9.1.4
(cont)

MOTION

Moved by Cr Massoud, Seconded by Cr Cutts

That Council:

- 1. Adopt the further strategic work as requested by the Minister for Planning as shown in Attachment 1 to support the application of the Significant Landscape Overlay on a permanent basis.***
- 2. Provide the further strategic work to the Minister for Planning with a new request to prepare and exhibit an amendment to the Whitehorse Planning Scheme to apply the Significant Landscape Overlay on a permanent basis and make associated policy updates, generally in accordance with the draft planning controls in Attachment 2.***

AMENDMENT

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

- 1. Adopt the further strategic work as requested by the Minister for Planning as shown in Attachment 1 to support the application of the Significant Landscape Overlay on a permanent basis.***
- 2. Provide the further strategic work to the Minister for Planning with a new request to prepare and exhibit an amendment to the Whitehorse Planning Scheme to apply the Significant Landscape Overlay on a permanent basis and make associated policy updates, generally in accordance with the draft planning controls in Attachment 2.***
- 3. Direct notification to owners of affected properties is adopted during the exhibition period***

PROCEDURAL MOTION

Moved by Cr Ellis, Seconded by Cr Stennett

That the Motion be put.

CARRIED

**The motion as amended by Cr Davenport, Seconded by Cr Barker was then put and
LOST**

**The substantive motion as moved by Cr Massoud, Seconded by Cr Cutts was then
put and CARRIED**

A Division was called.

Division

For

Cr Barker
Cr Bennett
Cr Carr
Cr Cutts
Cr Ellis
Cr Liu
Cr Massoud
Cr Stennett

Against

Cr Davenport
Cr Munroe

On the results of the Division the motion was declared CARRIED

9.1.4

(cont)

BACKGROUND

In December 2015 Council engaged planning consultants to undertake the *Whitehorse Municipal Wide Tree Study* (the Study). The aim of the project was to strengthen the effectiveness of the City of Whitehorse in protecting and enhancing canopy tree cover on private property.

At the meeting on 18 July 2016 Council resolved, amongst other things, to:

Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement Scenario B – Extend the Significant Landscape Overlay to all residential zoned land in the municipality.

On 26 May 2017 Council submitted a request to the Minister for Planning (the Minister) to approve an amendment to the Whitehorse Planning Scheme (Planning Scheme) to include all residential land in the Significant Landscape Overlay (SLO) on an interim basis (Amendment C191). Council also sought authorisation to prepare and exhibit Amendment C196 to include all residential land in the SLO on a permanent basis. The amendments related to residential land not already included in a permanent SLO via schedules 1 – 8 of Clause 42.03.

On 28 December 2017 the Minister approved Schedule 9 to the SLO on an interim basis until 31 December 2018 (as Amendment C191). The Minister refused Council's request to prepare and exhibit Amendment C196 and directed Council to undertake further strategic work before submitting a new request to apply the same controls on a permanent basis. The further strategic work includes undertaking a strategic assessment of the landscape character of the municipality to demonstrate that the application of the proposed tree controls was across areas considered significant.

On 18 December 2018 the Minister for Planning extended the lapse date for the interim SLO by 6 months until 30 June 2019 (as Amendment C214). If needed, a request can be made to the Minister for Planning to further extend the lapse date of the interim SLO to allow the completion of the amendment process.

In August 2018 Council engaged planning consultants Ethos Urban to assist Council in undertaking the further strategic work. This work has now been completed and is being presented to Council for adoption (refer Attachment 1).

DISCUSSION

The purpose of the further work is to strategically justify the broader application of permanent tree protection provisions under the SLO. As a result the key objectives are to:

- Strengthen the strategic framework to support canopy tree retention in Whitehorse
- Demonstrate that additional tree controls will not unduly impact on the ability of Whitehorse to provide additional housing stock
- Minimise the administrative burden of the new tree controls and ensure they make appropriate use of the Victoria Planning Provisions.

The further work builds on *the Municipal Wide Tree Study* adopted by Council in 2016 and seeks to analyse and address potential issues, and to reinforce the strategic justification for the tree controls. In particular the Study responds to the Minister's request to undertake a strategic assessment of the landscape character of the municipality, as well as demonstrate that Whitehorse can continue to adequately provide for projected housing demand.

The further work has involved the following:

- Reviewing and analysing the strategic context for tree controls including the Local Planning Policy provisions and Whitehorse Urban Forest Strategy
- Reviewing and analysing the statutory controls that currently apply

9.1.4

(cont)

- Analysing the administration of SLO9, VCAT decisions and stakeholder and community feedback
- Reinforcing the importance of canopy trees in Whitehorse as well as the benefits of canopy trees in an urban environment
- Undertaking a landscape assessment to demonstrate the importance of canopy trees and which species make the most significant contribution to different areas of Whitehorse
- Analysing housing growth and vegetation protection including population and development projections, spatial distribution of current and projected development and the implications for housing capacity in Whitehorse
- Modelling the potential effect of tree retention of the ability to develop different residential lots and create various housing typologies
- Discussing the mechanisms available to enhance canopy coverage including existing mechanisms and alternative mechanisms
- Investigating the impact of State Government reforms on housing capacity in comparison to vegetation protection
- Examining the use of alternative planning scheme provisions to provide an appropriate outcome
- Analysing whether tree controls can be rationalised
- Revising the interim controls to expand the permit exemptions available
- Analysing a simplified permit assessment process.

Assessment of landscape character

The further work included a landscape assessment by Ecology and Heritage Partners. This included analysis of existing characteristics and preferred character statements from the Whitehorse Neighbourhood Character Study and undertaking a field assessment of selected precincts.

The landscape assessment found that the existing characteristics and preferred character statements, in terms of canopy trees and species, generally aligned well with the trees identified during the assessment. The landscape assessment also found that the residential areas of Whitehorse have a strong and desirable neighbourhood character, largely influenced by the presence of canopy trees.

A detailed review of the dominant tree species in the Bush Suburban and Garden Suburban Character Precincts confirms that these Neighbourhood Character Areas are appropriately defined and that canopy trees do make a substantial contribution to neighbourhood character. Bush Suburban areas generally contain more native species, while Garden Suburban areas are more diverse and contain a mix of native and exotic trees.

A number of areas are identified as having a high level of discernibly consistent canopy trees, which further emphasises the dominant contribution of canopy trees to neighbourhood character throughout the municipality.

The assessment highlighted that tree retention alone will not achieve the 30% target of the Interim Urban Forest Strategy, and that greater emphasis needs to be placed on residential development achieving canopy cover through the establishment of new canopy trees. Tree canopy cover across the municipality is currently at approximately 21% based on tree height starting at 3 metres (DELWP, 2018).

9.1.4

(cont)

Impact on housing capacity

The further work looked at the housing capacity and future development assumptions from the 2014 *Housing and Neighbourhood Character Review*, existing tree canopy cover and the proposed application of the SLO within the Residential Growth, General Residential and Neighbourhood Residential Zones. The further work has concluded that introduction of the permanent SLO is not expected to have an unreasonable impact on the City's capacity to accommodate projected population and dwelling growth in the residential zones. Noting that the proposed SLO does not apply to other zones such as the Commercial and Mixed Use Zones where significant higher density housing growth is also directed. Attachment 1 provides further detail on this analysis.

Recommendations from further work

The further work makes the following recommendations regarding the permanent statutory controls:

- Modify the Municipal Strategic Statement to strengthen its emphasis on tree canopy protection and enhancement, and include reference to the Urban Forest Strategy and its 30% tree canopy target.
- Amend Clause 21.05 (Environment) of the Planning Scheme to:
 - Provide support for the application of permanent SLO9
 - Exclude land within SLO9 from the minimum lot size policy that applies to other SLO schedules
- Amend Clause 22.04 (Tree Conservation) of the Planning Scheme to:
 - Strengthen references to canopy trees in the policy basis
 - Strengthen the objectives to ensure that new development provides sufficient space for new and replacement trees
 - Clarify the relationship between vegetation controls and ResCode planting requirements by:
 - prioritising tree retention over planting requirements
 - placing emphasis on achieving equivalent canopy through offset planting
 - allowing zone tree planting requirements to be taken into account when calculating offsets
 - Refine the provisions relating to buildings and works near existing trees to provide for a minimum setback of 3m in SLO9 rather than the 4m that applies to SLOs 1-8
 - Refine the provisions relating to tree regeneration to provide for a minimum area of 35sqm in SLO9 rather than the 50sqm that applies to SLO1-8
 - Clarify the circumstances under which an arborist report is required and ensure that reports, when required, address all aspects of the local policy
- Amend Schedule 9 to the SLO to:
 - Strengthen the landscape character objective to include reference to replacement trees
 - Introduce new vegetation removal exemptions providing for the removal, destruction or lopping without a permit for:
 - Trees located less than 3 metres from the wall of a dependent person's unit, dwelling including a garage attached to a dwelling (aligning the provision with the local policy setback requirement)
 - Trees located less than 3 metres from an in-ground swimming pool
 - Environmental weeds (see further discussion below)
 - Trees around public utilities including powerlines, services within easements and the like (see further discussion below)
 - Street trees in line with Council's Street Tree Policy.
 - Add a note clarifying that the exemption provisions do not authorise the removal, destruction or lopping of trees required by existing planning permits.
 - Add a table containing a list of environmental weeds.

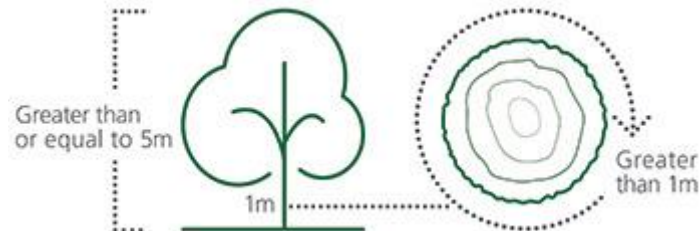
9.1.4
(cont)

- Add a provision to allow approved planning permits granted prior to the introduction of the interim SLO9 controls on 8 February 2018 to be exempt from the tree removal trigger.
- Amend the planning scheme maps and associated schedules to remove the area-based Vegetation Protection Overlay Schedules 2 and 4 from properties (as per Amendment C196) as they would duplicate tree controls for these areas.

The draft planning controls that are intended to form the basis of the new planning scheme amendment request are included in Attachment 2 (with changes tracked).

Permit trigger – tree size

It is intended to retain the planning permit triggers that are currently in the interim SLO9. That is, a planning permit is required to remove, lop or destroy a tree that is 5 metres or more in height **and/or** with a trunk circumference of greater than 1 metre measured at 1 metre above the ground. Trees under this height **and** trunk circumference are exempt from the need for a planning permit. This is intended to protect taller trees with narrower trunks (for newly establishing trees / future canopy) and shorter trees with wider trunks (which have reached maturity and contribute to the neighbourhood character).



Environmental weeds

The further work has identified that VCAT has generally not attributed retention value to trees designated as environmental weeds. Although it is acknowledged that some environmental weeds may contribute to neighbourhood character and canopy cover in some parts of the municipality, Council does discourage their planting because of their propensity to invade native bushland. Therefore the further work recommends that an exemption be created for trees identified as environmental weeds, which is consistent with neighbouring municipalities.

9.1.4

(cont)

It is recommended that the following environmental weeds be exempt from needing a permit to remove:

- Box Elder (*Acer negundo*)
- Cape Wattle (*Paraserianthes lophantha*)
- Cherry Plum (*Prunus cerasifera*)
- Cootamundra Wattle (*Acacia baileyana*)
- Cotoneaster (*Cotoneaster* spp.)
- Desert Ash (*Faxinus angustifolia*)
- Hawthorn (*Crataegus monoxynea*)
- Mirror Bush (*Coprosma repens*)
- Privet (*Ligustrum* spp.)
- Radiata or Monterey Pine (*Pinus radiata*)
- Sallow Wattle (*Acacia longifolia*)
- Sweet Pittosporum (*Pittosporum undulatum*)
- Willow (*Salix* spp.)

These species of environmental weeds have potential to grow in excess of 5 metres and have been identified as species that can affect native or indigenous species located in Whitehorse. State legislated “noxious weeds” are already exempt under the broader provisions of the SLO. Council’s ParksWide department has reviewed the recommended weeds list and support the inclusion of the above species.

Public assets - powerlines, easements and street trees

Concerns have been raised about trees which could affect powerlines or utilities within easements or right-of-ways. It is recommended that an exemption from the need for a planning permit apply to trees in these instances (which are included in the definition of ‘utility installation’ under the Planning Scheme).

For example:

To remove, destroy or lop the minimum extent of vegetation necessary to maintain public utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like.

Street trees should also be exempt from the need for a planning permit as their management is subject to other well established Council processes, such as Council’s Street Tree Policy which is proposed to be reviewed.

Non-statutory mechanisms

Aside from the statutory controls outlined above, awareness and education of the importance of trees has consistently been identified as a key component which underpins the protection and enhancement of tree canopy. Council currently undertakes a tree education and awareness program which aims to raise awareness about the benefits of trees in an urban environment. The municipal wide canopy target of 30% will not be reached unless there are additional trees planted on private land. The tree education program will assist with promoting tree planting and retention.

Future work

The further strategic work also discussed the mechanisms available to enhance canopy coverage given that the municipal wide canopy target of 30% will not be reached unless there are additional trees planted on private land. The work recommends investigating further the merits of introducing a “Tree Planting Area” for private land.

9.1.4 (cont)

The Tree Planting Area concept aims to ensure sufficient space for existing and / or new trees on development sites toward achieving the municipal wide tree canopy target as discussed in Council's Urban Forest Strategy. The Tree Planting Area proposes that canopy tree planting relate to the development site overall by setting aside a percentage of the site for the purpose of retaining or establishing trees instead of on a per dwelling basis. It is intended that the Tree Planting Area could align with the existing mandatory Garden Area provisions introduced more broadly into the General and Neighbourhood Residential Zones by the state government.

The Interim Urban Forest Strategy needs to be finalised to determine how the municipal wide canopy target can be applied across the municipality, how this would relate to private development on a per lot basis and how ideas such as a Tree Planting Area could assist. The Tree Planting Area concept also requires further consideration of the existing tree planting requirements contained in the schedules to the residential zones in the planning scheme and the performance of these requirements with the recently introduced Garden Area requirements. This did not form part of the current scope for the further strategic work and therefore requires additional work to be conducted in the future.

CONSULTATION

The Municipal Wide Tree Study included community consultation and Council invited feedback on the draft study in April and May 2016. The community consultation undertaken for the Tree Study included:

- Notification in the Whitehorse Leader for four weeks between late April and mid-May. This notification included advertising the project webpage, drop in sessions and how to comment on the draft report;
- Three drop in sessions (held at Sportlink, Box Hill Mall and Blackburn Lake Visitor Centre);
- Project webpage for the life of the project which is still active today and includes the documents associated with the project; and
- Three project bulletins over the life of the project (which are available on the project webpage).

Council received a variety of feedback which was incorporated into the Final Options and Recommendations Report.

All owners and occupiers of land included in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone and Low Density Residential Zone that was not already covered by the Significant Landscape Overlay were sent a letter when the interim controls were first introduced via Amendment C191 in February 2018. Information was also made available on Council's website or on a flyer which could be accessed online or at Council's Customer Service Centres.

Council did not seek submissions regarding the controls as interim controls do not proceed through the normal statutory exhibition process. Council received numerous phone and counter inquiries where residents were seeking clarification regarding the interim controls. Council also received approximately 70 written inquiries or feedback which officers responded to and provided information where requested.

If the Minister for Planning approves the preparation of the permanent controls, Council anticipates that a full planning scheme amendment process would follow and at that stage, the community will have an opportunity to make formal comment on the amendment during the exhibition process. Council may have the opportunity to apply for an extension to the interim SLO9 if needed.

9.1.4

(cont)

FINANCIAL IMPLICATIONS

Planning scheme amendment costs can include statutory fees of approximately \$3000, preparation of the amendment and notification documents and an independent planning panel. \$50,000 has been allocated in the 2019/20 budget to undertake the amendment. However additional fees may arise if there is a lengthy planning panel process and/or if direct notification is used during the exhibition period.

The extension of the SLO will result in more planning permit applications as more tree removals may require a planning permit. This would result in the need for additional resources for assessment of applications, as well as monitoring and enforcement. The Council Report in July 2016 noted that additional staff will include up to 3 arborists, up to 2 enforcement officers and 1 administrative officer, which would cost approximately \$499,000 pa (plus 12.5% on costs such as superannuation) for salaries (based on arborists, rather than planning staff). There will be \$163,000 upfront capital costs which would include overheads such as office space and fleet vehicles etc. These costs were adopted as part of the 2017/18 budget process, noting that the costs associated with additional staff will be ongoing. As part of the Planning Scheme Amendment Process, the independent Planning Panel will seek assurances that Council has the ability to resource the implementation of the proposed controls. A commitment by Council to the funding outlined above is therefore critical.

POLICY IMPLICATIONS

Extending the SLO controls on a permanent basis to the remaining residential areas not already covered by SLO1 – SLO8 will create new permit requirements for these areas. However it is proposed to only apply the requirements to trees considered canopy trees under the definition contained in the revised Schedule 9 to the SLO. The further work has recommended clarifying the permit exemptions previously included in the interim controls. Exemptions such as those relating to environmental weeds will clarify the permit requirements for landowners and remove the administrative burden for the removal of identified environmental weeds.

The further work also recommends improving planning policy within the LPPF irrespective of any other tools and mechanisms that could be put in place to protect trees. By undertaking an amendment to the Planning Scheme, the MSS would be amended to strengthen the discussion about the roles and values of vegetation within Whitehorse. It is also proposed to amend the MSS to include reference to the Urban Forest Strategy and its tree canopy target.

It is recommended to amend Clause 22.04 (Tree Conservation) to strengthen the objectives to enhance tree canopy cover across the municipality and provide further refinement to provisions relating to buildings and works. I.

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

9.1.4

(cont)

CONCLUSION

There has been a concern that the neighbourhood character of Whitehorse will be diminished if trees are removed or lopped and therefore Council undertook the *Municipal Wide Tree Study*. Council subsequently sought an amendment to the Planning Scheme to implement the recommendations of the Study.



The Minister approved a new schedule to the SLO on an interim basis and requested Council undertake a strategic assessment of the landscape character of the municipality to support applying the same controls on a permanent basis.

This report discusses the comprehensive work undertaken as part of the further strategic work, including the financial implications to Council as well as the benefits of implementing further planning controls. The further work has also undertaken a landscape assessment as requested by the Minister and looked to reconcile housing growth and vegetation protection across the municipality.

The further strategic work reiterates that the SLO is the only tool within the Victoria Planning Provisions that can protect canopy trees for their collective aesthetic value and relate their contribution to neighbourhood character. The further work recommends revising Schedule 9 to the SLO to include additional permit exemptions to simplify the permit process. The further work also recommends amending the local planning policy at Clause 22.04 to reinforce the importance of retaining canopy trees in Whitehorse. The consultants believe that this will support the application of the controls on a permanent basis and balance the parallel policy objectives of vegetation protection and housing growth.

This report recommends that Council adopt the further work undertaken by Ethos Urban and present this to the Minister for Planning as part of a new request to prepare and exhibit an amendment to the Planning Scheme to apply the SLO controls across the municipality on a permanent basis.

ATTACHMENT

- 1 Municipal Wide Tree Study: Part 2 Additional Analysis (Final Report) 
- 2 Draft Planning Controls for permanent SLO9 amendment request (with tracked changes) 

Engineering and Environmental

9.1.5 North East Link: Submission to Inquiry and Advisory Committee

SUMMARY

Council has resolved to oppose the alignment of North East Link and to strongly advocate for improved outcomes for the Whitehorse community. An independent Inquiry and Advisory Committee (IAC) will be appointed to hear submissions regarding the project, prior to being considered for final approval by the Minister for Planning. This report outlines the process for Council presenting its position to the IAC and the budget implications.

MOTION

Moved by Cr Stennett, Seconded by Cr Liu

That Council:

- 1. Note the process for presenting Council's position to the North East Link Inquiry and Advisory Committee.***
- 2. Approve budget expenditure of \$200,000 in 2018/19 as part of the overall project expenditure of \$550,000 to ensure Council is appropriately represented during the Inquiry and Advisory Committee phase.***

AMENDMENT

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

- 1. Note the process for presenting Council's position to the North East Link Inquiry and Advisory Committee.***
- 2. Approve budget expenditure of \$200,000 in 2018/19 as part of the overall project expenditure of \$550,000 to ensure Council is appropriately represented during the Inquiry and Advisory Committee phase***
- 3. Rescind Council's opposition to the North East Link Project and focus on minimising impacts identified by the community during Council's consultation process in 2018.***

LOST

Cr Davenport requested that the minutes reflect that he voted in favour of the Amendment

PROCEDURAL MOTION

Moved by Cr Barker, Seconded by Cr Davenport

That the Motion be put.

CARRIED UNANIMOUSLY

The substantive Motion moved by Cr Stennett, Seconded by Cr Liu was then put and CARRIED

9.1.5

(cont)

BACKGROUND

Council resolved on 11 December 2017 to oppose the State Government's decision to select the alignment of North East Link (NEL). At its meeting on 15 October 2018, Council further resolved to advocate strongly to the State Government, opposition and the North East Link Authority for improved outcomes for the Whitehorse community, particularly relating to open space, transport, noise and health and wellbeing.

A wide range of advocacy activities have been undertaken to ensure the State Government are aware of Council's position regarding North East Link. These activities include meetings, written correspondence, participation in community and technical committees, letters to Members of Parliament, community forums and a community survey.

NEL is a declared project under the Major Transport Projects Act. It has been declared that an Environmental Effects Statement (EES) must be approved by the Minister for Planning prior the project proceeding to the construction phase.

The EES looks at the:

- Proposed project design
- The positive and negative changes the project will make to the existing conditions
- Approach to mitigating negative impacts
- How input from community and stakeholders has been considered

An independent Inquiry and Advisory Committee (IAC) will be appointed to:

- Review the EES documents
- Consider written submissions from professional and community stakeholders
- Hear verbal presentations from professional and community stakeholders
- Make recommendations to the Minister for Planning

DISCUSSION

Council's involvement in the upcoming assessment of the EES involves the following process:

- Review the EES documents when released on public exhibition. The documents will be on exhibition for 30 business days.
- Make a written submission regarding the EES documents
- Make verbal presentations to the IAC's hearing

To ensure Council is appropriately represented through this EES phase, it is recommended that legal and technical experts are appointed. Similar to a VCAT hearing, Council will be expected ensure representations fit within the defined scope of the NEL project and the scope of the IAC.

CONSULTATION

Preliminary verbal legal advice has been received. Discussion regarding the recommended approach has been held with the Manager Engineering and Environmental Services, General Manager City Development and the Chief Executive Officer.

FINANCIAL IMPLICATIONS

A New Budget Initiative (NBI) for \$550,000 has been submitted for consideration during the preparation of the draft 2019/20 budget. This funding is to cover legal and technical services associated with making a written EES submission and representing Council at the IAC hearing. The EES is likely to go on public exhibition prior to the 2019/20 financial year and it is expected that expenditure on these items will be required during 2018/19. There is no approved budget in the current 2018/19 financial year for legal and technical services associated with NEL.

9.1.5

(cont)

Council approval is requested for officers to access \$200,000 of the \$550,000 NBI during 2018/19, if required. Funding unexpended during 2018/19 will be carried over to 2019/20.

POLICY IMPLICATIONS

The NEL project has implications for a wide range of Council strategies, including:

- Council Plan
- Open Space Strategy
- Sport and Recreation Strategy
- Sustainability Strategy
- Integrated Transport Strategy
- Cycling Strategy
- Urban Forest Strategy
- Health and Wellbeing Plan
- Whitehorse Planning Scheme

9.2 CORPORATE

9.2.1 Proposed Road Discontinuance and Sale of Land Rear 24 Kangerong Road, Box Hill

SUMMARY

To commence the statutory procedures for the proposed discontinuance and sale of part of the unmade right of carriageway (road) at the rear of 24 Kangerong Road, Box Hill. The section of road proposed to be discontinued and sold is shown hatched on Plan A below.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

- 1. Being of the opinion that the section of road at the rear of 24 Kangerong Road, Box Hill, shown hatched on the plan below, is not reasonably required as a road for public use, commence procedures under section 206 and clause 3 of schedule 10 of the Local Government Act 1989 ("the Act") to discontinue and sell the road.***
- 2. In accordance with sections 82A, 207A and 223 of the Act give public notice of the proposed discontinuance and sale in The Age newspaper and on Council's website.***
- 3. Pursuant to section 223 (1) of the Act, Council's Special Committee hear any person who in their written submission to Council has requested that they be heard in support of their written submission.***
- 4. Authorise the Manager of Property and Rates to give public notice and to carry out the necessary administrative procedures to enable the Council or its Special Committee to meet and to carry out its functions under section 223 of the Act on Monday 13 May 2019.***

CARRIED UNANIMOUSLY

BACKGROUND

There are numerous laneways throughout the municipality, some of which are constructed and actively used for access. Others are unconstructed and used for access by abutting properties, whilst others are unconstructed and not used for access or may have become subject to long term occupation by abutting property owners.

The laneways were originally created as right of carriageways (roads) on older plans of subdivision, usually for the purpose of enabling night carts to collect night-soil from those properties. This practice became obsolete when septic tanks or sewerage systems became installed.

The registered proprietor of the land title to the laneway usually remains the original subdivider, often a deceased person or dissolved company. Unconstructed laneways are not included on Council's Register of Public Roads as their use is considered more private than reasonably required for general public use, and as such are not owned or maintained by Council.

9.2.1

(cont)

Council has the authority under the *Local Government Act 1989* to discontinue a road, road includes a right of way or a laneway, where Council forms the opinion that the right of way is “no longer reasonably required for public use”. Following Council undertaking a road discontinuance, it is only then that the land vests in Council, and Council is then able to sell the road land.

In regard to the laneway in this report, Council received an application from the owner of 24 Kangerong Road, Box Hill, for the discontinuance and sale of the small section of road at the rear of the property shown hatched on the plan below.

The remainder of the road at the rear of the property is open and used for access and is not part of this proposal.

A recent site inspection has confirmed that the section of road is enclosed within the rear of 24 Kangerong Road, Box Hill, and a situation which appears to have prevailed for many years. Aerial photography indicates the relevant part of the road has been occupied by 24 Kangerong Road for in excess of 44 years. As such the section of road no longer appears used for access.

The proposed discontinuance and sale of the land from the road does not affect the remaining part of the laneway. Discontinuance and sale of the land will simply bring the remaining width of the road line with the rent of the laneway.

A Letter of Offer has been secured from the owner of 24 Kangerong Road, Box Hill, to purchase the section of land if discontinued.

Plan A below shows the extent of the part of the road proposed for road discontinuance, as shown hatched.

Plan B below shows the proposed allocation of the land to the abutting property owner.

Plan C below shows an aerial photo and photo of the section of road proposed for discontinuance. The section proposed for discontinuance is shown coloured red in the aerial photo.

DISCUSSION

The land is unencumbered and has been valued at \$49,000 excluding GST. In accordance with Council’s “Discontinuance and Sale of Unnecessary Roads Policy”, the purchase price qualifies for a 50% discount due to long term occupation of the land for a period of 15 years or longer.

The owner of 24 Kangerong Road, Box Hill, has confirmed their interest in purchasing the 23m² of land from the road that they occupy in accordance with Councils policy, and on the basis of a purchase price of \$24,500 plus GST.

CONSULTATION

All necessary service authorities have been consulted in respect to the proposal with no objections to the proposed discontinuance.

There are no assets (stormwater or sewer pipes) located in the section of road proposed to be discontinued.

The statutory procedures under the *Local Government Act 1989* require Council to give public notice of its intention to discontinue and sell the road and invite submissions from affected parties under section 223 of the *Local Government Act 1989*.

9.2.1
(cont)

Public notice of the proposed discontinuance will be given in The Age newspaper and published on Council's website. In addition, all abutting property owners will be advised of the proposal in writing and informed of their right to make a submission under section 223 of the *Local Government Act 1989*.

Submitters may request to be heard by Council's Special Committee prior to a decision being made to proceed or otherwise with the proposal.

Key processes that are proposed if agreed by Council are:

- | | |
|------------------------|--|
| 1. Thursday March 21: | Public Notice advertisement |
| 2. Wednesday April 17: | Public Notice submissions close |
| 3. Monday May 13: | Special Committee to hear any submission/s (if required) |
| 4. Monday May 27 : | Report to Council for consideration |

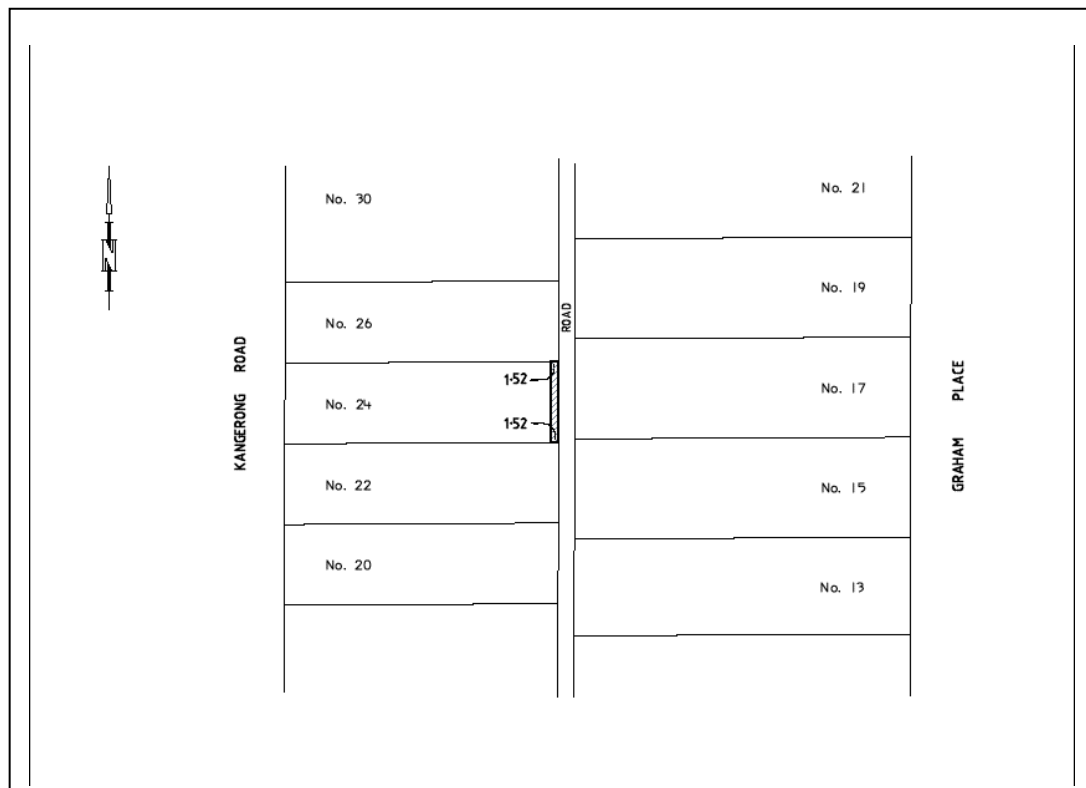
FINANCIAL IMPLICATIONS

After expenses, the net proceeds to Council will be approximately \$18,870 inclusive of GST.

IMPLICATIONS

The recommendations are made in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy.

PLAN A



9.2.1
 (cont)

PLAN B

TITLE PLAN		EDITION 1	TP 965716H			
<p style="text-align: center;">LOCATION OF LAND</p> PARISH: NUNAWADING TOWNSHIP: _____ SECTION: _____ CROWN PORTION: _____ CROWN ALLOTMENT: 16 (PART) LAST PLAN REFERENCE: LP 2766 TITLE REFERENCE: VOL. 2993 FOL. 454 DEPTH LIMITATION: DOES NOT APPLY		<p style="font-size: small;">WARNING: THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND. ANY ONE LOT MAY NOT HAVE BEEN CREATED. CHECK THE LOT/PLAN INDEX FOR CURRENT INFORMATION.</p> <p style="text-align: center;">NOTATIONS</p>				
EASEMENT INFORMATION						
Easement Reference	Purpose/ Authority	Width (Metres)	Origin	Land Benefited/ In Favour Of	THIS PLAN HAS BEEN PREPARED FOR LAND VICTORIA TITLE DIAGRAM PURPOSES Date: _____ Assistant Registrar of Titles	
<p style="text-align: center;">KANGEROO ROAD</p> <p style="text-align: center;">WHITEHORSE ROAD</p>						
SCALE $\frac{1}{400}$ LENGTHS ARE IN METRES		SCALE 1:400	SHEET SIZE A3	FILE NO: LGD		
Millar Merrigan (03) 8720 9020 R (08) 5134 8611 www.millarmerrigan.com.au survey@millarmerrigan.com.au 501 003666 Quality 900 0001		Land Development Consultants Millar & Merrigan Pty Ltd ACN 005 541 868 Metro 2728 Mainville Drive, Clayton 3168 Regional 156 Commercial Road, Morwell 3640 Mail PO Box 247 Clayton, Victoria 3168		SURVEYORS REF 24022SI	DEALING CODE: LGA	SHEET 1 OF 1
VERSION 1 DATE 14/2/19		TITLEPL.DWG				

9.2.1
(cont)



Photo of occupied part of laneway enclosed within fence line of 24 Kangerong Rd



9.2.2 Junction Road Nunawading

FILE NUMBER: SF19/202

SUMMARY

The Crown Land known as Junction Road Reserve is located at 161 Junction Road, Nunawading currently does not have an appointed Committee of Management. On 11 January 2019 the Department of Environment, Land, Water and Planning (DELWP) wrote to Council requesting that Council explore the option of assuming the Committee of Management function for Junction Road Reserve.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Cutts

That Council:

1. Formally advise the Department of Environment, Land, Water and Planning (DELWP) that Whitehorse City Council would consider being the Crown Land Committee of Management for the Junction Road Reserve at the completion of the North East Link construction works and after the North East Link Authority have fully vacated the Junction Road Reserve.
2. Also advise the Department of Environment, Land, Water and Planning (DELWP) that Council's offer to consider becoming the Crown Land Committee of Management for the Junction Road Reserve is subject to appropriate funding being provided by the State Government.

CARRIED UNANIMOUSLY

BACKGROUND

On 16 April 2012 the State Government announced that the former VicRoads freehold land at 161 Junction Road, Nunawading (the subject property) had been surrendered to Crown Land. Refer Plan 1:

Plan 1: Aerial image of 161 Junction Road, Nunawading



9.2.2

(cont)

At the completion of the Eastern Freeway construction works the subject property was deemed to be surplus by VicRoads and the land was surrendered to the then Department of Sustainability and Environment (DSE) who completed the conversion to Crown Land process.

The subject property is a large sloping allotment with a land area of approximately 4.58 hectares and forms part of the larger Koonung Creek Parklands corridor.

The subject property is zoned Public Parks Recreation Zone (PPRZ) in accordance with the Whitehorse Planning Scheme.

On 1 November 2012 DSE wrote to Council advising that the subject property had become unreserved Crown Land with no formal land manager, and that DSE were attempting to find a formal land manager. In essence DSE's role was to appoint a Committee of Management (COM) for the subject property.

At Council's Ordinary meeting dated 18 March 2013 Council resolved the following:

"That Council:

- 1. Subject to appropriate funding being provided by the State Government for the preparation of a landscape plan and the development of the land support, in principle, becoming the committee of management of the 4.579 hectares of Crown Land on Junction Road, Nunawading.*
- 2. Authorise the Chief Executive Officer to negotiate the arrangements, for Council to be the committee of management of the Crown Land.*

CARRIED UNANIMOUSLY"

The issue of appropriate funding referred to in resolution 1 above was discussed in the "Financial Implications" section of the 18 March 2013 Council Report and this section states the following:

"Appropriate management and development of the land being sought by the community requires a significant level of capital and recurrent funding. Improvements required to improve the appearance and useability of the land could have an estimated cost of more than \$2 million over the next four years. A landscape plan should be developed to confirm the details of improvements to the land. Generally, works required include: car park and vehicle access/egress at Spencer Street, fencing, signs, paths, planting of vegetation, public toilets, pedestrian bridge, waterway/stormwater improvements, playground, lighting and water to establish grass coverage. Base maintenance of existing conditions is \$50,000 per annum.

Part of any agreement for Council to become the committee of management should require the State Government to provide funding for the Council to implement works that are necessary for the area to provide the level of service that has been sought by the community for more than a decade."

In April 2013 DSE advised Council that there were no funds available for the development of a landscape plan and subsequent works. Since 2013 the subject property has remained Crown Land with State Government contractors completing basic maintenance such grass slashing.

In accordance with the 13 March 2013 resolution 2, the Department of Environment, Land, Water and Planning (DELWP) wrote to Council on 11 January 2019, requesting that Council explore the option of assuming the COM function for Junction Road Reserve.

Council, as a courtesy, acknowledged receiving the DELWP letter and advising that the request contained within the letter required further assessment by Council Officers.

9.2.2

(cont)

DISCUSSION

While completing the assessment of DELWP's request for Council to be appointed the Crown Land COM, it was verbally confirmed by DELWP that the North East Link Authority had made a formal request to DELWP to occupy the subject property as a works area during the five year construction of the North East Link road project.

It was also verbally confirmed by DELWP that the subject property would most likely be exclusively occupied by the North East Link Authority for the full five years and therefore unavailable to the community.

Given that the North East Link Authority exclusively occupancy would be for the whole construction period, there is little incentive for Council to be appointed the COM.

It recommended that Council formally advise DELWP that Council may consider being the COM for the subject property once the North East Link Authority have ceased occupying the subject property and the subject property is returned to its current state.

Additionally, in the same advice to DELWP it is recommended that Council reaffirm its earlier 18 March 2013 resolution; that if Council were, at a future date, to be appointed the COM that Council's appointment would be subject to appropriate funding being provided by the State Government for the preparation of a landscape plan and the development of the land.

CONSULTATION

Limited discussions between Council's Manager Property & Rates and staff at DELWP's Port Phillip regional office have occurred since 11 January 2019.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attendance

Cr Davenport left the Chamber at 8:52pm, returning at 8:54pm.

9.2.3 Appointment of Authorised Officer under the Planning and Environment Act 1987

SUMMARY

The purpose of this report is to recommend that Council resolve to appoint the named officer as an Authorised Officer under the Planning and Environment Act 1987 and approve the execution of the Instrument of Appointment.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Cutts

That Council resolve to appoint John Guilfoyle and Alan Harrison as Authorised Officers pursuant to the Planning and Environment Act 1987 and that the Council Common Seal be affixed to the Instrument of Appointment (provided as Appendix 1).

CARRIED UNANIMOUSLY

BACKGROUND

Part 6 of the Planning and Environment Act 1987 (“the Act”) provides for the enforcement of planning schemes, planning permits and agreements entered in accordance with Section 173 of the Act.

Investigative powers are vested in individuals appointed as “Authorised Officers”, such as the power to enter land, apply for an enforcement order, and file a charge and summons.

As Section 188(2) of the Act, prohibits authorisations being made under delegation, it is up to Council to directly appoint persons as “Authorised Officers” for the purpose of enforcing the Planning and Environment Act 1987.

DISCUSSION

The attached Instrument of Appointment has been prepared following advice received from Council’s solicitors Maddocks and is similar to that used by many Victorian Councils.

The Instrument of Appointment will come into force once Council’s Common Seal is affixed to the document.

CONSULTATION

Consultation with the General Manager City Development and the Manager Planning and Building has been undertaken in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the preparation of this report.

POLICY IMPLICATIONS

There are no policy implications arising from the preparation of this report.

9.2.3
(cont)

APPENDIX 1

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

In this instrument "**officer**" means -

- John Guilfoyle
- Alan Harrison

By this instrument of appointment and authorisation Whitehorse City Council -

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

It is declared that this instrument -

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

This instrument is authorised by a resolution of the **Whitehorse City Council** on **18 March 2019**.

THE COMMON SEAL OF THE)
WHITEHORSE CITY COUNCIL)
was hereunto affixed this **day of**)
March 2019 in the presence of:)

Councillor

Chief Executive Officer

Date: / /

9.2.4 Delegated Decisions January 2019

SUMMARY

The following activity was undertaken by officers under delegated authority during January 2019.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That the report of decisions made by officers under Instruments of Delegation for the month of January 2019 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for January 2018	Number for January 2019
Planning and Environment Act 1987	Delegated Decisions	87	78
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	1
Subdivision Act 1988		12	11
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	86	56
Liquor Control Reform Act 1998	Objections and Prosecutions	2	Nil
Food Act 1984	Food Act Orders	8	2
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	1	Nil
Local Government Act 1989	Temporary Rd. Closures	2	3
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	Nil	9
	Property Sales and Leases	4	2
	Documents to which Council seal affixed	1	Nil
	Vendor Payments	1006	1174
	Parking Amendments	8	3
	Parking Infringements written off (not able to be collected)	313	232

9.2.4
 (cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS JANUARY 2019

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

Appl No.	Date	Decision	Street Address	Ward	Proposed Use	Appl Type
WH/2014/1171/B	31-01-19	Delegate Approval - S72 Amendment	28 Junction Road Blackburn North Vic 3130	Central	Amendment to Planning Permit WH/2014/1171 (Issued for buildings and works to construct a double storey dwelling to the rear of the existing dwelling) for modifications to the design and layout of the garage and car space to Dwelling 2	Permit Amendment
WH/2014/280/A	03-01-19	Delegate Approval - S72 Amendment	208 Blackburn Road Blackburn South Vic 3130	Central	Construction of two double storey dwellings and one single storey dwelling	Permit Amendment
WH/2014/559/B	04-01-19	Delegate Approval - S72 Amendment	99 Morack Road Vermont South Vic 3133	Morack	Development of the land for 16 dwellings and removal of native vegetation	Permit Amendment
WH/2014/761/B	23-01-19	Delegate Approval - S72 Amendment	647 Canterbury Road Vermont Vic 3133	Springfield	Construction of five dwellings comprising four double storey dwellings and one single storey dwelling	Permit Amendment
WH/2015/794/B	17-01-19	Delegate Approval - S72 Amendment	367-369 Mont Albert Road Mont Albert Vic 3127	Elgar	Use of land for sale and consumption of liquor and reduction in the standard car parking requirements (for a restaurant use)	Permit Amendment
WH/2016/481/A	23-01-19	Delegate Approval - S72 Amendment	1087 Riversdale Road Surrey Hills Vic 3127	Riversdale	Construction of four attached double storey dwellings above basement and alteration of access to a road in a Road Zone Category 1 and associated removal of protected trees and construction of buildings and carrying out of works within 4 metres of trees protected under the Significant Landscape Overlay Schedule 9	Permit Amendment

9.2.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use	Appl Type
WH/2016/626/A	29-01-19	Delegate Approval - S72 Amendment	9 Esta Street Blackburn North Vic 3130	Central	Construction of two (2) double storey dwellings	Permit Amendment
WH/2017/782/A	11-01-19	Delegate Approval - S72 Amendment	21 Graham Place Box Hill Vic 3128	Elgar	The construction of two (2) double storey dwellings and tree removal	Permit Amendment
WH/2017/92/A	29-01-19	Delegate Approval - S72 Amendment	395 Middleborough Road Box Hill Vic 3128	Elgar	Buildings and works to construct a fence, pedestrian path and asphalt internal road and vegetation removal	Permit Amendment
WH/2011/486/A	11-01-19	Delegate NOD Issued	117 Springfield Road Blackburn North Vic 3130	Central	Buildings and works for extension to existing medical centre, a waiver of parking requirements associated with increasing practitioner numbers from 2 to 4 and tree removal	Permit Amendment
WH/2017/906	25-01-19	Delegate NOD Issued	58 Mount Pleasant Road Nunawading Vic 3131	Springfield	Construction of Two (2) Double Storey Dwellings	Multiple Dwellings
WH/2018/1059	09-01-19	Delegate NOD Issued	16 Walwa Street Mitcham Vic 3132	Springfield	Construction of two (2) double storey dwellings with vegetation removal and buildings and works within 4 metres of protected vegetation	Multiple Dwellings
WH/2018/254	03-01-19	Delegate NOD Issued	26 Stanley Grove Blackburn Vic 3130	Central	Construct two double storey dwellings, tree removal and buildings and works within Special Building Overlay	Multiple Dwellings
WH/2018/602	04-01-19	Delegate NOD Issued	87 Benwerrin Drive Burwood East Vic 3151	Riversdale	Construction of two (2) double storey dwellings on a lot & buildings and works within 4 metres of protected vegetation	Multiple Dwellings
WH/2018/645	04-01-19	Delegate NOD Issued	1 Bundarra Court Vermont South Vic 3133	Morack	Construction of two (2), two storey dwellings and associated buildings and works within trees protected under the Significant Landscape Overlay Schedule 9 (SLO9)	Multiple Dwellings

9.2.4
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use	Appl Type
WH/2018/76	24-01-19	Delegate NOD Issued	636-642 Whitehorse Road Mitcham Vic 3132	Springfield	Use of the land for industry including construction of buildings and works and alteration of access to a Road Zone Category 1	Business
WH/2018/830	29-01-19	Delegate NOD Issued	27 Rostrevor Parade Mont Albert North Vic 3129	Elgar	CONSTRUCTION OF TWO (2) DOUBLE STOREY DWELLINGS ON A LOT AND REMOVAL OF VEGETATION	Multiple Dwellings
WH/2018/860	16-01-19	Delegate NOD Issued	18 Lawford Street Box Hill North Vic 3129	Elgar	The development of the land for buildings and works to existing dwelling (carport addition) and construction of a double storey dwelling to the rear including associated buildings and works within 4 metres of protected trees and tree removal	Multiple Dwellings
WH/2018/886	24-01-19	Delegate NOD Issued	14 Wattle Valley Road Mitcham Vic 3132	Springfield	Removal of two (2) protected SLO6 Trees	Special Landscape Area
WH/2018/929	04-01-19	Delegate NOD Issued	70 Hedge End Road Nunawading Vic 3131	Springfield	Construction of two (2) double storey dwellings on a lot with buildings and works within 4 metres of protected vegetation	Multiple Dwellings
WH/2018/937	09-01-19	Delegate NOD Issued	1/1-3 Glen Ebor Avenue Blackburn Vic 3130	Central	Vegetation removal	Special Landscape Area
WH/2016/795/B	17-01-19	Delegate Permit Issued	22 Sandy Street Nunawading Vic 3131	Springfield	Construction of two double storey dwellings with an existing dwelling	Permit Amendment
WH/2017/817	09-01-19	Delegate Permit Issued	929 Station Street Box Hill North Vic 3129	Elgar	Buildings and works within 4m of protected trees and tree removal, alteration of road access to a Category 1 Road Zone, and business identification signage in association with a medical centre.	Business
WH/2018/1051	25-01-19	Delegate Permit Issued	7 Uganda Street Burwood Vic 3125	Riversdale	Construct a front fence on a land lot size less than 300 square metres	Single Dwelling < 300m2

9.2.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use	Appl Type
WH/2018/1115	03-01-19	Delegate Permit Issued	385-395 Burwood Highway Vermont South Vic 3133	Morack	1 x pylon 6m x 2m internally illuminated with 2.45sqm LED screen on one side only	Advertising Sign
WH/2018/1169	17-01-19	Delegate Permit Issued	12 Kildare Street Burwood Vic 3125	Riversdale	Buildings and works within 4 metres of protected SLO9 trees and vegetation removal	Special Landscape Area
WH/2018/1209	07-01-19	Delegate Permit Issued	12 Simon Street Blackburn North Vic 3130	Central	Vegetation removal	Special Landscape Area
WH/2018/1214	23-01-19	Delegate Permit Issued	23a Tiller Street Burwood East Vic 3151	Riversdale	2 lot subdivision	Subdivision
WH/2018/1272	09-01-19	Delegate Permit Issued	47 Victoria Crescent Mont Albert Vic 3127	Elgar	Construction of front fence within 4m of a protected and street tree and tree protected under SLO9	VicSmart - General Application
WH/2018/1273	03-01-19	Delegate Permit Issued	18 Aberdeen Road Blackburn South Vic 3130	Central	Buildings and works within 4 metres of a protected tree	VicSmart - General Application
WH/2018/1283	09-01-19	Delegate Permit Issued	1/639 Canterbury Road Vermont Vic 3133	Springfield	The construction of a 1200mm high street front fence, within 3 metres of a street in Road Zone Category 1, on a lot less than 300sqm in NRZ3 and SBO.	VicSmart - General Application
WH/2018/1284	17-01-19	Delegate Permit Issued	Flat 2 Beresford Street Mont Albert Vic 3127	Elgar	Removal of three (3) trees & buildings and works within 4 metres of protected vegetation	Special Landscape Area
WH/2018/1390	04-01-19	Delegate Permit Issued	1a Deanswood Road Forest Hill Vic 3131	Central	Buildings and works (construct a front fence) within 4 metres of protected vegetation	VicSmart - General Application
WH/2018/1393	08-01-19	Delegate Permit Issued	3/1 Morden Court Nunawading Vic 3131	Springfield	Buildings and works (construct a roof over existing deck) on a land lot size less than 500 square metres	VicSmart - General Application
WH/2018/1418	22-01-19	Delegate Permit Issued	1a/194-196 Whitehorse Road Blackburn Vic 3130	Central	Building and works for the construction of a first-floor mezzanine	VicSmart - General Application
WH/2018/178	03-01-19	Delegate Permit Issued	5 Russell Street Nunawading Vic 3131	Springfield	Construction of two double storey townhouses on a lot	Multiple Dwellings

9.2.4
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use	Appl Type
WH/2018/255	29-01-19	Delegate Permit Issued	2 Elmhurst Road Blackburn Vic 3130	Central	The construction of two double storey dwellings, buildings and works within 4 metres of vegetation and vegetation removal.	Multiple Dwellings
WH/2018/261	02-01-19	Delegate Permit Issued	1a Abelia Street Nunawading Vic 3131	Springfield	Construction of a two storey dwelling in Heritage Overlay (HO112)	Heritage
WH/2018/287	17-01-19	Delegate Permit Issued	7 Second Avenue Box Hill North Vic 3129	Elgar	Construction of Two (2) Double Storey Dwellings on a Lot and Removal of Vegetation	Multiple Dwellings
WH/2018/298	09-01-19	Delegate Permit Issued	463-465 Whitehorse Road Mitcham Vic 3132	Springfield	Construction of four, two storey dwellings and associated removal of trees within the Significant Landscape Overlay Schedule 9 (SLO9) and alteration of access to a Road Zone, Category 1	Multiple Dwellings
WH/2018/526	23-01-19	Delegate Permit Issued	112 Surrey Road Blackburn North Vic 3130	Central	Development of the land for two (2) double storey dwellings, creation of access to a road zone category 1, buildings and works within 4 metres of protected trees and tree removal	Multiple Dwellings
WH/2018/529	17-01-19	Delegate Permit Issued	68 Vanbrook Street Forest Hill Vic 3131	Morack	The construction of a dwelling at the rear of the existing dwelling on a lot, buildings and works within 4 metres of vegetation and vegetation removal.	Multiple Dwellings
WH/2018/555	03-01-19	Delegate Permit Issued	36 Davison Street Mitcham Vic 3132	Springfield	Buildings and works within 4 metres of vegetation and vegetation removal.	Special Landscape Area
WH/2018/638	29-01-19	Delegate Permit Issued	15 Beddows Street Burwood Vic 3125	Riversdale	Construction of Three (3) Double Storey Dwellings on a Lot and Vegetation Removal	Multiple Dwellings
WH/2018/661	03-01-19	Delegate Permit Issued	8 Orloff Court Burwood East Vic 3151	Riversdale	Buildings and works within 4 metres and removal of trees protected under the SLO9	Special Landscape Area

9.2.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use	Appl Type
WH/2018/693	08-01-19	Delegate Permit Issued	388 Station Street Box Hill South Vic 3128	Riversdale	Development of two double storey dwellings, tree removal and construction of a front fence within 4 metres of protected trees.	Multiple Dwellings
WH/2018/720	09-01-19	Delegate Permit Issued	40 Dunlavin Road Nunawading Vic 3131	Springfield	Construction of two double storey dwellings	Multiple Dwellings
WH/2018/755	09-01-19	Delegate Permit Issued	928 Whitehorse Road Box Hill Vic 3128	Elgar	Construct and display business identification signs within a heritage overlay	Advertising Sign
WH/2018/794	23-01-19	Delegate Permit Issued	1a Rose Street Box Hill Vic 3128	Elgar	Construct or extend one dwelling on a lot of less than 300sqm.	Single Dwelling < 300m2
WH/2018/896	31-01-19	Delegate Permit Issued	25 Mall Court Blackburn North Vic 3130	Central	Construction of two dwellings and tree removal	Multiple Dwellings
WH/2018/961	03-01-19	Delegate Permit Issued	160 Whitehorse Road Blackburn Vic 3130	Central	Construction and display of illuminated Major Promotion signage	Advertising Sign
WH/2018/983	25-01-19	Delegate Permit Issued	2/731-733 Whitehorse Road Mont Albert Vic 3127	Elgar	Change of Use and Development of an Education Facility	Education
WH/2018/985	08-01-19	Delegate Permit Issued	17-23 Stevens Road Vermont Vic 3133	Morack	Change of Use to a 48 place Childcare Centre, buildings and works, business identification sign and reduction to the required car parking rate	Residential (Other)
WH/2019/16	18-01-19	Delegate Permit Issued	51 Lemon Grove Nunawading Vic 3131	Springfield	Removal one (1) tree	VicSmart - Tree
WH/2019/26	22-01-19	Delegate Permit Issued	15 Oliver Avenue Blackburn Vic 3130	Central	Vegetation removal	VicSmart - Tree
WH/2019/27	22-01-19	Delegate Permit Issued	14 Laughlin Avenue Nunawading Vic 3131	Springfield	Vegetation removal (Tree 1 Fraxinus angustifolia – Desert Ash)	VicSmart - Tree
WH/2019/29	29-01-19	Delegate Permit Issued	14 Laughlin Avenue Nunawading Vic 3131	Springfield	Removal of 1 tree Eucalyptus botryoides - Southern Mahogany	VicSmart - Tree
WH/2019/30	29-01-19	Delegate Permit Issued	14 Laughlin Avenue Nunawading Vic 3131	Springfield	Vegetation removal	VicSmart - Tree
WH/2019/33	25-01-19	Delegate Permit Issued	4 Meadow Court Blackburn South Vic 3130	Riversdale	Removal of one (1) tree in an SLO9	VicSmart - Tree

9.2.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use	Appl Type
WH/2019/40	30-01-19	Delegate Permit Issued	6 Goddard Court Mont Albert North Vic 3129	Elgar	Removal of one tree	VicSmart - Tree
WH/2019/48	30-01-19	Delegate Permit Issued	13 Susanne Avenue Nunawading Vic 3131	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2019/5	21-01-19	Delegate Permit Issued	41 Marchiori Road Blackburn North Vic 3130	Central	Buildings and works (construct a front fence) with 4 metres of protected vegetation	VicSmart - General Application
WH/2019/58	30-01-19	Delegate Permit Issued	46 Churinga Avenue Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2019/6	22-01-19	Delegate Permit Issued	31 Fowler Street Box Hill South Vic 3128	Riversdale	Two lot subdivision	Subdivision
WH/2019/7	23-01-19	Delegate Permit Issued	28a Park Road Surrey Hills Vic 3127	Riversdale	Construction of front fence within 4 metres of an SLO9 tree	VicSmart - General Application
WH/2018/1138	03-01-19	Delegate Refusal Issued	80 Severn Street Box Hill North Vic 3129	Elgar	Proposed nine three-storey dwellings and removal of trees within SLO9	Multiple Dwellings
WH/2018/374	24-01-19	Delegate Refusal Issued	25 Watts Street Box Hill Vic 3128	Elgar	Construction of seven terrace houses, each unit has three storeys with basement parking, buildings and work, and associated tree removal	Multiple Dwellings
WH/2018/824	30-01-19	Delegate Refusal Issued	11 Branksome Grove Blackburn South Vic 3130	Central	Construction of two (2) double storey Dwellings and removal of trees	Multiple Dwellings
WH/2018/922	11-01-19	Delegate Refusal Issued	52 Parkmore Road Forest Hill Vic 3131	Morack	The development of land for buildings and works to existing dwelling and construction of a double storey to the rear of existing dwelling, including associated buildings and works within 4 metres of protected trees and tree removal	Multiple Dwellings
WH/2019/28	29-01-19	Delegate Refusal Issued	14 Laughlin Avenue Nunawading Vic 3131	Springfield	Removal of 1 tree Brachychiton acerifolius - Illawarra Flame Tree	VicSmart - Tree
WH/2019/32	25-01-19	Delegate Refusal Issued	4 Meadow Court Blackburn South Vic 3130	Riversdale	Removal of one (1) tree in an SLO9	VicSmart - Tree

9.2.4
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use	Appl Type
WH/2019/34	30-01-19	Delegate Refusal Issued	5 The Mews Vermont Vic 3133	Morack	Removal of one tree	VicSmart - Tree
WH/2019/53	30-01-19	Delegate Refusal Issued	1 Greenglade Court Blackburn North Vic 3130	Central	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2018/1386	03-01-19	No Permit Required	127 Blackburn Road Blackburn Vic 3130	Central	Buildings and works within 4m of protected trees (demolition of inground swimming pool)	VicSmart - General Application
WH/2010/455/E	09-01-19	Withdrawn	247 Middleborough Road Box Hill South Vic 3128	Riversdale	Use and development of land for restricted retail, warehouse, restricted recreation facility (gymnasium and children's play centre), convenience shop, and food and drinks premises, reduction in car parking and alteration of access to a road in a road zone category 1	Permit Amendment
WH/2018/1205	30-01-19	Withdrawn	32 Woodhouse Grove Box Hill North Vic 3129	Elgar	2 lot subdivision	Subdivision
WH/2018/1412	18-01-19	Withdrawn	5 Dalroy Crescent Vermont South Vic 3133	Morack	Two lot subdivision	Subdivision
WH/2018/1414	08-01-19	Withdrawn	5 Moray Grove Vermont South Vic 3133	Morack	Removal of a single tree	VicSmart - Tree

9.2.4
 (cont)

BUILDING DISPENSATIONS/APPLICATIONS JANUARY 2019

Address	Date	Ward	Result
27 Shawlands Avenue, Blackburn South	14-Jan-2019	Central	Consent Granted 79
34 Jessie Street, Blackburn North	16-Jan-2019	Central	Consent Granted 76
41 Marchiori Road, Blackburn North	09-Jan-2019	Central	Consent Granted 89
82 Laurel Grove South, Blackburn	24-Jan-2019	Central	Consent Granted 79,76
98 South Parade, Blackburn	22-Jan-2019	Central	Consent Granted 116
14 Faulkner Street, Blackburn South	07-Jan-2019	Central	Consent Refused 89
18 Sussex Street, Blackburn North	24-Jan-2019	Central	Consent Refused 89
2 Wellington Avenue, Blackburn	17-Jan-2019	Central	Consent Refused 74
34 Jessie Street, Blackburn North	22-Jan-2019	Central	Consent Refused 74
39 Mitta Street, Box Hill North	24-Jan-2019	Elgar	Consent Granted 74,79
39 Windsor Crescent, Mont Albert	16-Jan-2019	Elgar	Consent Granted 74
4 Louise Avenue, Mont Albert	17-Jan-2019	Elgar	Consent Granted 92
5 Paisley Street, Box Hill North	07-Jan-2019	Elgar	Consent Granted 74,79,89
62 Windsor Crescent, Surrey Hills	10-Jan-2019	Elgar	Consent Granted 74,75,80,79
84 Harrison Street, Box Hill North	16-Jan-2019	Elgar	Consent Granted 81
896 Station Street, Box Hill North	14-Jan-2019	Elgar	Consent Granted 92
13 Hawkins Avenue, Mont Albert North	30-Jan-2019	Elgar	Consent Refused 89
43 Court Street, Box Hill	30-Jan-2019	Elgar	Consent Refused 80
8 Grace Street, Mont Albert	14-Jan-2019	Elgar	Consent Refused 74
155 Mahoneys Road, Forest Hill	25-Jan-2019	Morack	Consent Granted 74
17 Carrington Court, Burwood East	29-Jan-2019	Morack	Consent Granted 76
31 Woodcrest Road, Vermont	17-Jan-2019	Morack	Consent Granted 80
54 Sevenoaks Road, Burwood East	29-Jan-2019	Morack	Consent Granted 76
6 Ashmore Road, Forest Hill	17-Jan-2019	Morack	Consent Granted 74
6 Ellad Close, Vermont	24-Jan-2019	Morack	Consent Granted 76
77 Vanbrook Street, Forest Hill	24-Jan-2019	Morack	Consent Granted 79,74
6 Ellad Close, Vermont	24-Jan-2019	Morack	Consent Refused 74,79
11 Fletcher Parade, Burwood	30-Jan-2019	Riversdale	Consent Granted 85
2 Inga Street, Burwood East	24-Jan-2019	Riversdale	Consent Granted 89
21 Faelen Street, Burwood	31-Jan-2019	Riversdale	Consent Granted 75, 80, 79
25 Clifton Street, Box Hill South	07-Jan-2019	Riversdale	Consent Granted 80
26 Waratah Avenue, Burwood	04-Jan-2019	Riversdale	Consent Granted 89
34 Samuel Road, Blackburn South	24-Jan-2019	Riversdale	Consent Granted 79
21 Faelen Street, Burwood	31-Jan-2019	Riversdale	Consent Refused 74
29 Meldan Street, BURWOOD	21-Jan-2019	Riversdale	Consent Refused 74
12 Salvana Avenue, MITCHAM	25-Jan-2019	Springfield	Consent Granted 74
14 Howard Street, MITCHAM	15-Jan-2019	Springfield	Consent Granted 76
20 Tortice Avenue, NUNAWADING	14-Jan-2019	Springfield	Consent Granted 89,91
2B Winchester Road, NUNAWADING	15-Jan-2019	Springfield	Consent Granted 74, 85
46 Churinga Avenue, MITCHAM	25-Jan-2019	Springfield	Consent Granted 79
5 Milgate Court, FOREST HILL	21-Jan-2019	Springfield	Consent Granted 79,80
2 Ashwood Drive, NUNAWADING	24-Jan-2019	Springfield	Consent Refused 80

9.2.4

(cont)

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS JANUARY 2018

Under the Planning and Environment Act 1987 – Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION JANUARY 2019

Contract Number	Service
30106	Printing of Whitehorse News
30113/2	Mahoneys Reserve Mid Drainage and Irrigation - Irrigation Installation
30136	Website Hosting
30071/1	Environmental Health Services
30071/2	Environmental Health Services
30071/3	Environmental Health Services
30071/4	Environmental Health Services
30071/5	Environmental Health Services
30126	Terrara Park Pavilion Redevelopment

REGISTER OF PROPERTY DOCUMENTS EXECUTED JANUARY 2019

Property Address	Document Type	Document Detail
Licences		
Vending machine at Aqualink Box Hill - Choclatte Pty Ltd	Licence	Surrender of Licence (Vending Machine)
Land Transfers		
Part of 47 Rochdale Drive, Burwood East	Client Authorisation for creation of easement	Creation of Easement document Section 45 Transfer of Land Act 1958

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL JANUARY 2019

PARKING RESTRICTIONS APPROVED BY DELEGATION JANUARY 2019

Address: **Williams Road, Blackburn:** from 45m north of Athol Court to 60m south of the northern boundary of 6/53-55 Williams Road – east side

Previously: 7 'Unrestricted' parking spaces

Now: 7 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Whitehorse Road, Mont Albert:** from west boundary 801 Whitehorse Road to Kingsley Crescent – north side

Previously: 9 '1-Hour, 8,30am to 4.30pm, Monday to Friday & Clearway, 4.30pm to 6.30pm, Monday to Friday' parking spaces

Now: 9 'Works Zone, 7am to 4.30pm, Monday to Friday & Clearway, 4.30pm to 6.30pm, Monday to Friday' parking spaces

Address: **Central Road, Blackburn:** from western property boundary of 28 Central Road to Eastern property boundary of 28 Central Road – south side

Previously: 1 '1-Hour, 8am to 6pm, Monday to Saturday' parking space

Now: 1 'No Stopping, 8am to 9.15am and 3pm to 4pm, School Days' parking space

9.2.4
 (cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING JANUARY 2019

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
02/01/2019	\$154,179.99	1	EFT
03/01/2019	\$3,778.60	4	CHQ
03/01/2019	\$199,609.68	39	EFT
03/01/2019	\$2,695.23	16	EFC
03/01/2019	\$720.00	1	CHQ
04/01/2019	\$1,000.56	1	EFT
09/01/2019	\$672.89	1	EFT
10/01/2019	\$3,486.32	28	EFC
10/01/2019	\$32,089.08	40	CHQ
10/01/2019	\$1,911,040.66	324	EFT
10/01/2019	\$30,000.00	1	EFC
17/01/2019	\$7,268.88	36	EFC
17/01/2019	\$23,680.86	24	CHQ
17/01/2019	\$1,028,604.02	65	EFT
17/01/2019	\$300.00	1	CHQ
17/01/2019	\$600.00	1	CHQ
24/01/2019	\$10,816.13	19	EFC
GROSS	\$9,824,021.53	1174	
Monthly Lease Payments	\$37,765.76		
Direct Debit Payments	\$172,376.76		
CANCELLED PAYMENTS	-\$35,472.25	-32	
NETT	\$9,998,691.80	1142	

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

PROCEDURAL MOTION

Moved by Cr Davenport, Seconded by Cr Barker

That Councillor be limited to two minutes per delegate report for tonight's meeting.

CARRIED UNANIMOUSLY

PROCEDURAL MOTION

Moved by Cr Ellis, Seconded by Cr Barker

That the motion be put.

CARRIED

The motion moved by Cr Davenport, seconded by Cr Barker was then put and CARRIED

10.1 Reports by Delegates

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

10.1.1 Cr Carr reported on her attendance at the:

- Visual Arts Committee meeting held on the 27 February 2019.
- Audit Advisory Committee meeting held on the 18 March 2019.

10.1.2 Cr Ellis gave an update on activities of the Eastern Affordable Housing Alliance.

10.1.3 Cr Barker reported on his attendance at the Box Hill Stakeholder Reference Group meeting held on the 5 March 2019.

10.1.4 Cr Liu reported on her attendance at the:

- Whitehorse Business Group Annual General meeting held on the 12 March 2019.
- Box Hill Stakeholder Reference Group meeting held on the 5 March 2019.

10.1.5 Cr Massoud reported on her attendance at the Audit Advisory Committee meeting held on the 18 March 2019.

10.1.6 Cr Cutts reported on her attendance at the Whitehorse Business Group Annual General meeting held on the 12 March 2019.

10.1.7 Cr Bennett reported on his attendance at the:

- Box Hill Stakeholder Reference Group meeting held on the 5 March 2019.
- Eastern Region Group Meeting held on the 22 February 2019.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Liu

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendation from the Special Committee of Council Meeting of 12 March 2019

10.2.1 Public Submissions 12 March 2019

SPECIAL COMMITTEE OF COUNCIL RECOMMENDATION

Moved by Cr Davenport, Seconded by Cr Barker

That Council notes the public submissions made at the 12 March 2019 Special Committee meeting.

CARRIED

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Davenport

That the recommendations from the Special Committee of Council Meeting of 12 March 2019 Item 10.2.1 be received and adopted.

CARRIED

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
25.02.18 6:30-7:00pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> • 9.1.1 2-4 Bruce Street, Box Hill (Lot 1 LP 9063, Lot 2 LP 9063, Lot 1 TP 551888, Lot 1 TP 954306) • 9.1.2 26 Salisbury Avenue, Blackburn (lot 48 LP 9968) • 9.1.3 Extension of Council's Kerbside Waste & Recycling Contracts • 9.2.3 Chief Executive Officer Recruitment • 9.2.5 Councillor Appointments to Organisations & Community Bodies • 12.2 Proposed Development 2 • 12.1 Proposed Development 1 	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown T Wilkinson P Smith S Freud A De Fazio J Russell	Nil	Nil
04.03.19 6:30-10:30pm	Strategic Planning Session <ul style="list-style-type: none"> • Financial Report as at 31 January 2019 • Capital Works Update • Proposed Development • Box Hill Vision • 2019/20 Fees & Charges Review • Confidential Matter 	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown (AGMHS) D Seddon P Smith S Freud A De Fazio K Marriott A Egan V McLean S Cann S Hewett J Blythe L McGuinness K Sinclair J Chambers	Nil	Nil
06.03.19 5:00-6:00pm	Advisory Committee for the CEO's Development	Advisory Committee Members Cr Bennett (Mayor & Chair) Cr Davenport Cr Massoud Cr Munroe Others Present Cr Barker Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Stennett	P Bennett	Nil	Nil

10.3
 (cont)

<p>06.03.19 6:15- 8:15pm</p>	<p>Major Projects Councillor Reference Group: Finance: Capital Work</p>	<p>Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett</p>	<p>N Duff J Green N Brown (AGMHS) D Seddon P Smith A De Fazio S Hewett S Cann</p>	<p>Nil</p>	<p>Nil</p>
<p>12.03.19 6:30-9:00pm</p>	<p>Councillor Briefing Session</p> <ul style="list-style-type: none"> • Aqualink Box Hill • Special Committee Agenda 12 March 2019 • Other Business Motions • Draft Council Agenda 18 March 2019 	<p>Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett</p>	<p>N Duff J Green N Brown (AGMHS) D Seddon P Smith S Freud A De Fazio K Marriott J Hansen A Egan V McLean T Peak S Hewett T Curtis P Warner</p>	<p>Nil</p>	<p>Nil</p>

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Carr

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

CARRIED

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Cutts reported on attendance at the VLGA 2020 Campaign Launch Local Women Leading Change held on 7 March 2019.
- 11.2 Cr Massoud reported on her attendance at the Cities and Regions 4.0 Summit 2019: Strategy, Technology and Innovation for Smarter Cities and Regions held on 12 -14 March 2019.
- 11.3 Cr Ellis reported on attendance at the VLGA 2020 Campaign Launch Local Women Leading Change held on 7 March 2019.
- 11.4 Cr Carr reported on her attendance at the:
- VLGA 2020 Campaign Launch Local Women Leading Change held on 7 March 2019.
 - VLGA Leading the Agenda Panel Discussion held on the 14 March 2019.
- 11.5 Cr Bennett reported on his attendance at the VLGA Annual Mayors and Deputy Mayors “Fasttrack Leadership Program” held on the 1 March 2019.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Munroe

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

CARRIED

12 CLOSE MEETING

Meeting closed at 9:24pm

Confirmed this 15th day of April 2019

CHAIRPERSON