



City of Whitehorse

MINUTES

Council Meeting

Held in the
Council Chamber
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

Monday 28 June 2021

at 7:00pm

Members: Cr Munroe (Mayor), Cr Barker, Cr Carr (Deputy Mayor), Cr Cutts, Cr Davenport, Cr Lane, Cr Liu, Cr McNeill, Cr Massoud, Cr Skilbeck, Cr Stennett

Mr Simon McMillan
Chief Executive Officer

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Meeting opened at 7:00pm

Present: (Mayor) Cr Munroe, Cr Barker, Cr Carr (Deputy Mayor), Cr Cutts, Cr Davenport, Cr Lane, Cr Liu, Cr McNeill, Cr Massoud, Cr Stennett

Virtual: Cr Skilbeck

Officers Present: S McMillan, J Green, S White, (ADCOMS) T Johnson, (ADCS) S Cann, J Russell

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

"Whitehorse City Council acknowledges the Wurundjeri and all peoples of the Kulin Nation as the traditional custodians of the land. We pay our respects to their Elders past, present and emerging"

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 Council and Confidential Council Meeting 17 May 2021.

COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Cutts

That the minutes of the Council and Confidential Council Meeting 17 May 2021 having been circulated now be confirmed.

CARRIED

5 RESPONSES TO QUESTIONS

None submitted

6 NOTICES OF MOTION

6.1 Notice of Motion No 143: Cr Davenport

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council request Officers to::

- 1. Develop an improved capital works reporting framework that considers the provision of details on project progress and status in addition to the financial information; and*
- 2. Identify elements of such report which can be made publically available.*

CARRIED

6.2 Notice of Motion No 144 Cr Barker

A letter be sent for the Minister for Transport, requesting that:

- 1. Instruction be issued immediately to the Department of Transport, requesting it to enforce all Clearway Tow Away prohibitions in Whitehorse, including along Station Street and Elgar Road, Box Hill.*
- 2. A monthly report be provided to Council from the Department of Transport on the enforcement of the Clearway Tow Away prohibitions in Whitehorse.*
- 3. The current afternoon peak hour Clearway Tow Away restriction in Station Street, Box Hill be extended from its current 4:00-6:00pm Monday to Friday, to 4:00 to 6:30pm Monday to Friday brining it in line with the current prohibition in Elgar Road, Box Hill.*

MOTION

Moved by Cr Barker, Seconded by Cr Davenport

A letter be sent for the Minister for Transport, requesting that:

- 1. Instruction be issued immediately to the Department of Transport, requesting it to enforce all Clearway Tow Away prohibitions in Whitehorse.*
- 2. A monthly report be provided to Council from the Department of Transport on the enforcement of the Clearway Tow Away prohibitions in Whitehorse.*
- 3. The current afternoon peak hour Clearway Tow Away restriction in Station Street, Box Hill be extended from its current 4:00-6:00pm Monday to Friday, to 4:00 to 6:30pm Monday to Friday brining it in line with the current prohibition in Elgar Road, Box Hill.*

AMENDMENT

Moved by Cr Liu, Seconded by Cr Stennett

That a letter be sent for the Minister for Transport, requesting that:

- 1. Instruction be issued immediately to the Department of Transport, requesting it to enforce all Clearway Tow Away prohibitions in Whitehorse.*
- 2. A monthly report be provided to Council from the Department of Transport on the enforcement of the Clearway Tow Away prohibitions in Whitehorse; and*
- 3. A report be provided to Council after consultation regarding the current afternoon peak hour Clearway Tow Away restriction in Station Street, Box Hill to be extended from its current 4:00-6:00pm Monday to Friday, to 4:00 to 6:30pm Monday to Friday bringing it in line with the current prohibition in Elgar Road, Box Hill.*

CARRIED

A Division was called.

Division

For	Against
Cr Cutts	Cr Barker
Cr Lane	Cr Carr
Cr Liu	Cr Davenport
Cr Massoud	Cr McNeill
Cr Munroe	
Cr Skilbeck	
Cr Stennett	

On the results of the Division the amendment was declared CARRIED

The Mayor indicated he would move points 1, 2 and 3 of the motion as amended, to the vote in parts

The Mayor put Items 1 and 2 of the motion as amended, to the vote which were CARRIED UNANIMOUSLY

The Mayor put Item 3 of the motion as amended, to the vote which was CARRIED

7 PETITIONS

None submitted.

8 URGENT BUSINESS

None submitted.

Attendance

Cr Stennett left the Chambers at 7:34pm returning at 7:35pm.

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

9.1.1 7 Glengarry Avenue, Burwood (LOT 120 LP 27631 17) Use and development of two double storey rooming houses and associated tree removal

FILE NUMBER: WH/2020/1179
ATTACHMENT

SUMMARY

This application was advertised, and a total of 30 objections were received. The objections raised concerns regarding neighbourhood character, amenity impacts, car parking and the operation of the rooming houses. A Consultation Forum was held on 28 April 2021, chaired by Councillor Davenport, at which the issues were explored. Subsequent to the Forum, the applicant submitted amended plans via a Section 57A Amendment which address some of the objectors' concerns. 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/2020/1179 for 7 Glengarry Avenue, BURWOOD (LOT 120 LP 27631 17) 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 two double storey rooming houses and associated tree removal is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 7 Glengarry Avenue, BURWOOD (LOT 120 LP 27631 17) for the use and development of two double storey rooming houses and associated tree removal, subject to the following conditions:***
 - 1. *Before the development starts, or vegetation removed, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn scale, and be generally in accordance with the plans submitted with the application but modified to show:***
 - a) *The locations of the Tree Protection Zone described in Condition 5, with the nominated tree clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 5 and 6 to be annotated on the development and landscape plans.***
 - b) *Unit 1 to be setback a minimum 1 metre from the north-east boundary.***
 - c) *The Unit 2 stairwell window to be obscure glazed.***
 - d) *Both crossovers to be widened to align with their respective vehicle accessways.***
 - e) *The location, height and construction of letter and meter boxes to be shown on the plans located clear of the accessway visibility splays.***
 - f) *Provide details of the smoking area sign faces and locations on the plans.***
 - g) *Provision of a gate to allow access to the Unit 2 air conditioner enclosure.***
 - h) *Provision of 6m³ of externally accessible and secure storage to each rooming house for residents to store bulky items such as bicycles, garden equipment and prams.***

9.1.1

(cont)

- i) Provision of a 2m² hard and garden waste storage area per rooming house, located in a position that will not be visible from Glengarry Avenue.*
- j) The cladding colours and materials schedule updated to indicate that all obscured glazing be manufactured obscured glass.*
- k) Development plans to reflect all sustainability features indicated in the Sustainable Design Assessment required by Conditions 23 and 24. In particular, the following commitments must be shown on the plans:*
 - i. A minimum 4,000 litre rainwater tank, for retention purposes, per rooming house in lieu of raingardens.*
 - ii. An annotation detailing the rainwater tank sizes and that the rainwater tanks are allocated for reuse/retention purposes and exclude any volume allocated for detention.*
 - iii. An annotation that the rainwater tanks are connected to all toilet flushing, laundry systems and irrigation areas.*
 - iv. Permeable paving identified and annotated to parts of the driveway areas.*
 - v. All operable windows, doors and vents on elevation drawings.*
 - vi. Double glazing annotated to all living and bedroom area windows on elevation drawings.*
 - vii. A total of four secure bicycle parking spaces (two per rooming house).*
 - viii. Where measures cannot be visually shown, include a notes table or 'ESD Schedule' providing details of the ESD features and requirements. This is required to include rooming house star ratings, energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, as well as, any waste recovery and use of sustainable materials commitments.*
- l) The landscape plan amended to show:*
 - i. A pedestrian path adjacent from each waste storage area to the site frontage.*
 - ii. Plantings within the visibility splays to have mature heights of no more than 0.9 metre.*

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*

Landscaping and Tree Protection

- 3. Prior to the occupation of the approved buildings, landscaping and tree planting must be undertaken in accordance with the endorsed landscape plan that forms part of this permit, to the satisfaction of the Responsible Authority.*
- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*

9.1.1
(cont)

5. ***Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:***
 - a) ***Tree Protection Zone distances:***
 - i. ***Tree 2 (Ligustrum sp.) – 6.0 metre radius from the centre of the tree base.***
 - b) ***Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:***
 - i. ***Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.***
 - ii. ***Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.***
 - iii. ***Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.***
 - iv. ***No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.***
 - v. ***All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.***
 - vi. ***No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.***
 - vii. ***Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.***
 - viii. ***Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.***
6. ***During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:***
 - a) ***For Tree 2, no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.***
 - 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 (which includes trenching and site scrapes) within greater than 10% of the TPZ of Tree 2.***
 - c) ***No trenching is allowed within the TPZ of Tree 2 for the installation of utility services. All utility services must be bored to a depth of 600mm below natural ground level where within the TPZ of this tree and the entering points for the boring works must be outside the TPZ.***
 - d) ***The builder / site manager must ensure the TPZ Fencing Conditions, and the Tree Protection Conditions for Tree 2 are being adhered to throughout the entire building process, including site demolition, levelling, and landscape works.***

9.1.1
(cont)

- 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).*

Construction Management Plan

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

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

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

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

Site Use and Operation

- 8. *Prior to the commencement of any buildings or works, an amended Rooming House Management Plan must be submitted to and approved by the Responsible Authority. This Rooming House Management Plan must be generally in accordance with the Rooming House Management Plan submitted with the application, but amended to include the following additional requirements:*
 - a) *The rooming house buildings and associated garden and open space areas must be maintained in a tidy condition.*
 - b) *All waste, recycling and hard garbage must be stored in the designated storage areas and collected in accordance with the requirements of the endorsed Waste Management Plan and Council's Community Laws.*
 - c) *Laundry must not be dried in a location where it is visible from Glengarry Avenue.*
 - d) *A Code of Conduct for resident behaviour discouraging anti-social behaviour such as excessive noise emissions, littering, property damage and compliance with designated smoking areas. All residents are to agree to abiding by the Code of Conduct.*
 - e) *Require the Responsible Contact Person's current details for each rooming house to be displayed discretely on the site frontage, so that surrounding residents can register complaints directly.*
 - f) *The owner/managers of each rooming house must provide a copy of the Rooming House Management Plan clearly displayed in prominent locations within each rooming house for residents to clearly read.*
- 9. *The requirements of the endorsed Rooming House Management Plan must be implemented by the rooming house owners, managers and occupiers of the site for the duration of the two rooming houses' operation in accordance with this permit, to the satisfaction of the Responsible Authority. No alterations to the Rooming House Management Plan may occur without the written consent of the Responsible Authority.*
- 10. *No more than 12 persons may be accommodated in each rooming house at any one time.*

9.1.1

(cont)

- 11. For so long as these premises operate as rooming houses, they must be owned and managed by an experienced rooming house operator, to the satisfaction of the Responsible Authority.**
- 12. Prior to the occupation of the rooming houses, a site manager must be appointed.**
- 13. All externally mounted air conditioning/heating units installed for both rooming houses must be located within the fenced enclosures set aside for this purpose, located between the two buildings.**
- 14. The development must be provided with external lighting capable of illuminating access to each front door and garage. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 15. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.**

Asset Engineering

- 16. All stormwater drains are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the buildings.**
- 17. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.**
- 18. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.**
- 19. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**
- 20. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.**
- 21. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.**
- 22. No building or works are to be constructed over any easement without the written consent of Council and the relevant Authorities.**

Environmentally Sustainable Development

- 23. Prior to the commencement of any buildings or works, an updated Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. This SDA must be generally in accordance with the SDA submitted with the application, but amended to account for:**
 - The updated Unit 2 layout**

9.1.1 (cont)

This SDA must include:

- a) An assessment addressing stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied which includes rainwater tanks of a minimum 4,000 litre capacity for retention purposes for each rooming house in lieu of raingardens.*
- b) Rainwater tanks connected to all toilet flushing, laundry systems and irrigation areas.*
- c) Permeable paving to parts of the driveway areas.*
- d) A complete, published BESS Report, with an acceptable overall score of at least 50% and also which meets the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.*
- e) That the development achieves an average minimum NatHERS 6.5 star energy efficiency rating reflecting best practice energy efficiency and thermal comfort.*
- f) Heating and cooling systems include a minimum 4 star energy efficiency rating.*
- g) Hot water systems include a minimum 5 star energy efficiency rating.*
- h) LED light fittings used to provide artificial lighting and designed to achieve a maximum illumination power density of 4 W/m² or less.*
- i) Water efficient fixtures and fittings include a minimum 4 star WELS toilets, 5 star WELS taps and 3 star WELS showerheads (≤ 7.5 L/min).*
- j) Double glazing used to all living areas and bedrooms.*
- k) Provision for secure bicycle parking for 4 individuals.*

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

- 24. The requirements of the endorsed SDA must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the rooming house owners, managers and occupiers of the site when constructing and fitting out the rooming houses and for the life of the rooming houses in accordance with this permit, to the satisfaction of the Responsible Authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.**

Waste Management Plan

- 25. Prior to the commencement of any buildings or works, an updated Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. This WMP must be generally in accordance with the WMP submitted with the application, but amended to account for:**
- The updated Unit 2 layout**
 - The on-street collection points for both rooming houses to be away from the crossovers.**
 - The on-site waste storage areas to be screened from public view.**
 - Remove reference to a waste room**
 - Acknowledge that the waste bins are shared between rooming house residents, who share a responsibility for bins to be well-maintained and for bins to be put on street no sooner than the night before collection and returned to the designated bin store on the collection day.**
 - Residents must not litter or dump waste illegally.**

9.1.1 (cont)

- *Procedure for the Waste Management Plan to be reviewed and updated at the request of the Responsible Authority if the waste volumes generated appear to regularly exceed the provided bin capacity.*
- *Provision of a hard and garden waste storage area minimum 2m2 per rooming house.*

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

26. *The requirements of the endorsed Waste Management Plan (WMP) must be implemented by the owners, managers and occupiers of the site for the duration of the development's operation in accordance with this permit, to the satisfaction of the Responsible Authority. Any revision of the WMP or changes to the approved waste system of the development require Council approval.*
27. *Any Mobile Garbage Bin (MGB) placements proposed on Glengarry Avenue for on-street bin collection service must not cause any obstruction to any infrastructure or cause any danger to traffic/pedestrians. Bins are not to be placed within 1 metre of any infrastructure and are to have a height clearance of 4 metres for collection.*
28. *If the criteria for the on-street bin collection services is unable to be met and the service is rendered inoperable, then the waste collection service will revert to an external Private waste collection service and an updated WMP must be resubmitted to Council for approval.*

Expiry

29. *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 is not commenced within two (2) years 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 construction or reinstatement of crossovers is to be to Council standards and at the full cost of the permit holder.*
- B. *The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.*
- C. *The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. All street addressing enquiries can be made by contacting the Property Team on 9262 6470.*

Asset Engineering:

- D. *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.*
- 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*

9.1.1
(cont)

- F. Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning Permit, amendment of the Planning Permit might be required.*
- 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. 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.*
- I. Floor levels need to be amended if vehicle access to the garage cannot be achieved. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890.1:2004)*
- J. Planning Permit is required for any works (including any excavation) near significant trees, Please contact Council Planning Department on 9262 6303 for information.*

Waste Management

- K. Waste collections for this development are to be completed externally by Council's waste collection contractor.*
 - L. Council issued bins will be required for this development.*
 - M. Mobile Garbage Bin usage is based on shared usage by the occupiers of the development.*
 - N. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.*
 - O. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.*
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Cutts

That Council:

- A. Being the Responsible Authority, having caused Application WH/2020/1179 for 7 Glengarry Avenue, BURWOOD (LOT 120 LP 27631 17) 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 two double storey rooming houses and associated tree removal is not acceptable and will unreasonably impact the amenity of adjacent properties.*

9.1.1

(cont)

B. Issue a Notice of Refusal to Grant a Permit under the Whitehorse Planning Scheme to the land described as 7 Glengarry Avenue, BURWOOD (LOT 120 LP 27631 17) for the use and development of two double storey rooming houses and associated tree removal, on the following grounds:

- 1. The proposal is contrary to the Local Planning Policy Framework contained in the Whitehorse Planning Scheme, particularly in relation to the following Clauses:**
 - a) Clause 21.05 (Environment);**
 - b) Clause 21.06 (Housing);**
 - c) Clause 22.03 (Residential Development);**
 - d) Clause 22.04 (Tree Conservation)**
- 2. The proposed use and development will not adequately respect the neighbourhood character and amenity of the area, failing to meet the purpose and decision guidelines of the General Residential Zone.**
- 3. The proposal fails to meet the landscape character objectives and the decision guidelines of the Significant Landscape Overlay Schedule 9.**
- 4. The development fails to meet the following Objectives and Standards of Clause 55 (including Standards as varied by Schedule 3 to the General Residential Zone):**
 - a) Neighbourhood character**
 - b) Landscaping**
 - c) Access**
 - d) Daylight to existing windows**
 - e) Storage**
- 5. The proposed intensity of residential occupation will result in unacceptable levels of noise emission which will be detrimental to the residential amenity of adjoining and/or nearby residential properties.**
- 6. The proposal fails to achieve the design standards of Clause 52.06-9 (Design Standards for car parking).**
- 7. The proposed use and site layout will result in off-site amenity impacts as a result of off-site car parking, traffic generation and site ingress and egress vehicle movements.**

CARRIED

A Division was called.

Division

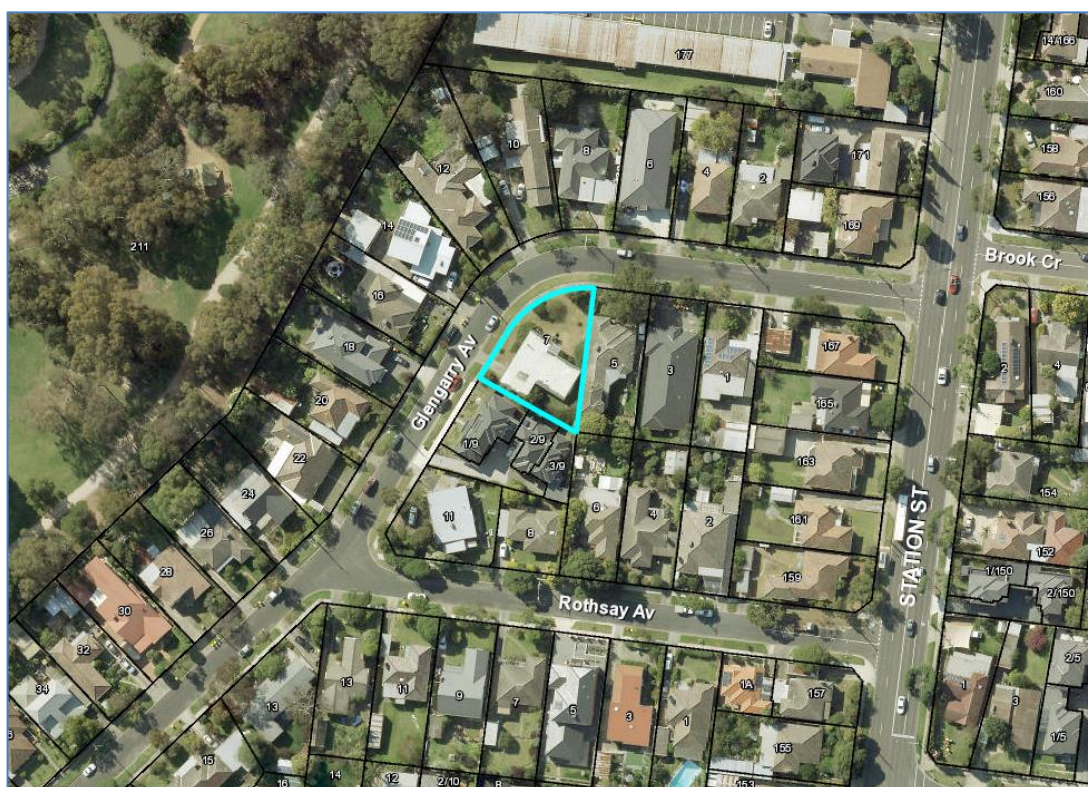
For	Against
Cr Carr	Cr Barker
Cr Cutts	Cr Munroe
Cr Davenport	Cr Skilbeck
Cr Lane	
Cr Liu	
Cr Massoud	
Cr McNeill	
Cr Stennett	

On the results of the Division the motion was declared CARRIED

9.1.1
(cont)

MELWAYS REFERENCE 61 C4

Applicant:	Mezzgroup
Zoning:	General Residential Zone Schedule 3 (GRZ3)
Overlays:	Significant Landscape Overlay Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.08	General Residential Zone Schedule 3
Clause 42.03	Significant Landscape Overlay Schedule 9
Clause 52.06	Car Parking
Clause 52.23	Rooming House
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Wattle



9.1.1

(cont)

BACKGROUND

History

There have been no previous planning permits issued to this site.

Following the Consultation Forum, a Section 57A Amendment to this application was lodged, which responded to several issues raised by objectors. The changes made in this amendment will be detailed in the Section 57A Amendment section below. The Section 57A Amendment plans are the decision plans for this application, but do not require further notification to affected properties, as the amended plans do not result in an increase in detriment to surrounding lots.

The Site and Surrounds

The subject site is located on the south side of Glengarry Avenue, approximately 90 metres west of the intersection with Station Street. The site is an irregular triangle shape, with a curved frontage of approximately 45 metres to Glengarry Avenue, and an overall site area of 711.6m². The subject site is located at the inner radius of a curve in Glengarry Avenue.

The subject site contains a single storey, brick dwelling with a vehicle crossover and concrete driveway located adjacent to the south boundary. The site has a fall of approximately 1 metre from the west (front) to the east boundary.

The submitted arborist report, prepared by Urban Forestry Victoria, provides an assessment of two trees, summarised in the table below. This includes Tree 1 on the subject site and Tree 2 within the adjoining lot to the east. Tree 1 is protected under the Significant Landscape Overlay Schedule 9, and Tree 2 is exempt from protection as it is a weed species.

Tree No.	Species and Common Name	Height	Condition	Permit Trigger
1	<i>Laurus nobilis</i> Bay Laurel	7m	Good health and structure	Yes - Removal
2	<i>Ligustrum sp.</i> Privet	10m	Neighbouring tree, with good health and structure	N/A - Weed species

The site is located within a residential area. Within the immediate context the following is noted:

- To the east, at 5 Glengarry Avenue, is a double storey detached dwelling.
- To the south, at 9 Glengarry Avenue, is a medium density development comprising three double storey dwellings arranged one behind the other, approved by Planning Permit WH/2016/89.
- To the north and west, are several lots accommodating single and double storey detached buildings. This includes No. 6 Glengarry Avenue, which is currently used as a rooming house. Parking on Glengarry Avenue in the vicinity of the subject site is restricted to 30 minutes, 7:30am – 9pm on weekdays.
- Council's Environmental Health Department has record of six registered rooming houses currently operating in Glengarry Avenue, at numbers 3, 6, 21, 23, 52 and 1/60 Glengarry Avenue.

9.1.1

(cont)

Planning Controls

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

General Residential Zone Schedule 3

A rooming house is defined as, '*Land used for a rooming house as defined in the Residential Tenancies Act, 1997*'. Under the *Residential Tenancies Act, 1997*, a rooming house means a building in which there is one or more rooms available for occupancy of payment of rent:

- a) *In which the total number of people who may occupy those rooms is not less than 4; or*
- b) *In respect of which a declaration under section 19 is in force.*

Pursuant to Clause 73.03 Land Use Terms, a rooming house is nested under 'Residential Building', which is included within the 'Accommodation' use. Under Clause 52.23 (Rooming House), any requirement in the General Residential Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:

1. Any condition opposite the use 'rooming house' in the table of uses in the zone or schedule to the zone is met.
2. The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300m², excluding outbuildings.
3. No more than 12 persons are accommodated.
4. No more than 9 bedrooms are provided

Under Clause 52.23-3, any requirement in the General Residential Zone to obtain a permit to construct a building or construct or carry out works for a rooming house does not apply if all of the following are met:

1. No more than 9 bedrooms are developed on the land.
2. Bedrooms can only be accessed from within the building.
3. The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300m², excluding outbuildings.
4. If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
5. Shared entry facilities and common areas, including a kitchen and living area, are provided.

A permit for the use and development is triggered as follows:

- More than 9 bedrooms are proposed.
- The total floor area exceeds 300m².
- More than 12 persons will be accommodated.

Clause 55 applies to 'Two or more dwellings on a lot and Residential Buildings'. Under Clause 32.09-4, an application to construct a residential building on a lot must provide a minimum garden area of 35% (as the lot is greater than 650m²). The application includes a Garden Area Plan, demonstrating a Garden Area of 312.5m² (or 43.9%).

Significant Landscape Overlay, Schedule 9

Amendment C191 introduced Schedule 9 to the Significant Landscape Overlay to the Whitehorse Planning Scheme on an interim basis. The Overlay is set to expire on 30 June 2021, however the Minister for Planning has indicated that this expiry date is likely to be further extended.

Pursuant to Clause 42.03-2 a Planning Permit is required for the removal of Tree 1 from the subject site.

9.1.1

(cont)

PROPOSAL

The application proposes the development of two residential buildings to be used for the purpose of rooming houses.

The key features of the originally advertised proposal are listed below. The changes that have been made to the plans as a result of the Section 57A Amendment will be described in the Section 57A Amendment section of this report, which will allow the amendments to plans to be understood in the context of the concerns raised by objectors.

Use:

- The applicant has provided the following information in respect to the operation of the rooming house:
 - A maximum of 12 residents will be accommodated in each rooming house at any one time.
 - The Management Plan submitted with the application states that accommodation is to provide both short and long term housing for people including working professionals, working holiday visa holders, students on short term courses and holiday makers.

Development:

The development of the two rooming houses is summarised as follows:

- Both rooming houses face Glengarry Avenue, with Unit 1 located to the north of the site and Unit 2 to the south.
- At ground level, Unit 1 presents a stepped façade to the curve of Glengarry Avenue and is setback between 4 and 8.4 metres to Glengarry Avenue, with the garage constructed on the east boundary. Unit 2 is setback between 4.8 and 5.8 metres from Glengarry Avenue and 1.8 metres from the south boundary and 1 metre from the east boundary. A minimum 2 metre separation is provided between the rooming houses.
- The upper level of Unit 1 is setback between 4.2 and 8.2 metres from Glengarry Avenue, and Unit 2 is setback is 2 metres from the frontage. The minimum east upper level setback is 2 metres for Unit 1, and the minimum west setback at the upper level is 3.3 metres for Unit 2. A minimum separation of 3.6 metres is provided between the upper levels.
- Unit 1 is provided with a 4 metre wide crossover located at the north-east corner of the lot, serving a single garage and an off-set open car space to the west of the main accessway. Unit 2 is provided with a single crossover at the south-west corner of the lot, serving a single garage with a tandem open car space in front.
- The layout to each unit provides for an entrance, open plan kitchen, dining and living area, and three bedrooms (each with ensuite) at ground level with five bedrooms (each with ensuite) at first floor level.
- The total number of bedrooms within the development is 16. One bedroom per rooming house is an accessible room with accessible ensuite arrangement for people with limited mobility.
- The area of secluded private open space provided to Unit 1 is beside the east boundary and comprises an area of 35m² with a minimum dimension of 5 metres. The secluded private open space area to Unit 2 is at the south-east corner of the lot and comprises an area of 35.2m² with a minimum dimension of 5 metres.
- External materials comprise a mix of dark grey face brickwork at ground level, white render at the upper level and a dark grey rendered porch at the front elevation. The roof forms at ground and upper level are mostly hipped with dark grey tile cladding.
- The maximum height of the development is 8.1 metres.

9.1.1

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice on the Glengarry Avenue frontage. Following the advertising period 30 objections were received.

The issues raised are summarised as follows:

- **Amenity impacts:**
 - Overlooking to neighbouring lots
 - Increased noise from residents, late night parties, residents and visitors coming and going. Windows should be double glazed to prevent noise transmission
 - Provision of individual heating/cooling units to each room (as per other rooming houses in the area) generates excessive noise. It is also not energy efficient
 - Air pollution from car exhausts
 - Increased noise is more of a problem now that more people are working from home
 - Will increase residents' fear of traffic accidents and stress
 - Short term rooming house residents erode the sense of community, peace, quiet, family liveability and safety of the area
- **Waste issues**
 - Noise from waste collection
 - Unsightly waste storage
 - Other rooming houses in the area do not put bins out for collection or bring them in again in a timely manner
 - Other rooming houses in the area leave waste uncollected and allow waste to spill over public and private property, attracting crows and vermin. Loose waste blows down the street and enters the stormwater system/Gardiners Creek
 - Hard rubbish from rooming houses is regularly dumped on nature strips, over footpaths and not collected
 - The proposed number and volume of bins is insufficient for the anticipated waste generation. Rooming house residents generate large amounts of food and food container waste, as they tend to order in and the small kitchens provided do not facilitate cooking or shared cooking arrangements. The rooming house at No. 3 Glengarry Avenue is currently not fully occupied, and the provided five waste bins are inadequate to serve the nine bedrooms on this site
 - Waste bins will block visibility of traffic on the curve of the street
 - Garbage trucks will have difficulty collecting bins due to the extent of on-street parking
 - Utilising private waste collection will result in additional waste vehicles using the street
- **Neighbourhood Character:**
 - Excessive building bulk and form
 - Double storey built form is dominant, boxy and out of keeping with the street
 - Existing rooming houses in the area are not properly maintained and are unsightly in the street
 - Insufficient building setbacks from boundaries

9.1.1

(cont)

- Car parking and traffic:
 - Insufficient on-site parking for the likely number of residents, their visitors and food/other deliveries. Most rooming house residents have cars. One nearby five bedroom rooming house typically has 4 cars at the property at any time
 - Increased on-street parking (noting 30 minute parking restriction during the day)
 - Increased traffic congestion
 - Traffic safety impacts on the street
 - Parking on the bend outside the subject site is unsafe, as parked cars interfere with driver sight lines around the corner
- Landscaping:
 - Tree removal negatively impacts the streetscape character
 - Tree removal contributes to global warming
 - Insufficient open space areas for landscaping and recreation
 - Removal of a Bay Laurel tree with medium-high retention value is inconsistent with the SLO9
- Rooming house operation
 - Other rooming houses in the street are not adequately maintained, leaving lawns and naturestrips unmown, general upkeep such as gardening and painting is not undertaken
 - The proposed registration procedure is not acceptable
 - No certainty that the building will operate as proposed
 - The proposed accommodation rooms and communal areas are too small for the residents
 - Insufficient clotheslines
 - Clothes hanging on balconies are an eyesore
 - No system in place to deal with complaints from people not resident on the site
 - No fire escapes, especially from upper levels
 - Cooking and cleaning arrangements for residents are not viable.
 - The management plan does not include a smoking plan, to manage residents smoking outside
 - Elevated potential for conflict, bullying and other antisocial behaviour when a number of unrelated people from a mix of cultural backgrounds and no local support network or community are living together in a small residential unit. The health and well-being of rooming house residents may not be supported adequately
- Impacts to local fauna
- Planning Provisions
 - Inconsistent with the General Residential Zone, and should be located in a Substantial Change area
 - Inconsistent with The Environmentally Sustainable Development Principles in Council's Draft Policy
 - A Traffic Management Plan has not been submitted
 - So many rooming houses in this street cannot meet the planning requirement to provide diversity in the community
 - Clause 52.23 was introduced by Planning Scheme Amendment VC152 in order to facilitate the delivery of diverse social housing stock to meet the needs of disadvantaged Victorians, whereas the proposed development will not cater to disadvantaged Victorians, as it is aimed to accommodate working professionals, working holiday visa holders, students on short term courses and holiday makers
 - The proposed rooming houses do not provide sufficient common space for the residents to mingle together and form social bonds. They may not be large enough for Covid-safe social distancing

9.1.1

(cont)

- Non-planning matters:
 - Negative impact on surrounding property values
 - Set an undesirable precedent
 - No need for the use- there are numerous other rooming houses and a motel in the vicinity
 - This is a commercial use and not appropriate for a residential area
 - Short term tenants do not have regard for the impact of their rubbish on the streetscape
 - Overseas workers and short term visitors should be housed in motels, and not in residential streets
 - Tenants may not be of good character.
 - It is not known if the rooming house operator is of good character and if they have a good track record for dealing with antisocial behaviour
 - Increased stormwater runoff and impacts to sewerage system and other utilities, such as water and water pressure
 - Many rooming houses in the area are currently vacant, and were vacant prior to the Covid-19 outbreak
 - Rooming houses (especially smaller, as-of-right ones) are not sufficiently regulated to ensure they are maintained properly, waste is stored and collected properly, food waste is composted, washing lines are not unsightly and other environmental impacts
 - The garden on the subject site at present is not adequately maintained

Consultation Forum

A Consultation Forum was held on 28 April, 2021, chaired by Councillor Davenport. The planning officers, two representatives for the applicant, and 17 objectors attended the meeting, including one objector who had been nominated to represent ten residents.

At the forum, the issues raised in the objections were discussed, and the objectors put forward a number of constructive suggestions to address their concerns, based on the residents' experiences with other rooming houses in the area. Amendments to the proposal suggested by the objectors included:

- Acoustic screening measures such as double glazing windows and acoustic fencing to shield the noise of air conditioners provided to each lodging room, however it is noted that a gate is required to provide access to the Unit 2 air conditioner enclosure.
- Provision of a designated area located away from site boundaries to minimise passive smoking impacts on surrounding residents.
- Provision of dense vegetation- including upper, middle and lower storey plantings- along the site frontage and boundaries to screen the appearance of the building bulk and form. The use of hardy native plants is recommended. The location of screening plants must not block driver sight lines at the curve in Glengarry Avenue.
- Provide sufficient waste bins for the likely volume of waste generation, noting that rooming house residents tend to rely heavily on delivered meals, which generate a lot of waste. Ensure the Waste Management Plan allows for review if provided waste bin volumes are insufficient.
- Relocate the waste bin storage areas to where bins are easily accessible, as the current locations within garages will not allow bins to be manoeuvred into and out of garages when a car is parked inside.
- Provide more than one clothesline per rooming house, so there is sufficient drying area for the anticipated 24 residents and to encourage energy efficient outdoor clothes drying.

9.1.1

(cont)

- The Management Plan specifies that a Responsible Contact Person will be the principle point of contact for residents and visitors and that the Responsible Contact Person must reside in metropolitan Melbourne. The objectors raised concerns that the Responsible Contact Person could be several hours away, and therefore may not be sufficiently responsive to complaints or issues that may arise.
- The use of weatherboard cladding to improve the presentation of the building bulk and better respond to the features of the surrounding neighbourhood character.
- The use of lighter coloured wall and roof cladding to reduce the buildings' contribution to the Urban Heat Island.

The objectors indicated that their key concern was car parking and traffic impacts on Glengarry Avenue in general, but in particular at the bend in the road where the subject site is located, which restricts driver sight lines and creates manoeuvrability issues.

Section 57A Amendment

Subsequent to the advertising period and Consultation Forum a Section 57A amendment was lodged on 11 May 2021, to address issues raised in the Forum. The amended plans include the following changes:

- Unit 2 redesigned to include a double garage, with no changes to the boundary setbacks.
- Visibility splay added to each vehicle accessway.
- Waste bins relocated from the garages to external storage areas.
- Air conditioning units are shown for both rooming houses, located between the two buildings and additional paling fencing and gates have been added to surround the air conditioners for acoustic screening.
- Screening plantings 3-4 metres high have been added around much of the site perimeter, excluding visibility splays.
- A designated smoking area indicated within each secluded private open space.
- Double glazing to be provided to each habitable room.
- Timber cladding added sections of the upper levels.

The amended plans do not require readvertising as they will not result in an increase in detriment to the surrounding lots. The Section 57A plans are the decision plans for this application and will be discussed below.

Referrals

Internal

Transport Engineer

Council's Transport Engineers have required:

- Both crossovers to be widened in order to align with the proposed vehicle accessways.
- On-street bin storage should be relocated clear of crossovers to improve driver sight lines.

Waste Engineer

Council's Waste Engineer approved the original Waste Management Plan, subject to standard conditions. It is noted that this Waste Management Plan requires amendment and resubmission in response to the Section 57 Amendment changes made to the site layout and bin storage locations.

9.1.1

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Assets Engineer

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

Planning Arborist

The application has been reviewed by Council's Planning Arborist, who advised that Tree 1 proposed for removal is a common species that can be replaced once removed, and its removal will not have an adverse impact on the landscape character. Replacement tree planting is recommended.

In relation to Tree 2 on the adjoining lot to the east, the proposed buildings and works encroach only 1.8% into the TPZ, and can be supported, subject to tree protection condition requirements.

ESD Advisor

Council's ESD Advisor approved the submitted Sustainable Design Assessment, subject to conditions requiring the ESD commitments to be demonstrated on the plans and implemented on site. It is noted that this Sustainable Design Assessment requires amendment in response to the Section 57 Amendment changes made to the Unit 2.

DISCUSSION

The primary considerations for this application are as follows:

- Use of the land;
- Built form and neighbourhood character
- Rooming house operation
- Waste Management
- Amenity impacts; and
- Car parking and traffic movements.

Use for Rooming Houses

Objectors to the application have identified concerns with the use of the land including:

- So many rooming houses in the area reduce the diversity of the community.
- The anticipated tenants including working professionals, working holiday visa holders, students on short term courses and holiday makers are not in need of social housing and therefore do not achieve the purpose of Clause 52.23.
- There is no need for the use as there are numerous other rooming houses and a motel in the vicinity.
- This is a commercial use and not appropriate for a residential area.

These issues are addressed below in context of the Planning Scheme.

Rooming house is a residential use that is nested under 'Residential Building' and the 'Accommodation' uses in the Planning Scheme. Under Clause 32.08-2 a rooming house is a Section 1 use provided it meets the requirements of Clause 52.23-2. As stated above, these requirements are not met, therefore a Permit is required for the proposed rooming house use.

Clause 32.09-6 of the Scheme requires the assessment of residential buildings (including rooming houses) against Clause 55. The Clause is principally directed towards privately owned medium density dwellings, and the Standards and Objectives of Clause 55 will be tempered by consideration of the communal nature of the proposed rooming houses.

9.1.1

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General guidance to the exercise of discretions under the Planning Scheme is provided by Clause 65. It provides that consideration is to be given to various matters including the Planning Policy and Local Planning Policy Framework, the orderly planning of the area, the purpose of the zone, overlay or other control, and the effect of the proposal on the amenity of the neighbourhood.

Clause 65 in turn refers to the components of the Local Planning Policy Framework. Clause 21.06 sets out Councils strategic planning objectives for 'Housing'. Under Clause 21.06-2, the Vision' in the City is:

- *To ensure that housing in the City of Whitehorse meets residents' needs in terms of location, diversity, sustainability, accessibility, affordability and good design. There are a number of key challenges facing the City of Whitehorse in relation to housing.*

These challenges are (where applicable to the application):

- *Accommodating an additional 12,997 dwellings to house the projected population growth in the City to 2036.*
- *Ensuring established residential areas continue to play an important role in providing additional housing.*
- *A higher demand for private rental housing, a proportion of which will need to be affordable to low-income tenants.*
- *A higher proportion of lone person households may require smaller housing types including town houses, units and apartments. However in some instances, these housing types are more costly to buy or rent than older housing stock, and can contribute to housing affordability problems.*

Clause 21.06-4 deals with Housing Diversity. The key issues (applicable to this application) include:

- *Meeting the continuing high demand for private rental accommodation, which puts pressure on housing affordability.*
- *Encouraging a broader range of housing types to meet the differing needs of the future population through the lifecycle.*

Clause 21.06-5 addresses Housing Affordability. The key issue and subsequent objectives (applicable to this application) includes:

- *Meeting an increasing demand for more affordable housing across the municipality.*
- *To increase the supply and distribution of affordable housing in the City of Whitehorse.*
- *To reduce housing stress in the City of Whitehorse.*

Amongst other Policy objectives within the Planning Scheme, there is an emphasis on ensuring an adequate provision of alternative and affordable accommodation to low-income persons. On this basis, the proposal meets Policy objectives and a clear demand. The subject site is located within convenient walking distance (under 400 metres) of Deakin University (at the southern end of Glengarry Avenue, and under one kilometre from the Burwood Highway tramline. Therefore the proposed location provides good accessibility to public transport and key facilities, consistent with policy direction.

9.1.1

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The Planning Scheme does not allow consideration of the tenure of residential accommodation, the occupation or circumstances of tenants (student, holiday maker or otherwise) or the concentration of similar uses in an area. The proposed rooming houses will add to the diversity of accommodation and will reduce housing stress over the municipality when considered as a whole. The provision of rooming house accommodation is appropriate in this location given the site's proximity to public transport and Deakin University, and a concentration of such uses in the immediate vicinity is a feasible outcome given the locational characteristics of the subject site.

Residential Character

The subject site is located within the Garden Suburban Precinct 4 area under Clause 22.03 (Residential Development). The preferred character statement includes (as relevant):

The area will retain its classic garden suburban characteristics of modest, pitched roof dwellings in formal garden settings. The defined pattern of regular front setbacks and side setbacks from both side boundaries will be maintained, allowing sufficient space for planting and growth of new vegetation. Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens.

Areas with good access to trams and shops will accommodate more dwellings, including well designed medium density housing, with slightly more compact siting than the remaining residential areas, but with space for large trees and gardens.

The *City of Whitehorse Neighbourhood Character Study, 2014* is a reference document that provides a number of objectives and design response outcomes that guide a preferred character outcome.

The subject site is also included within the Significant Landscape Overlay Schedule 9. The 'statement of nature and key elements of landscape' recognise that trees are significant to the landscape character of Whitehorse and the tree cover simultaneously delivers multiple benefits to the community, including defining neighbourhood character, providing visual amenity, providing habitat for fauna and increasing the liveability of neighbourhoods. The landscape character objective and the decision guidelines can be summarised as retaining trees that are significant and allowing sufficient space for offset planting for indigenous or native trees that can grow to a substantial mature height.

The subject site has good access to trams and services and the proposal balances the urban consolidation outcomes of the Local Planning Policy Framework with the preferred landscape outcomes in the objectives and decision guidelines of the General Residential Zone Schedule 3, the Significant Landscape Overlay Schedule 9, Clause 22.03 (Residential Development) and Clause 22.04 (Tree Conservation), as outlined below.

The character of Glengarry Avenue comprises predominantly original housing stock with some recent contemporary detached and medium density development, notably the three double storey dwellings at No. 9 Glengarry Avenue to the south of the subject site.

The proposed development generally exceeds the minimum boundary setbacks required by Clause 55. In addition, the garages serving each rooming house are set back 1 metre behind the front façades, and only one wall is constructed on the boundary as required by Schedule 3 of the General Residential Zone. The proposed Unit 1 garage wall will be setback 0.9 metre from the eaves of the adjacent dwelling to the east, which includes one habitable room window facing the proposed garage. This outcome does not provide the 1 metre clear to the sky required by Standard B19, and a condition will require the plans to be amended provide a minimum 1 metre setback for Unit 1 from the north-east boundary, with no further reductions in boundary setbacks. This will provide sufficient daylight into the facing habitable room, and it is anticipated that this condition can be met through internal rearrangement of the bedroom 1 ensuite and kitchen area,

9.1.1

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Given the curved site frontage, Unit 1 presents a stepped built form to the frontage, with setbacks between 4 and 8.6 metres proposed, and Unit 2 has a minimum 4.8 metre setback, stepping back to 5.8 metres at the garage on the southern interface. The adjacent dwellings to the east and south are setback 7.6 and 5 metres respectively from Glengarry Avenue, and the proposed front setbacks achieve a consistent front setback arrangement which will maintain the neighbourhood character and provide for substantial planting areas within the site frontage to enhance the Garden Suburban character of the area.

The proposed upper levels of both rooming houses are generally well setback from the ground level footprints, providing for good articulation of the proposed built forms and sensitive transitions to single and double storey built forms in the vicinity. The proposed upper levels provide a stepped internal separation, with a minimum distance of 3.8 metres. The articulation of upper levels and recession from the ground floors below, with varying materials and hipped roof forms, assist with reducing the perception of visual bulk and providing a suitable built form response.

Unit 2 is cut in to the slope of the site towards the rear (south-east) interface, with site cuts up to 1.5 metres deep, substantially lowering the rear portion of this rooming house and its secluded private open space area in relation to the surrounding lots. The 8.1 metre maximum height of Unit 1 is below the mandatory 11 metre height limit identified within the General Residential Zone Schedule 3. This contributes to the rooming houses maintaining an inconspicuous profile within the setting.

The development proposes the retention of the existing single crossover to serve Unit 2, and a new single crossover at the north-east of the lot to serve Unit 1, and this is acceptable as the crossovers are well separated and the approximately 45 metre long frontage can support a second crossover. This arrangement achieves compliance with Standard B14 of Clause 55, and ample site frontage will remain available for on-street parking. Council's Transport Engineers have required both crossovers to be widened in order to align with the proposed vehicle accessways.

The proposal requires the removal of protected Tree 1, and this removal is supported by Council's Arborist. The landscape plan associated with the Section 57A Amendment demonstrates capacity for five new upper canopy trees to be planted, including two *Eucalyptus scoparia* (12 metre high Wallangarra White Gum) trees within the site frontage, and three *Betula Pendula* (10 metre Silver Birch) trees- one planted in each secluded private open space area, and one within the Unit 1 front setback. These tree species are consistent with Council's Arborist's recommended replacement species, and the provision of trees exceeds the required four 8 metre high trees required by Schedule 3 to the General Residential Zone.

In addition, 3-4 metre high hedge plantings are proposed around most of the site perimeter, including the frontage, which will assist with softening views of the proposed rooming houses, in keeping with the objectors' suggested alterations. Additional low shrubs, ground covers and grasses are proposed to provide a complete landscape scheme. The strong level of replanting will enhance the existing landscape character of the lot, improve the tree coverage and meet the objectives of the Significant Landscape Overlay Schedule 9.

Council's Transport Engineer and Council's Building Department have advised that there is no objection to the proposed landscaping along the site frontage from the perspective of driver sight lines along Glengarry Avenue. On the subject site, the plans show the visibility splays beside accessways required by Clause 52.06-9 to achieve clear driver sight lines, however the Section 57 Amendment landscape plans include some shrub plantings within these splays which must be removed. Letter and meter box locations are also required to be shown on the plans to demonstrate their clearance of the visibility splays.

9.1.1

(cont)

The development proposes a site coverage of 46% and a permeable area of 36%, in compliance with Standards B8 and B9, as varied by the schedule to the zone. This demonstrates the ability to meet a preferred character and respond to the features of the site. A compliant Sustainable Design Assessment has been submitted, ensuring that the proposed development will comply with Council's energy efficiency requirements set out in Clause 22.10 Environmentally Sustainable Development.

Rooming House Operation

The objectors' concerns extrapolated issues with existing rooming houses operating in the vicinity, and the objectors wish to ensure that problems occurring on other sites are addressed or avoided by the proposed development. Operational processes such as site and building maintenance, waste storage and collection, clothes drying locations, resident behaviour, complaints procedures (from rooming house and surrounding residents), and smoking areas can be addressed by an updated Rooming House Management Plan.

Whilst many of the other rooming houses on Glengarry Avenue have not required a planning permit to operate, this application allows for rooming house operational conditions to be imposed to address the objector concerns, and these conditions can be enforced in the long term by Officers to ensure compliance with operational requirements.

The on-going rooming house use requires planning approval and is therefore appropriate to require noise emissions from rooming house residents and overall residential behaviour in the Management Plan. The Section 57 Amendment plans show all habitable room windows are double glazed to prevent noise transmission, and air conditioning units located central to the site and screened by buildings or fences to limit noise impacts to surrounding residents.

Some noise and other off site impacts are inevitable when any construction occurs, and the developer will be required to meet relevant Building and EPA regulations regarding construction practices to ensure these impacts are mitigated.

The sizes of the lodging rooms and the communal living areas, all ability access compliance and fire safety will be considered through the building permit process, however it is understood that the proposed site layout is generally compliant. The provided communal living and dining areas allow for all 12 anticipated residents to eat together and congregate, which will facilitate the creation of social bonds between residents.

Waste Management

The submitted Waste Management Plan provides for Council collection of the general and recycling waste streams for the rooming houses. Although Council's Waste Engineer has approved this Waste Management Plan, this requires amending to reflect the alterations of the Section 57A Amendment plans and also to relocate the on-street collection points away from the crossovers. In addition, a condition will require the on-site waste storage areas to be screened from public view. The Waste Management Plan must also be updated to remove reference to a waste room and to acknowledge that the waste bins are shared between rooming house residents, who share a responsibility for bins to be well-maintained and for bins to be put on street no sooner than the night before collection and returned to the designated bin store on the same day.

In response to objector concerns regarding the volume of waste generated per resident, the Waste Management Plan will be required to be amended to provide for review and updating of waste volumes and bin numbers if required by Council.

It is noted that the Waste Management Plan provides for hard rubbish and garden waste disposal to be arranged by the building operator via appropriate contractors, and a hard waste storage area minimum 2m³ per rooming house must be designated on the plans and referenced in the Waste Management Plan.

9.1.1

(cont)

The Waste Management Plan will require that waste is not dumped on the subject site or within the surrounding lots or road reserve, that bins and waste storage to be kept tidy, put out for collection and brought in again in a timely manner, and this requirement can be enforced by Council's Community Laws Department if not complied with.

The Waste Management Plan restricts waste collection times to the allowed hours, ensuring that waste collection will not cause noise impacts during sensitive night time periods. The 30 minute parking restriction in the area will limit on-street parking in the vicinity of the subject site, ensuring waste vehicles can gain access to collect from the subject site and surrounding lots.

Amenity

Clause 55.04 sets out a number of objectives and standards that seeks to ensure the amenity of adjoining residential lots is not unreasonably impacted. When tested against these standards, the development does not cause unreasonable loss of daylight to adjoining windows (as discussed above).

All upper level habitable room windows facing the adjoining lots have no clear glazing below 1.7 metres above the finished floor level, in accordance with Standard B22 of Clause 55. Internal overlooking is required to be screened between the upper levels of the rooming houses, as reciprocal views will be possible between facing windows. In order to prevent internal views in accordance with Standard B23 and to limit the perception of overlooking, the Unit 2 stairwell window (which faces the Unit 1 bedroom 5 window) on the internal north-east elevation must be obscure glazed.

Clause 55.05 sets out a number of objectives and standards that ensure for a strong level of on-site amenity. The proposed rooming houses enjoy compliant daylight to new windows in accordance with Standard B27 (Daylight to New Windows) and required a 35m² outdoor area with a minimum dimension of 5 metres in accordance with Standard B28 (Private Open Space) which is oriented northwards in accordance with Standard B29 (Solar Access to Open Space).

The proposed rooming houses are not provided with 6m³ of externally accessible and secure storage, and a condition will require this to be provided to each rooming house in order to house bulky items such as bicycles, lawnmowers, etc.

Conditions of the Permit can include requirements that relate to the management of the use to minimise off-site amenity impacts. This can include ways in which to manage waste, methods to control development impacts via a construction management plan, ensuring the number of occupants is capped at the required 12 per rooming house, and for the use of the land to be managed by an experienced rooming house operator.

Car Parking and Traffic Movements

Table 1 to Clause 52.06-5 requires one car space to each four bedrooms, requiring two car spaces per each eight-bedroom rooming house. Given the nature of the use, the two required car spaces must be independently accessible (i.e.- not in tandem), and the Section 57A Amendment plans comply with the statutory requirement.

Council's Transport Engineer has indicated that both crossovers require modification in order to align with the proposed accessways, which will also improve vehicle access and driver sight lines. On-street bin storage areas will also be required to be relocated away from the crossovers to protect driver sight lines, and landscaping alterations required to visibility splays have been discussed above.

Given the half hour parking restriction in the area, construction worker parking will be problematic for this site. For this reason, a Construction Management Plan will be required for this development.

9.1.1

(cont)

Subject to these conditions, the proposal will provide compliant car parking on site and will not result in excessive traffic impacts within the street.

Objectors Concerns not Previously Addressed:

- Negative impact on surrounding property values

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

- Set an undesirable precedent

Each Planning Permit application is decided on its own merits and against the relevant planning policies and provisions, and cannot be considered against the precedent of other developments.

- Tenants may not be of good character.

Potential antisocial or criminal behaviour of residents is not a planning matter.

- Track record of the rooming house operator for dealing with antisocial behaviour.

Depending on the situation, antisocial behaviour may require a response from the Police or Council's Community Laws or Planning Enforcement Officers to ensure compliance with the relevant laws.

- Increased stormwater runoff and impacts to sewerage system and other utilities, such as water and water pressure.

Connection to utilities, and any required upgrades to supply will be considered through the Building Permit process. Council's Asset Engineers have required conditions to require submission of compliant Engineering Drawings to Council.

- Many rooming houses in the area are currently vacant, and were vacant prior to the Covid-19 outbreak

The Planning system cannot consider commercial viability of proposals- this is the responsibility of the Permit Applicant.



CONCLUSION

The proposal for the use and development of the land for two rooming houses, including removal of one tree, is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone Schedule 3 and the objectives and decision guidelines of the Significant Landscape Overlay Schedule 9.

A total of 30 objections were received as a result of public notice and all of the issues raised have been discussed in this report.

It is considered that the application should be approved.

ATTACHMENT

- 1 S57A Decision Plans 
- 2 Advertised Plans (Now Superseded) 

9.1.2 333A Canterbury Road, Forest Hill (Lot 1 PS 741791) Removal of trees protected under the Significant Landscape Overlay Schedule 9 (SLO9) and removal of Native Vegetation

FILE NUMBER: WH/2020/934
ATTACHMENT

SUMMARY

This application was advertised, and a total of 31 objections were received. The objections raised issues with the proposed removal of vegetation. A Consultation Forum was held on 17 March 2021, chaired by Councillor Lane, during 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.

COUNCIL RESOLUTION

Moved by Cr Lane , Seconded by Cr Carr

That Council:

- A. *Being the Responsible Authority, having caused Application WH/2020/934 for 333A Canterbury Road, FOREST HILL (Lot 1 PS 741791) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Removal of trees protected under the Significant Landscape Overlay Schedule 9 (SLO9) and removal of Native Vegetation 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 333A Canterbury Road, FOREST HILL (Lot 1 PS 741791) for the Removal of trees protected under the Significant Landscape Overlay Schedule 9 (SLO9) and removal of Native Vegetation, subject to the following conditions:***
 - 1. *Before any trees or vegetation are removed, amended plans 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 retention of Trees 2, 3, 40, 58, 59, 62, 71, 76, 95, 99 and 104 (Sweet Pittosporum trees) and Tree 18 (Messmate).***
 - b) *Submission of Vegetation Management Plans in accordance with Condition 3.***
 - c) *A revised Native Vegetation report in accordance with Clause 52.17 and Permitted clearing of native vegetation - Biodiversity assessment guidelines and the Native vegetation gain scoring manual, including the following:***
 - o *Trees 2, 3, 18, 40, 58, 59, 62, 71, 76, 95, 99 and 104 marked as 'to be retained'.***
 - o *Trees 5, 14, 15, 33, 35a, 45, 47, 66a, 67, 69 82, 84, 85, 88, 89, 92, 93, 96, 97, 98, 100, 101, 102, 103, 105, 113, 114 and 116 marked as 'to be removed'.***
 - o *The gain score and all relevant calculations (habitat hectares of native vegetation loss, general biodiversity equivalence units, the strategic biodiversity score' etc), updated accordingly.***

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

9.1.2 (cont)

2. *No vegetation, apart from trees 5, 14, 15, 33, 35, 66a, 82, 84, 85, 88, 89, 92, 93, 96, 97, 98, 101, 102, 103, 105, 113, 114, 116 (Sweet Pittosporum trees), 45 (Bracelet Honey Myrtle), 47 (Bottlebrush), 67 (Lemon-scented Tea Tree), 69 (Messmate) and 100 (Silver-leave Stringybark), as shown on the approved plans as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.*

Staging

3. *Prior to the removal of any tree hereby permitted Vegetation Management Plans prepared by a suitably qualified and experience landscape architect firm must be submitted to and approved by the Responsible Authority. The Vegetation Management Plans must include and make provision for the following matters:*

- a) *The removal of trees hereby permitted to be removed in the following stages as listed below and shown within Appendix 1:*
- i. *Stage 1 – Trees 5, 92, 96, 97, 98, 100, 101, 102, 103, 105, 113, 114 and 116.*
 - ii. *Stage 2 – Trees 14, 15, 82, 84, 85, 88, 89 and 93.*
 - iii. *Stage 3 – Trees 33, 35a, 45, 47, 66a, 67 and 69.*
- b) *Details of Stage 1 and the management of tree removal and:*
- i. *The planting of a minimum of two (2) large trees selected from the below list within the stage 1 permitted tree removal area:*
 - o *Yellow Box (Eucalyptus melliodora);*
 - o *Red Box (Eucalyptus polyanthemus);*
 - o *Narrow-leafed Peppermint (Eucalypts radiata); and*
 - o *Silver-leave Stringybark (Eucalyptus cephalocarpa).*
 - ii. *The planting of a minimum of three (3) medium sized trees selected from the below list within the stage 1 permitted tree removal area:*
 - o *Black Wattle – (Acacia mearnsii); and*
 - o *Golden Wattle – (Acacia pycnantha).*
 - iii. *The planting of a minimum of eight (8) small sized trees selected from the below list within the stage 1 permitted tree removal area:*
 - o *Sweet Bursaria – (Bursaria spinosa);*
 - o *Shiny Cassinia – (Cassinia longifolia); and*
 - o *Burgan – (Kunzea ericoides).*
- c) *Details of Stage 2 and the management of tree removal and:*
- i. *The planting of a minimum of three (3) large trees selected from the below list within the stage 2 permitted tree removal area:*
 - o *Yellow Box (Eucalyptus melliodora);*
 - o *Red Box (Eucalyptus polyanthemus);*
 - o *Narrow-leafed Peppermint (Eucalypts radiata); and*
 - o *Silver-leave Stringybark (Eucalyptus cephalocarpa).*
 - ii. *The planting of a minimum of five (5) trees selected from the below list within the stage 2 permitted tree removal area:*
 - o *Black Wattle – (Acacia mearnsii);*
 - o *Golden Wattle – (Acacia pycnantha);*
 - o *Sweet Bursaria – (Bursaria spinosa);*
 - o *Shiny Cassinia – (Cassinia longifolia); and*
 - o *Burgan – (Kunzea ericoides).*

9.1.2
(cont)

- d) Details of Stage 3 and the management of tree removal and:**
 - i. The planting of a minimum of three (3) large trees selected from the below list within the stage 3 permitted tree removal area:**
 - o Yellow Box (*Eucalyptus melliodora*);
 - o Red Box (*Eucalyptus polyanthemus*);
 - o Narrow-leafed Peppermint (*Eucalypts radiata*); and
 - o Silver-leave Stringybark (*Eucalyptus cephalocarpa*).
 - ii. The planting of a minimum of four (4) trees selected from the below list within the stage 3 permitted tree removal area:**
 - o Black Wattle – (*Acacia mearnsii*);
 - o Golden Wattle – (*Acacia pycnantha*);
 - o Sweet Bursaria – (*Bursaria spinosa*);
 - o Shiny Cassinia – (*Cassinia longifolia*); and
 - o Burgan – (*Kunzea ericoides*).
- e) Any changes required by condition 1.**
- f) All new trees must be planted at a minimum height of 1.5 metres.**
- g) All replacement trees are to be planted in accordance with the performance standards of Clause 22.04-4 (Tree Conservation).**
- h) Replacement canopy trees are to be located a minimum of three (3) metres from buildings and one (1) metre from any boundary fencing.**
- i) A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
- j) 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.**
- k) 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.**
- l) A maintenance plan for plant establishment. The requirements of the Landscaping Maintenance Plan must be implemented by the owners and occupiers of the site for the life of the buildings, to the satisfaction of the Responsible Authority.**
- m) Irrigation system for all trees and landscaping, including details of frequency and water delivery method.**
- n) Details of the ongoing maintenance procedures to ensure that the garden areas remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:**
 - o Irrigation frequency and delivery method.
 - o Pruning and mulching.

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

- 4. Stage 1 must be commenced within six months of the approval of the endorsed plans and all trees and replacement revegetation contained in the Stage 1 endorsed plan and all tree replacement and revegetation must be completed within 6 months of such commencement.**
- 5. Stage 2 shall not be commenced until three (3) months after the completion of the re-vegetation contained in the Stage 1 endorsed plan and all tree replacement and re-vegetation must be completed within six months of such commencement.**

9.1.2

(cont)

6. *Stage 3 shall not be commenced until three (3) months after the completion of the re-vegetation contained in the Stage 2 endorsed plan and all tree replacement and re-vegetation must be completed within six months of such commencement.*
7. *The applicant/property owner is required to contact Council's planning enforcement department in writing (quoting the Planning Permit number and site address, emailed to () after the completion of both tree removal and replacement planting for each stage to arrange for an inspection.*
8. *The applicant/property owner must maintain a record of both tree removal and replacement planting, including details and dates. The record must be made available to the responsible authority within 24 hours of any request.*

Native Vegetation

9. *In order to offset the removal of required hectares of native vegetation approved as part of Condition 1c of this permit, the applicant must provide a revised native vegetation offset that is in accordance with the Permitted clearing of native vegetation – Biodiversity Assessment Guidelines and the Native Vegetation Gain Scoring Manual and meets the following requirements. The offset must:*
 - a) *Contribute a gain of general biodiversity equivalence units as confirmed by the revised Native Vegetation Management Plans endorsed under Condition 1c.*
 - b) *Be located within the Port Philip and Westernport Catchment Management Authority boundary or City of Whitehorse municipal district.*
 - c) *Have a strategic biodiversity score as confirmed by the document endorsed under Condition 1c.*
10. *Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation - Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:*
 - a) *A security agreement to the required standard, for the offset site or sites, including a 10 year offset management plan, which is to include the ongoing management regime in perpetuity. Every year, for ten years after the Responsible Authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement including photographs must be included in this notification.*
 - b) *A credit register extract from the native vegetation credit register.*
11. *Prior to the felling of trees permitted for removal as part of this permit it must be examined for the presence of fauna, including those using external next (e.g. Common Ringtail Possums, bird nests) and tree hollows. If native fauna species are located, they are to be salvaged and relocated in accordance with all relevant legislation and approvals further to consultation with DEWLP (Department of Environment, Land, Water and Planning).*

Landscaping

12. *The replacement planting must be of good quality, correctly maintained and planted within loose native soil mix and mulch in a location that supports its long-term retention and growth.*
13. *The ongoing maintenance of the replacement trees must be undertaken to the satisfaction of the Responsible Authority. If the planted tree dies or is removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.*

9.1.2
(cont)

- 14. No other trees on site that are protected by the Planning Scheme may be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority. All existing trees to be retained and trees required by this permit to be planted shall be maintained to the satisfaction of the Responsible Authority.**
- 15. No trees are permitted within the easement. Any planting must not affect the stormwater pipe within the easement, must have shallow roots that do not impact upon the functionality of the stormwater pipe and must be reflected on the landscaping plans.**

Expiry

- 16. This permit will expire if one of the following circumstances applies:**
 - a) The removal of all trees and replacement planting is not commenced within two (2) years from the date of this permit.**
 - b) Any stage of the removal and replacement of the trees is not completed within the time specified for completion of such Stage as required by Conditions 4, 5 and 6.**

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 following trees are listed as environmental weed species under SLO9 and do not require a Planning Permit for removal:**
 - **Tree 1 - Privet (*Ligustrum* spp.)**
 - **Trees 13a and 19- Cherry Plum (*Prunus cerasifera*).**
 - **Tree 32 - Mirror Bush (*Coprosma angustifolia*)**
 - **Tree 44 - Cootamundra Wattle (*Acacia baileyana*)**
 - **Tree 49 - Cotoneaster (*Cotoneaster* spp.)**
 - **Trees 66b, 66c and 72 – Desert Ash (*Fraxinus angustifolia*)**
 - **Tree 79 - Radiata or Monterey Pine (*Pinus radiata*)**
- B. The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any act, regulation or local law.**
- C. Appendix 1 – Stage Tree Removal & Replacement Planting Areas**

CARRIED UNANIMOUSLY

9.1.2 (cont)



9.1.2
(cont)

MELWAYS REFERENCE 62 F2

Applicant:	The Uniting Church In Australia Property Trust
Zoning:	Neighbourhood Residential Zone Schedule 3 (NRZ3)
Overlays:	Significant Landscape Overlay Schedule 9 (SLO9) Heritage Overlay Schedule 25 (HO25)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 12.01-2S	Native Vegetation Management
Clause 12.05-2S	Landscapes
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.09	Neighbourhood Residential Zone Schedule 3
Clause 42.03	Significant Landscape Overlay Schedule 9
Clause 43.01	Heritage Overlay, Schedule 25
Clause 52.17	Native Vegetation
Clause 65	Decision Guidelines
Ward:	Mahoneys



9.1.2

(cont)

BACKGROUND

History

There are no other current or previous planning applications for the subject site.

The Site and Surrounds

The subject site is located on the north side of Canterbury Road and south side of Will Street in Forest Hill, approximately 400 metres east of the intersection with Springvale Road. The subject site is irregular in shape and has total site area of 7250m². A 2.74 metres wide drainage easement is located along the side (western) boundary. The site comprises a place of worship, kindergarten, op-shop, tennis courts and a car parking area. The site contains many trees, with 115 of these trees being identified under this application.

The surrounding properties are residential, comprising a mix of single and double storey dwellings. There are number of medium density developments evident in the area. A number of canopy trees are located on the adjoining property to the east and west adjacent to the subject site.

It is acknowledged that the site is located within a residential setting where there is a predominance of established and mature native canopy trees. The presence of these upper canopy trees and dense understorey vegetation contributes to the well-established 'bush environment' landscape character.

Planning Controls

Significant Landscape Overlay – Schedule 9

In accordance with Clause 42.03 of the Significant Landscape Overlay – Schedule 9, a Planning Permit is required to destroy, remove or lop a tree.

This does not apply to (inter alia):

- A tree that has both:
 - A height less than 5 metres; and
 - A single trunk circumference of less than 1.0 metre at a height of 1 metre above ground level.
- A tree that is less than 3 metres from the wall of an existing Dwelling or an existing Dependent Person's Unit when measured at ground level from outside of the trunk.
- A tree that is an Environmental Weed species (as per the specified list).

Native Vegetation

Under Clause 52.17 a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

Given the size of the lot (greater than 0.4 hectares), the provisions of Clause 52.17 (Native Vegetation) apply. A planning permit is required to remove, destroy or lop any native vegetation including remnant and/or self-seeded species, which applies in this instance.

The Native Vegetation Removal Report provided by the applicant sets out the assessment method, a habitat hectare assessment and the assessment of biodiversity values for the areas of native vegetation to be removed.

The purpose of Clause 52.17 is to avoid removal of native vegetation that makes a significant contribution to the state's biodiversity, minimise impacts on the state's biodiversity from its removal and where permitted, ensure offsets are provided for in a way that makes an equivalent contribution to the state's biodiversity that is made by the native vegetation being removed.

9.1.2

(cont)

Heritage Overlay – Schedule 25

Under schedule 25 to the Heritage Overlay a planning permit is not required to remove, lop or destroy a tree.

PROPOSAL

It is proposed to remove vegetation protected both under the Significant Landscape Overlay Schedule 9 and under the Native Vegetation provisions. The protected trees proposed for removal are outlined in Attachment 1 and below.

It is proposed to remove 40 trees protected under Clause 52.17 (Native Vegetation). It is noted, 34 of the 38 native trees proposed for removal are Sweet Pittosporum (*Pittosporum undulatum*) species. The below trees are protected under Clause 52.17 (Native Vegetation):

- Trees 2, 3, 5, 14, 15, 33, 35a, 40, 58, 59, 62, 66a, 71, 76, 82, 84, 85, 88, 89, 92, 93, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 113, 114 and 116 - Sweet Pittosporum (*Pittosporum undulatum*);
- Trees 18 and 69* - Messmate (*Eucalyptus obliqua*);
- Tree 67* - Lemon-scented Tea Tree (*Leptospermum petersonii*); and
- Tree 100 – Silver-leave Stringybark (*Eucalyptus cephalocarpa*).

The below four (4) trees are protected under Clause 42.03 (SLO9)

- Tree 45 Bracelet Honey Myrtle (*Melaleuca armillaris*);
- Tree 47 Bottlebrush (*Bottlebrush*);
- Tree 67* Tea Tree (*Leptospermum sp.*); and
- Tree 69* Messmate (*Eucalyptus obliqua*).

It is noted, trees 67 and 69 are protected under both the Native Vegetation provisions and the Significant Landscape Overlay Schedule 9.

The following 10 trees are also proposed for removal however are listed as environmental weed species pursuant to the SLO9 and therefore do not require a Planning Permit:

- Tree 1 - Privet (*Ligustrum spp.*);
- Trees 13a and 19 - Cherry Plum (*Prunus cerasifera*);
- Tree 32 - Mirror Bush (*Coprosma angustifolia*);
- Tree 44 - Cootamundra Wattle (*Acacia baileyana*);
- Tree 49 - Cotoneaster (*Cotoneaster spp.*);
- Trees 66b, 66c and 72 – Desert Ash (*Fraxinus angustifolia*); and
- Tree 79 – Radiata/Monterey Pine (*Pinus radiata*).

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices at the Canterbury Road and Will Street frontages.

Following the advertising period 31 objections (27 objector properties) were received. One further letter of support has been received.

The issues raised are summarised as follows:

- Impact and loss of amenity suffered with vegetation removal;
- Lack of replacement planting; and
- Trees being removed for development purposes.

9.1.2

(cont)

Consultation Forum

A Consultation Forum was held online via Zoom on 17 March 2021. Approximately 23 objectors attended the meeting which was chaired by Councillor Lane and also attended by the applicant and Council officers. Key points discussed during the forum meeting related to the removal of vegetation, landscaping opportunities, absence of a landscape plan, future development applications and climate change. No resolution was reached between the parties during the meeting.

Referrals

External

DELWP (Department of Environment, Land, Water & Planning)

The application was referred to DELWP under Section 52 of the *Planning and Environment Act 1987*. The authority provided no comment to the application and noted that Council should apply the offset requirements in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (2017)*.

Internal

Planning Arborist

The application was referred to and reviewed by Council's consulting arborist, who provided the following response:

- The removal of tree 18 is not supported; as the tree is in good health and structure making a contribution to the landscape character.
- The removal of SLO9 trees 45, 47, 67 and 69 are supported; as the trees are poor in health and/or structure, and as such are no longer worthy of retention.
- Tree 39 has been measured to be 3.6 metres in height with a trunk circumference less than 1 metre and therefore does not require a Planning Permit under SLO9 to be removed.
- Tree 51 is considered to be dying due to its poor health with the presence of dieback being identified and does not require a Planning Permit for removal.

Tree Education Officer

The application was referred to Council's Tree Education Officer, whom supported the proposal subject to provision of replacement replanting.

DISCUSSION

The key considerations in the assessment of this application include the extent of the tree removal proposed and whether it is an acceptable outcome in the context of the planning scheme provisions. The primary planning controls, being the SLO9 and the Native Vegetation provisions require protection of landscape value provided by trees, and native vegetation as it relates to the preservation and protection of biodiversity.

The subject site comprises of a range of uses accessible to the public. A further consideration as outlined by the permit applicant are the safety risks and potential for falling limbs of trees within the subject site applied for removal.

9.1.2

(cont)

Consideration of the proposal is further complicated by the absence of strong justification for the extent of vegetation removal provided, most particularly for those trees that have not been identified as being unsafe or of limited life expectancy.

In this context, the key considerations to be given weight in this assessment are:

- What is the policy framework for the vegetation removal?
- Can the extent of vegetation removal be justified?
- What is the role of replacement planting?

State and Local Planning Policy Framework

The objective of Clause 12.01-2S (Native vegetation management) requires for consideration to both native vegetation matters and the wider purpose of protecting and conserving Victoria's Biodiversity. To achieve this objective is to ensure 'no net loss' of biodiversity.

Important to this application are the objectives of Clause 12.05-2S (Landscapes) which seek to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments. To achieve this objective, the policy has developed strategies that seek to ensure that development does not detract from the natural qualities of significant landscape areas and recognise the natural landscape for its aesthetic value and as a fully functioning system.

The retention of existing trees and additional canopy planting required within the subject site improves upon the landscape value attributed to the site and surrounds recognised under Clause 12.05-2S and the Significant Landscape Overlay.

Under Clause 21.05 (Environment), this local policy makes the connection between natural, visual and built environment. This influences neighbourhood character, the landscape, the climate, and health and wellbeing for individuals in the area, including open space areas for passive and active recreation. The conservation and enhancement of trees and their canopy coverage is integral to maintaining and achieving the above-mentioned elements.

The Tree Conservation Policy at Clause 22.04 (Tree Conservation) in its objectives refer to minimising the loss of significant trees; and promoting the regeneration of established trees. Policy and performance standards in respect of tree retention and tree regeneration are provided within the Clause and will be discussed within the assessment section of this report.

Significant Landscape Overlay Schedule 9

The site is subject to the Significant Landscape Overlay Schedule 9 (SLO9) requirements. The Statement of Nature and key elements of landscape under the SLO9 recognise:

- *The leafy garden and bushy character of Melbourne's eastern suburbs can be viewed from many high points throughout Melbourne and is a significant component of the subregion. The treed character of areas such as Whitehorse provides an important 'green' link between Melbourne and the Yarra Valley.*
- *The Municipal Wide Tree Study (June 2016 and March 2019) identifies that trees are significant to the landscape character of the City of Whitehorse. The tree cover in Whitehorse simultaneously delivers multiple benefits to the community, including defining neighbourhood character, providing visual amenity, reducing the urban heat island effect in more urbanised areas, improving air quality and energy efficiency, providing habitat for fauna, and increasing the wellbeing of people and liveability of neighbourhoods.*
- *The Bush Suburban Neighbourhood Character Area generally has a mix of formal and informal streetscapes with wide nature strips and streets are dominated by vegetation with buildings partially hidden behind tall trees and established planting. Gardens are less formal, consisting of many canopy trees and property boundary definition can be non-existent or fenced.*

9.1.2

(cont)

The landscape character objectives to be achieved are:

- *To retain and enhance the canopy tree cover of the Garden and Bush Suburban Neighbourhood Character Areas.*
- *To encourage the retention of established and mature trees.*
- *To provide for the planting of new and replacement canopy trees.*
- *To ensure that development is compatible with the landscape character of the area.*

The Significant Landscape Overlay is recognised as an important part of the Whitehorse Planning Scheme, and as such considerable weight is placed upon an application's ability to meet the objectives and decision guidelines of this overlay.

Clause 52.17 (Native Vegetation)

Given the size of the land, Clause 52.17 (Native Vegetation) is also applicable. The purpose of Clause 52.17 is:

'To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. *Avoid the removal, destruction or lopping of native vegetation.*
2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
4. *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.'*

The primary purpose of Clause 52.17 is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved by avoiding native vegetation removal as the first priority. Only if native vegetation removal cannot be avoided, the priority is to then minimise as much as possible the extent of vegetation removal. Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation being removed.

Tree Removal

The proposal seeks to remove 40 trees protected under both native vegetation provisions (38 trees) and the SLO9 (4 trees), with trees 67 and 69 triggered by both controls. The proposed removal is due to concerns outlined by the permit applicant for the risk and hazard to property and safety if the trees are retained.

There are a number of considerations in this element of the assessment; which trees require a permit for removal, which trees are triggered for removal under each of the provisions, and how does the proposed tree removal meet the quite different objectives of the SLO9 and the Native Vegetation provisions.

Of all the trees proposed for removal only four (4) are protected under SLO9. As outlined earlier in this report the four (4) trees protected under SLO9 which are proposed for removal can be supported due to their poor health and/or structure. The overlay itself is a landscape overlay, and these trees do not contribute to the landscape canopy of the site. In this context, due to the limited visibility from Will Street and poor health and/or structure, the proposed removal of trees 45, 47 and 67 can be supported.

9.1.2 (cont)

Tree 69 (Messmate) is an established large canopy tree that the objectives of the SLO9 and the purposes of Clause 52.17 (Native Vegetation) seek to protect. However, an assessment of this tree has been undertaken and it has been identified that several limbs have failed, the upper canopy is thinning and has dead branches. Consequently, this tree has a useful life expectancy of less than five (5) years. In this context, the removal of tree 69, whilst a loss because it is a mature canopy tree, will not have a significant impact from outside of the site from a landscape perspective, being located centrally within the subject site, and does present an opportunity for a new tree to replace it on site. With a ULE of less than 5 years, there is an increased probability that the tree will decline over the next few years, and may well require removal without needing a permit. In this context, capturing the opportunity for replacement planting both offsite and within the subject site that can be managed and protected into the future is a positive long term outcome.

There has been concerns expressed by both Council and objector parties as to the intended reason for the proposed tree removal. In a letter dated 18 December 2020, the permit applicant advised the trees are not being removed for development purposes. That said, the permit applicant has not demonstrated how the benefits of the extent of tree removal will outweigh the impacts resultant from it. Given this, and the policy requirements contained within the planning scheme expressing objectives that vegetation only be removed where there is a good reason to do so, it is contended that insufficient justification has been provided to warrant the removal of all trees proposed and that requiring pruning maintenance in accordance with the Australian Standards would be a more appropriate outcome to ensure tree retention and protection to life and property.

In the context of the Native Vegetation provisions, the proposal generally has not however, followed the key principals of *avoid* and *minimise* the loss of native vegetation, nor protect those open space areas that currently exist on site, and as such are contrary to Clauses 12.01-2S (Native Vegetation Management) and 12.05-2S (Landscapes).

The schedule to Clause 52.17 does not provide specific exemptions for the removal of native species from the site, so whilst in environmental management circles sweet pittosporum are managed and recognised as a weed species, they are not exempt under these provisions of the scheme. Nevertheless, the removal of all sweet pittosporum trees is not appropriate. To avoid the removal of native vegetation, which in this circumstance can be avoided, sweet pittosporum trees with a useful life expectancy greater than five (5) years (trees 2, 4, 40, 58, 59, 62, 71, 76, 95, 99 and 104) will be required to be retained to ensure retention of canopy within the subject site over the longer term and to allow for replacement planting for those trees permitted for removal, to become established and preserve the identified landscape values.

Tree 18 (Messmate) is a Victorian native tree and therefore protected under Clause 52.17 (Native Vegetation). As outlined by Council's Planning Arborist earlier in this report, this tree will be required to be retained considering its high retention value and contribution to the landscape character. The removal of this tree can be avoided and its retention will help preserve the landscape values of the subject site.

As submitted within the objections, the removal of all trees would result in a reduction of habitat and corridors for fauna, one of the principles of native vegetation protection. Therefore requiring the retention of some of these trees is important in achieving an appropriate biodiversity outcome in the area by preserving habitat.

Maintenance of Trees, Tree Canopy, Staged Removal and Replacement Planting

The removal of all trees would result in a cumulative loss to the landscape given the existing dense canopy cover. Therefore, it is officer opinion that some trees must remain to ensure cumulative loss is not significant within the area and to allow a buffer for replacement plantings to establish over time.

9.1.2

(cont)

Many of the trees proposed for removal are highly visible within the subject site and the surrounding streetscape. To mitigate the impact of loss of multiple trees at once, the proposed tree removal and replacement planting will be required to occur in three (3) stages. The staged removal and replacement planting will commence from the northern area of the subject site which is the most visible section to Will Street.

By addressing the permitted tree removal in stages it will allow the replanting within close proximity to Will Street to have time to become established while the trees further south of the site are still in place to provide a presence of vegetation within the subject site and streetscape. After the tree removal and replacement planting is completed for one of the stages, the next stage of tree removal and replacement planting will be able to occur three (3) months later. Given the vegetation proposed to be removed, it is considered appropriate to require additional indigenous planting of local provenance to be planted within the subject site. This has been included as a condition of permit, should one be granted.

A key outcome in the assessment of vegetation impacts under the Native Vegetation provisions, is the offset planting calculations. The application was accompanied by Native Vegetation removal report, however this was calculated in the basis of complete removal of almost all pittosporums and other native trees. In light of the above discussion that some of these trees are to be retained through conditions, this biodiversity score will no longer be accurate. Consequently, a condition will be included within the Planning Permit requiring a revised Native Vegetation Removal Report to be submitted to confirm the extent of 3rd party offset planting to be within either the Port Philip and Westernport Catchment Management Authority boundary or City of Whitehorse municipal district as required under the provisions of Clause 52.17.

Response to objections

Tree Removal

In response to the concern around tree removal, conditions will be included within the planning permit requiring the retention of Trees 2, 3, 40, 58, 59, 62, 71, 76, 95, 99 and 104 (Sweet Pittosporum trees) and tree 18 (Messmate),

All other trees permitted for removal are acceptable due to their low retention values and low useful life expectancies.

Conditions will be included within the Planning Permit for tree removal and offset planting to occur within three (3) stages to mitigate the impact to the landscape character by allowing for replacement planting to become more established while retaining an acceptable level of canopy throughout the subject site.

The trees proposed to be planted over time will make a more significant contribution to the existing and preferred landscape character to the subject site and surrounds compared to the trees recommended for removal.

Landscape response

Concerns were raised by the objectors during the Consultation Forum regarding the absence of landscape planting proposed. It is noted that a condition of permit, on any approval granted, will require the provision of a vegetation management plans including one (1) for one (1) replacement tree planting to be provided to the satisfaction of the Responsible Authority.

Trees are being removed for development purposes

Each application is assessed in relation to the relevant planning controls, site context, the prevailing neighbourhood character and merits at the time of considering the application.

9.1.2

(cont)

CONCLUSION

The proposal for tree removal is generally an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the SLO9 and Native Vegetation provisions.

A total of 31 objections (from 27 objector properties) were received as a result of public notice and all of the issues raised have been discussed in the report.

It is considered that the application should be approved subject to conditions.

ATTACHMENT

- 1 List of protected trees proposed for removal 
- 2 Tree Removal Plans 

9.1.3 23 Baldwin Road, Blackburn (Lot 4 LP 24068) Construction of three double storey dwellings and removal of protected trees

FILE NUMBER: WH/2019/1127
ATTACHMENT

SUMMARY

This application was advertised, and a total of 16 objections were received. The objections raised issues with loss of trees, loss of neighbourhood character, tree removal process, overdevelopment, not meeting the Neighbourhood Residential Zone – Schedule 3 planning controls and lack of space for tree replanting. A Consultation Forum was held on 12th August 2020, chaired by Councillor Massoud, and attended by objectors, planning officers and the applicant. During the forum, 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.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Skilbeck

That Council:

- A. *Being the Responsible Authority, having caused Application WH/2019/1127 for 23 Baldwin Road, BLACKBURN (Lot 4 LP 24068) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of three double storey dwellings and removal of protected trees 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 23 Baldwin Road, BLACKBURN (Lot 4 LP 24068) for the Construction of three double storey dwellings and removal of protected trees, subject to the following conditions:***
 - 1. *Before the development starts, amended plans must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the decision plans but modified to show:***
 - a) *The locations of Tree Protection Zones described in condition 7, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 7 to be annotated on the development and landscape plans.***
 - b) *The driveway and crossover to be moved further south to facilitate retention of the existing street tree.***
 - c) *Plans amended to show the existing street tree in Baldwin Rd to be retained and the crossover and driveway location modified accordingly.***
 - d) *Changes to the application plans including:***
 - i. *Paving located within the SPOS of Dwelling 1 to be reduced outside the kitchen area by 10sqm.***
 - ii. *Storage for Dwelling 1 to be provided within the garage and the proposed garden shed removed.***
 - iii. *North setback to Dwelling 1, Bed 1 increased by 300mm.***
 - iv. *Dwelling 2 garage to be deleted and modified to an open car space.***
 - v. *Water tank associated with Dwelling 2 to be located underground beneath the new single car space.***
 - vi. *Dwelling 2, bed 1, eastern wall setback a further 400mm from the east.***

9.1.3

(cont)

- vii. Dwelling 2, bed 2, eastern wall setback a further 300mm from the east.*
- viii. Storage for Dwelling 3 to be provided within the garage and garden shed removed.*
- ix. Dwelling 3, Bed 1, eastern setback increased by 600mm.*
- x. Dwelling 3, Living-room, eastern setback increased by 600mm.*
- xi. The SPOS within the frontage of Dwelling 1 to be deleted and all SPOS to be located behind the front wall of the dwelling.*
- xii. The provision of a 1.8m high timber paling fence along the eastern boundary.*
- e) The provision of a fixed and durable freestanding screen above the eastern boundary fence. The screen must have a maximum of 25% openings and must extend to a minimum height of 1.7 metres above finished floor levels of Dwelling 3 living room and deck.*
- f) The side boundary fence heights to taper down to 1 metre in height where within 6 metres of the frontage/forward of the front façade of the dwellings.*
- g) All obstructions within the sight line triangle (including letter boxes, meter boxes and side boundary fencing) to be no higher than 0.9 metre in height, or be relocated clear of the sight line triangle in accordance with Clause 52.06-9.*
- h) Redundant vehicle crossovers to be removed and reinstated.*
- i) The pedestrian doors to garages to open outwards so as to not obstruct the dedicated car parking area.*
- j) Development plans to reflect all sustainability features indicated in the Sustainable Design Assessment required by condition 16. The plans are to be generally in accordance with the plans submitted indicating:*
 - i. A minimum 4,000 litre rainwater tank, for retention purposes, per dwelling in lieu of raingardens.*
 - ii. An annotation that the rainwater tanks are allocated for reuse/retention purposes and exclude any volume allocated for detention.*
 - iii. An annotation that the rainwater tanks are connected to all toilet flushing, laundry systems and irrigation areas.*
 - iv. Permeable paving identified and annotated to driveway areas.*
 - v. All operable windows, doors and vents on elevation drawings.*
 - vi. Double glazing annotated to all living and bedroom area windows on elevation drawings.*
 - vii. Where measures cannot be visually shown, include a notes table or 'ESD Schedule' providing details of the ESD features and requirements. This is required to include dwelling star ratings, energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, as well as, any waste recovery and use of sustainable materials commitments.*
- k) Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*

9.1.3 (cont)

- 1) A landscape plan in accordance with condition 3, including the following:**
- i. The planting of at least two upper canopy trees with a minimum mature height of 12 metres within the front setback of Dwelling 1. This must include one *Eucalyptus radiata* – Narrow Leafed Peppermint Gum and one of either *Eucalyptus cinerea* or *Eucalyptus scoparia*.**
 - ii. The planting of at least one mid canopy tree with a minimum mature height of 12 metres in the secluded private open space area of Dwellings 1, 2 & 3. These trees must be selected from the following list:**
 - Blackwood wattle – *Acacia melanoxylon***
 - Coast banksia – *Banksia integrifolia***
 - Black Sheok – *Allocasuarina littoralis***
 - iii. The planting of one upper canopy tree within the garden area adjacent to the driveway and the SPOS of Dwelling 2 which can reach a minimum height of 12m.**
 - iv. Screening vegetation with a minimum mature height of 3 metres to be planted along the western (rear) boundary.**
 - v. The area of decking, paving or gravel within the secluded private open space areas of each dwelling are to be no more than 50% of the total area of secluded private open space area per dwelling.**
 - vi. All trees are to have a minimum height of 1.5 metres at the time of planting, and should be planted clear of easements, a minimum 3 metres away from dwellings and a minimum 2 metres from property boundaries.**
 - vii. Canopy trees proposed around the perimeter of the site should be positioned, or be planted with species such that no more than 25% of the mature canopy overhangs neighbouring lots, to ensure that neighbours do not have an unreasonable maintenance burden placed upon them.**

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

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.**

Landscaping

- 3. No building or works shall be commenced (and no trees or vegetation shall be removed) until an amended 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 must form part of this permit. This plan must 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) Modified planting schedule to achieve the following:**
 - i. Replacement of the *Pyrus calleryana* with one/some of Blackwood Wattle, *Acacia melanoxylon*, Coast Banksia, *Banksia integrifolia*,**

9.1.3
(cont)

Black Sheoak, Allocasuaria littoralis, or Native Frangipani, Hymenosporum flavum

- ii. *Additional canopy trees capable of growing to a mature height of 12m or greater selected from Argyle Apple, Eucalyptus cinerea, Yellow Gum, Eucalyptus leucoxylon or Wallangara White Gum, Eucalyptus scoparia are suitable choices.*
 - iii. *Replacement of the Eucalyptus pauciflora with one of the species from the above list.*
 - iv. *Provision of a Eucalyptus radiata – Narrow Leafed Peppermint Gum within the front setback. This is to be in addition to the replacement tree required for the removal of the Victorian Blue Gum from the frontage.*
- d) *Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
- i. *Providing a complete garden scheme,*
 - ii. *Softening the building bulk,*
 - iii. *Providing some upper canopy for landscape perspective,*
 - iv. *Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.*
- e) *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 1.*
- f) *The proposed design features such as paths, paving, lawn and mulch.*
- g) *A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied.

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

- 4. *Dwellings must not be occupied until the landscaping associated with each dwelling is completed to the satisfaction of the Responsible Authority.*
- 5. *The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. If any planted trees or shrubs die or are removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.*

Tree Protection

- 6. *Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained on the subject land (and nature strip if required) during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
 - a) *Tree Protection Zone distances:*
 - i. *Tree 5 – Banksia ericifolia (Heath Banksia) – 2.0 metres radius from the centre of the tree base.*
 - ii. *Tree 6 – Pittosporum undulatum (Sweet Pittosporum) – 2.4 metres radius from the centre of the tree base.*
 - b) *Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:*

9.1.3 (cont)

- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - vi. All sub surface utilities and utility connection points, inspection pits and associated infrastructure trenching and installation are to be designed so that they are located outside the TPZs of retained trees, to the satisfaction of the Responsible Authority. Utility conduits can be located beneath TPZs but must be installed using trenchless excavation (eg: boring) and installed to a minimum depth of 0.6 metres below natural grade.*
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 7. The existing street trees must not be removed or damaged, as approval has not been given for its removal or relocation.**

Asset Engineering

- 8. 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.**
- 9. 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.**
- 10. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 11. 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.**

9.1.3 (cont)

- 12. 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.**
- 13. 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.**
- 14. No building or works are to be constructed over any easement without the written consent of Council and the relevant Authorities.**

Environmentally Sustainable Development

- 15. Prior to the commencement of any buildings or works, an updated Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. This SDA must be generally in accordance with the SDA , but amended to reflect the following changes:**
 - i. An assessment addressing stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied which includes rainwater tanks of a minimum 4,000 litre capacity for retention purposes for each dwelling in lieu of raingardens.**
 - ii. Rainwater tanks connected to all toilet flushing, laundry systems and irrigation areas.**
 - iii. Permeable paving to driveway entry areas, as stated.**
 - iv. A complete, published BESS Report, with an acceptable overall score of at least 50% and also which meets the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.**
 - v. Preliminary NatHERS Energy Efficiency assessment demonstrating that the development achieves an average minimum NatHERS 6.3 star energy efficiency rating.**
 - vi. Heating and cooling systems include a minimum 4 star energy efficiency rating.**
 - vii. Hot water systems include a minimum 5 star energy efficiency rating.**
 - viii. LED light fittings used to provide artificial lighting and designed to achieve a maximum illumination power density of 4 W/m² or less.**
 - ix. Water efficient fixtures and fittings include a minimum 4 star WELS toilets, 5 star WELS taps and 3 star WELS showerheads (≤ 9 L/min).**
 - x. Double glazing used to all living areas and bedrooms.**
 - xi. Provision for one secure bicycle parking space per dwelling.**

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

9.1.3 (cont)

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

Waste Management

- 17. The requirements of the Waste Management Plan (WMP) must be implemented by the owners and occupiers of the site for the duration of the development's operation in accordance with this permit, to the satisfaction of the Responsible Authority. Any revision of the WMP or changes to the approved waste system of the development require Council approval.**
- 18. Any Mobile Garbage Bin (MGB) placements proposed on Baldwin Road for on-street bin collection service must not cause any obstruction to any infrastructure or cause any danger to traffic/pedestrians. Bins are not to be placed within 1 metre of any infrastructure and are to have a height clearance of 4 metres for collection.**
- 19. If the criteria for the on-street bin collection services is unable to be met and the service is rendered inoperable, then the waste collection service will revert to an external Private waste collection service and an amended WMP must be resubmitted to Council for approval.**

General Requirements

- 20. The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 21. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.**

Expiry

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

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

Permit Notes:

▪ General Notes

- A. The requirement for tree planting does not negate the requirement to provide for one *Acacia melanoxylon* within the frontage, as required under Planning Permit WH/2020/194. This is to be provided in addition to other landscaping conditions imposed under this permit.**
- B. The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.**
- C. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. All street addressing enquiries can be made by contacting our Property Team on 9262 6470.**

9.1.3 (cont)

Asset Engineering

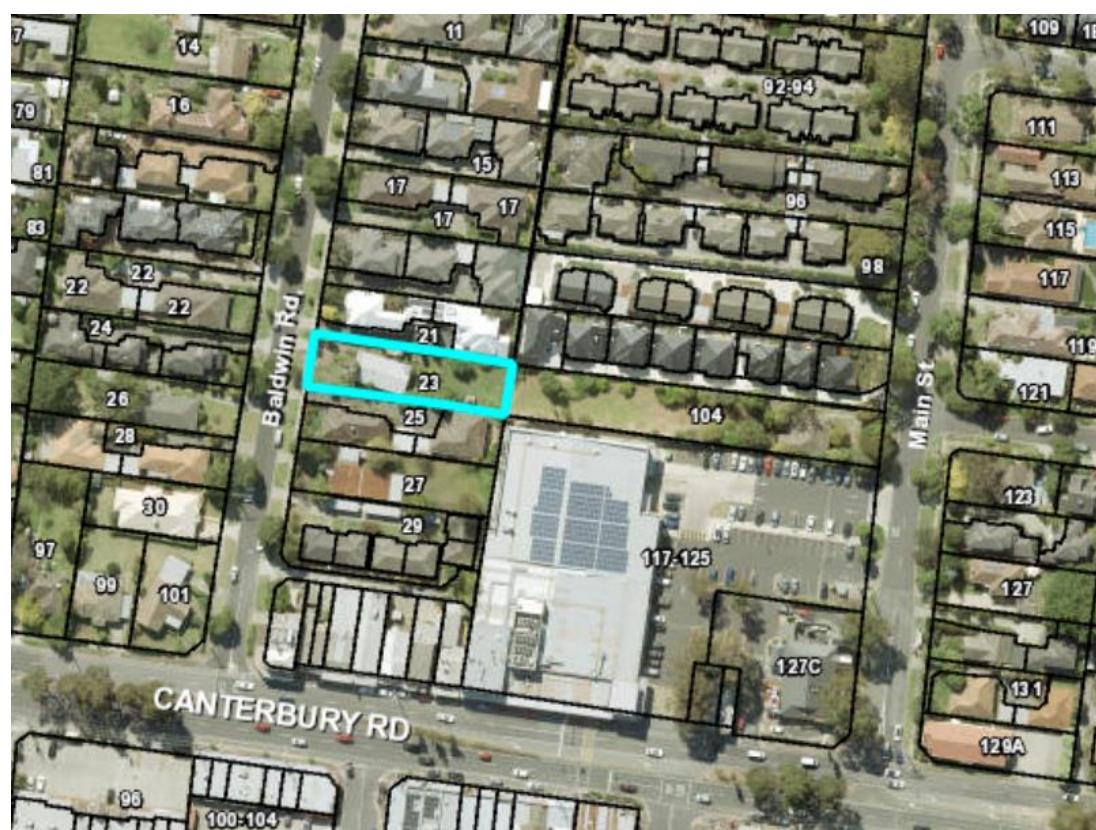
- D. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification 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.*
- E. 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.*
- F. 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*
- G. Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning Permit, amendment of the Planning Permit might be required.*
- 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. Redundant vehicle crossing(s) must be removed at the same time as the construction of any new vehicle crossing(s), prior to the completion of development works and where access to a property has been altered by changes to the property.*
- K. No cut/fill is permitted in easement. Applicant must show Council drain in easement on all plans and elevation and demonstrate a minimum of 600mm clearance from proposed building envelope to outside diameter of drain.*
 - **Waste Management**
- L. Waste collections for this development are to be completed externally by Council's waste collection contractor.*
- M. MGB usage is based on individual usage by the occupiers of the development.*
- N. The approved WMP will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.*
- O. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.*
- P. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor*
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

CARRIED UNANIMOUSLY

9.1.3 (cont)

MELWAYS REFERENCE 61 J1

Applicant:	DE Atelier Architects
Zoning:	Neighbourhood Residential, schedule 3 (NRZ3)
Overlays:	Significant Landscape, schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.09	Neighbourhood Residential Zone Schedule 3
Clause 42.03	Significant Landscape Overlay Schedule 9
Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Cootamundra



16 Objections received



9.1.3

(cont)

BACKGROUND

History

Planning permit WH/2020/194 was issued on 16th March, 2020 for the removal of one tree *Eucalyptus bicostata* - Victorian Blue Gum. This tree has been removed from the site.

The permit applicant applied for a separate planning permit for the removal of this tree under the VicSmart planning provisions. This application was made post-lodgement of this current multi dwelling application following an assessment by the applicants' arborist. The tree, when assessed, was identified as being a large and significant tree within the streetscape, however the arboricultural assessment of this tree identified that it had significant structural issues that were impacting on its safety, and as such it was assessed as being in decline to the extent that it should be removed reasonably quickly.

The applicant subsequently lodged a VicSmart application to have this tree removed as a matter of urgency. As part of the VicSmart application, Council's consulting arborist undertook an independent assessment of the tree and concluded that despite the tree being significant in the landscape, that it was structurally compromised and needed to be removed, as it posed potential risks if it were to fail.

Unfortunately, the timing of this VicSmart application straddled the consideration of the current application, resulting in concerns being expressed by residents and objectors through written submissions to this multi dwelling application, and at the consultation forum for this application. Whilst these concerns have been acknowledged, the tree removal was properly assessed through the VicSmart process, and this application has now been amended to reflect that removal of this tree is no longer part of the proposal. The VicSmart permit issued required replacement tree planting (one tree to be planted in the front setback), which is separate to any tree planting required under this current application.

Application Background

The application was lodged on the 24/10/2019 for the construction of four (4) double storey dwellings. In response to concerns raised in the request for further information and discussions with planning staff the application was amended prior to notice and reduced to three (3) double storey dwellings and removal of trees. As outlined above, concurrent to this process, a separate application was lodged as a VicSmart application for removal of the Victorian blue gum in the frontage.

The amended application for three dwellings was advertised and received 16 objections, a planning forum was conducted (via Zoom due to the Covid19 restrictions) to discuss the objector concerns.

Post consultation forum, the applicant discussed the plans and landscape outcomes with officers, including Council's tree education officer and a set of 'discussion' plans have been provided by the applicant. The key changes in the amended plans are:

Dwelling 1

- Reduction of the paving within the SPOS
- External storage deleted and located in the garage as over bonnet storage
- Increase northern setback to Bed 1 by 300mm
- Change of tree species within the SPOS

Dwelling 2

- Deletion of single garage and converted to open car space
- Above ground water tank to be changed to underground water tank located under car space
- Reduce eastern wall of Bed 1 by 400mm
- Reduce eastern wall of Bed 2 by 300mm
- Change of tree species within the SPOS

9.1.3

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Dwelling 3

- External storage deleted and located in the garage as over bonnet storage
- Increase eastern setback to wall of Bed 1 by 600mm
- Increase eastern setback to wall of living room by 600mm
- Change of tree species within the SPOS

These plans have not been formally submitted or circulated as the changes are minor in nature from the advertised plans. The proposed changes to the plans were intended to provide an indication of additional changes the applicant was prepared to agree to and are a direct response to concerns raised in the consultation forum. Notably, these changes will increase the available space within the development for canopy trees to grow, a key criticism raised in objections. These amendments to the plans will be discussed within this report for the purpose of forming conditions to the advertised plans.

The Site and Surrounds

Subject site

The subject site is located on the eastern side of Baldwin Road, approximately 81 metres north of Canterbury Road and the Blackburn South Shopping Precinct. The lot itself is rectangular in shape, with a frontage to Baldwin Road of 15.24 metres, a depth of 58.17 metres and covering a total area of approximately 886.5 sqm.

The lot contains a single storey dwelling setback from the street 11m, a substantial gum tree which was located in the property frontage adjacent to the footpath has been removed under planning permit WH/2020/194. A 1.83m wide easement is located along the rear (east) boundary which contains sewer and stormwater pipes and the site falls from the south west corner to north east corner.

Surrounding area

The surrounding area is generally residential, developed with a mix of single dwellings and multi-unit developments from a range of eras. Dwellings are typically set back behind landscaped front setbacks with low level fencing (between 1m to 1.5m high).

The property has residential interfaces to the north, east and south, but to the south east is a Commercial 1 Zone associated with the Blackburn South Shopping Centre and the double storey built form associated with the supermarket.

Along Baldwin Road, street tree plantings, in conjunction with the landscaped front setbacks provide a 'leafy' streetscape in views along Baldwin Road.

Built form and building footprints vary from site to site with the predominant roof forms of dwellings within the street being pitched/gabled roofing.

Lots on both sides of Baldwin Road have been developed with new dwellings in close proximity to the side and rear boundaries. The built form which is prevalent in Baldwin Road is reflected in the Neighbourhood Character Statement which acknowledges that some semi-detached infill dwellings of units and townhouses are a characteristic of the area.

This pattern of development is clearly demonstrated in both Baldwin Road and the southern end of Main Street where multiple dwellings on sites have been established in close proximity to Canterbury Road and the shopping centre. There are few remaining single dwellings as part of the original subdivision pattern. Aerial photography indicates that development of multiple dwellings on lots started occurring in Baldwin Road around the early 1990s.

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The immediately adjoining lots can be described as follows:

North – No's.1 and 2, 21 Baldwin Road

This property contains two, double-storey dwellings which are orientated west towards Baldwin Road. These properties have vehicle access located adjacent to the southern boundary, leading to a garage set behind dwelling 1 and the garage associated with dwelling 2 at the end of the driveway. The SPOS for these dwellings are located along the north side of these dwellings.

East – No.104 Main Street

This property contains a single storey dwelling facing Main Street, the rear of the site contains no outbuildings and it has a planning permit (WH/2013/750) for the Construction of a two storey building (plus basement), which allows the construction of 17 dwellings. This permit was approved by VCAT in 2014. This permit has a commencement expiry date of 18/08/2021 and completion expiry date of 18/08/2023.

South – No's.1 and 2, 25 Baldwin Road

This property contains two single-storey, brick dwellings which are orientated west towards Baldwin Road. These properties have vehicle access located adjacent to the northern boundary, leading to garages for both dwellings set centrally in the block between the two dwellings. The SPOS for each of these dwellings are located to the rear (east) behind each dwelling.

West – No's 1-3, 24 Baldwin Road

Number 24 Baldwin Road contains three, double-storey dwellings with the units located adjacent to the southern side of the lot and the common driveway is along the northern boundary. Unit 1 is orientated east towards Baldwin Road with the SPOS associated with this dwelling located in the front setback. Unit 2 is located centrally in the block with its SPOS situated between units 1 & 2, unit 3 to the rear of the block has its SPOS situated in the rear north west corner.

West – No's 1 and 2, 22 Baldwin Road

Number 22 Baldwin Road contains two, single-storey dwellings with the units located adjacent to the southern side of the lot and the common driveway is along the northern boundary. Unit 1 is orientated east towards Baldwin Road with the SPOS associated with this dwelling located along the southern side of the dwelling. Unit 2 is located to the rear of the block with its SPOS located to the rear (west) of the unit.

Planning Controls

Neighbourhood Residential Zone – Schedule 3

In accordance with Clause 32.09-6 - Neighbourhood Residential Zone (Schedule 3) of the Whitehorse Planning Scheme (the Scheme), a Planning Permit is required for the construction of two or more dwellings on a lot.

Under Clause 32.08-4 a development must meet a minimum garden requirement of 35%. The development plans indicate an area of 321 square metres or 36% has been provided and as such it complies with this mandatory requirement.

A development must meet the requirements of clause 55.

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Significant Landscape Overlay – Schedule 9

Pursuant to clause 42.03-2 of the Scheme, a permit is required to construct a building or construct or carry out works for the removal of trees and buildings and works within 4m of trees. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Section 3 under Schedule 9 to the SLO states:

A permit is not required to construct a building or carry out works provided the building or works are set back at least 4 metres from the base of any tree protected under the provisions of this schedule.

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

This does not apply to:

- A tree less than 5m in height and having a single trunk circumference of 1.0 metre or less at a height of one metre above ground level; or
- The pruning of a tree for regeneration or ornamental shaping; or
- A tree which is dead or dying or has become dangerous to the satisfaction of the responsible authority; or
- A tree outside the Minimum Street Setback in the Residential Growth Zone.

Clause 52.06 – Car parking

Under the requirements of clause 52.06, the application must be provided with five (5) resident car parking spaces.

The application meets these requirements and therefore no permit is triggered under this clause.

Also relevant to this proposal are the following provisions:

Clause 21.05 – Environment

Clause 21.06 – Housing

Clause 22.03 – Residential Development

Clause 22.04 – Tree Conservation

Clause 55 – Two or More Dwellings on a Lot

Clause 21.05 – Environment; seeks to ensure that the important environmental qualities of the Whitehorse municipality are protected, through retention of canopy trees, protection and enhancement of neighbourhood character elements that make residential areas liveable, and to ensure development responds to these environment characteristics.

Clause 21.06 – Housing; seeks to further the vision of ensuring that housing meets residents' needs. The challenges to achieving this vision is the need to accommodate an increased number of residents, whilst providing for housing diversity, and within areas that appropriately able to accommodate dwelling increases, and where applicable, increased housing density. Further challenging this vision is the importance of protecting and preserving valued character and environmental and landscape qualities.

Clause 22.03 – Residential Development. This policy applies to all applications for development within Whitehorse and is intended to guide preferred development outcomes in terms of location, character and built form. This policy draws on the Neighbourhood Character Precinct Maps and precinct guidelines established for all residential areas, which are derived from the Whitehorse Character Study. The subject site is located within a Bush Suburban 3 character area.

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Clause 22.04 – Tree Conservation. This policy is intended to identify and recognise the importance of tree conservation within the municipality, and also tie together the objectives contained within Clauses 21.05 and 21.06 as they relate to retaining existing trees within new development and ensuring that new development enhances the landscape amenity of residential areas.

Clause 55 – Two or More Dwellings on a Lot sets out the standards and objectives for assessing all new multi dwelling development.

PROPOSAL

The application proposes the development of the land for three (3) (two storey) dwellings, including associated tree removal. The development can be summarised as follows:

Building form

The proposed dwellings would be constructed on the northern side and through the length of the site. A common property driveway is proposed adjacent to the southern boundary for vehicle access to each dwelling.

The west-facing (front) wall of Dwelling 1 would be set back 6.6m from the Baldwin Road frontage with vehicle access adjacent to the southern lot boundary providing access to all dwellings.

At ground floor, north-facing walls to all dwellings would be set back 1.2m and 2.1m at first floor for Dwellings 1 and 2 and 2.3m for Dwelling 3.

At ground floor, the east-facing walls for Dwelling 3 would be set back between 1.9m and 3.6m and 6.7m first floor.

The maximum height of the proposed development would be 8.0m above ground level at its highest point where associated with Dwelling 2.

No front fencing is proposed.

Ground floor

At ground floor, Dwellings 1 and 2 would contain an open plan living/dining/kitchen area, laundry and powder room. Dwelling 1 would be provided with a double-space garage, while Dwelling 2 (2 bedrooms only) would be provided with a single-space car port.

Dwelling 3 would contain an open plan living/dining/kitchen area, laundry, powder room and ground floor bedroom with ensuite and walk in robe. A double garage is associated with this dwelling.

First floor

Dwellings 1 and 3 would contain three bedrooms, one with ensuite and a family bathroom while Dwelling 2 would contain two bedrooms, one with ensuite and a separate bedroom.

Materials

External walls would be constructed/treated with face brickwork at ground level and metal cladding (dark) at the upper level with feature timber elements.

Landscaping

The landscaping plan provided with the application contains a variety of low level plantings and mid-height to upper level canopy trees including (but not limited to): Biloxi Crepe Myrtle, Blackwood, Melbourne Yellow Gum, Dwarf Snow Gum and White Cedar.

Tree removal and buildings and works

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Trees 5 and 6 are located within adjoining lots and trigger a planning permit for buildings and works within 4 metres of their trunk while the remaining trees are proposed to be removed from the subject site. The information below is taken from the applicant's arborist report.

Tree No.	Name	Species	Height (m)	DBH (cm)	Health	Structure	Recommendation / Permit Required?
1	Flowering Pear	<i>Pyrus calleryana</i>	6	12	Good	good	Street tree - Council asset
2	Victorian Blue Gum	<i>Eucalyptus bicostata</i>	20	155	Good	Fair	This tree has been removed as per the planning permit referenced above.
3	Snow in Summer	<i>Melaleuca linarifolia</i>	8	30/30/25 multi-trunked	Fair	Poor	Removal. Triggers the need for a permit.
4	Avacado	<i>Persea americana</i>	6	14	Good	Fair	Removal. Triggers the need for a permit.
5*	Heath Banksia	<i>Banksia ericifolia</i>	4	10	Good	Good	Removal. No permit required.
6	Sweet Pittosporum	<i>Pittosporum undulatum</i>	7	20	Fair	Fair	Removal. No permit required.
7	Lilly Pilly	<i>Syzygium smithii</i>	7	30/20/20/15 multi-trunked	Fair	Poor	Removal. Triggers the need for a permit.
8*	Loquat	<i>Eriobotrya japonica</i>	4	15/10/10 multi-trunked	Good	Poor	Removal. No permit required.
9	Cocos Palm	<i>Syagrus romanzoffiana</i>	7	25	Good	Good	Removal. Triggers the need for a permit.
10*	Lemon	<i>BCitrus limon</i>	3	12/12/12 multi-trunked	Poor	Fair	Shown as removed. No permit required.
11*	Nectarine	<i>Prunus persica</i>	3	10/10/10 multi-trunked	Good	Poor	Removal. No permit required.

* Trees 5, 8, 10 and 11 being less than 5m in height and with a trunk circumference of less than 1m are not protected under the requirements of the Significant Landscape Overlay – Schedule 9 and therefore the proposed removal does not trigger a permit in relation to these trees.

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CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the Baldwin Road frontage. Following the advertising period 16 objections were received.

The issues raised are summarised as follows:

- Concern regarding the separate application lodged and approved for removal of the Victorian Blue Gum in the frontage.
- Loss of neighbourhood character
- Loss of trees on the site
- Overdevelopment
- Not meeting the NRZ3 requirements
- Lack of space for canopy tree planting

Consultation Forum

A Consultation Forum was held on 12th August 2020. Approximately 15 objectors attended the meeting in addition to planning officers, the applicant and the applicant's representative. The forum was conducted online due to Covid19 restrictions, and chaired by Councillor Massoud, and attended by objectors, planning offices and the applicant. The Forum followed an issues-based discussion, expanding on the objections received. Additional concerns raised by objectors included:

- The proposal would set an undesirable precedent.
- The dwellings do not meet the NRZ3 setback requirements.
- Loss of the substantial gum tree within the front setback.
- The approval for the removal of the large gum tree through the VicSmart approval process.
- Poor replacement species nominated on the provided landscape plan.
- Lack of space for canopy trees due to locations of garages and dwellings.
- Concerns raised regarding the safety aspect of the large gum tree located in the front setback.

No agreements were reached in the planning forum but the applicant responded to comments provided during the meeting and have provided plans showing minor modifications to the buildings to increase the space available for canopy trees to grow to capacity. These plans were provided for the purpose of demonstrating additional changes that seek to address some of the concerns outlined, and which could be conditioned as part of the permit.

Referrals

External

The application does not trigger external referral under the requirements of the Whitehorse Planning Scheme.

Internal

Engineering and Environmental Services Department

The application has been referred to council's Transport Engineering Unit. Concerns have been raised regarding the access arrangements to the garages, sightline triangles and garage door clearance heights. These issues can be addressed through permit conditions.

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Waste Engineer

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

Asset Engineer

The application has been reviewed by council's Engineering Assets Unit who are satisfied with the proposed development subject to inclusion of standard conditions/notes.

Planning Arborist

Council's arborist has reviewed the applicant's arborist report and inspected the subject site, commenting that the proposed tree removal is supported subject to appropriate replacement planting and tree protection measures to be included as conditions to any permit issued.

ESD Advisor

The application is supported, subject to conditions.

DISCUSSION

Policy Context

The application should be considered as to whether the proposal appropriately responds to State and Local planning policy, which seeks consolidation within existing urban boundaries, particularly within proximity to the Principal Public Transport Network (PPTN) and activity centres, with that of local policy which, in this area, seeks minimal change in a landscape setting. The policy does not envisage no development, but rather, development that has minimal impact on the existing preferred neighbourhood character and the key elements that define this character.

The relevant local planning provisions pertaining to this application are Clause 21.06 (Housing), Clause 22.03 (Residential Development), and Clause 22.04 (Tree Conservation).

These policies, amongst other State level planning policies, justify the zoning of the site and surrounds in the Neighbourhood Residential Zone – Schedule 3. The purpose of this zone places emphasis on neighbourhood character and its associated policies.

The NRZ3 encourages further curtailing of the Clause 55 (ResCode) standards for new dwellings by specifying a lesser site coverage and greater permeability, discouraging the construction of any walls on boundaries, and specifying greater landscaping and side setbacks than otherwise required under the ResCode standard. Its decision guidelines require more stringent consideration of the provision or retention of vegetation than would otherwise apply.

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

Consistency with State and Local Planning Policies

The proposal is consistent with Planning and Local Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; and encourage the development of well-designed housing that respects the neighbourhood character and appropriately responds to the surrounding prevailing landscape character and valued built form and cultural context.

Under Clause 21.06 (Housing), the subject site is located within a 'Limited Change Area' and under Clause 22.03 (Residential Development), the site is included within a Bush Suburban precinct. Clause 22.04 (Tree Conservation) aims to assist in the management of the City's

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tree canopy by ensuring that new development minimises the loss of significant trees. These local policies enable specific characteristics of the neighbourhood, environment and landscape to be protected through greater control in over new development. Moreover, architectural, urban design and landscape outcomes must positively contribute to the local urban character whilst minimising impacts on the neighbouring properties.

Consideration must also be given to the design response in relation to the site's location within the Significant Landscape Overlay Schedule 9 (SLO9). The presence of the SLO9 does not negate the ability of a site to be developed for residential purposes, however the combination of the SLO9 and the Bush Suburban character statement requires a more sensitive approach and places a higher level of expectation on how a site is to respond to built form, landscape and environmental values.

The SLO areas and controls do not seek to prohibit development but are designed to guide and shape new development to ensure the environmental and landscape elements valued by the community continue to be protected and new development respects and responds to these performance objectives.

The proposed dwellings have sought to respond to these measures through a site responsive design that creates appropriately landscaped areas and a variety of housing stock within the development. Setbacks are provided that respond appropriately to the surrounding built form, articulated façade features, variation of external materials and the provision of a pitched roof form. Appropriate spacing for landscaping and replanting has been provided throughout the site and the decision guidelines of Clause 22.04 and the SLO9 are considered to be met.

Neighbourhood Character

The primary considerations for this application are as follows:

- ResCode (Clause 55);
- Tree impacts, removal and Landscaping;

Res Code (Clause 55)

Clause 55 - Neighbourhood character and design detail objectives

The surrounding area displays a range of dwelling density in the existing housing stock within Baldwin Road and the residential areas to the west and north. The site's close proximity to Canterbury Road and Blackburn South Shopping Centre is reflected within the street context with a high percentage of properties developed with increased residential densities, reflecting the accessibility of shops, services and the train station further north.

With regard to policy guidance for the subject site, the Bush Suburban Neighbourhood Character Statement contained within the policy at Clause 22.03 - *Residential Development* of the Scheme, encourages the following preferred character outcomes:

The low scale, pitched roof dwellings will sit within established garden settings that contain substantial vegetation including native and exotic canopy trees. The dominance of remnant indigenous eucalypts is retained and enhanced...

New buildings will occasionally be built to one side boundary, however the rhythm of dwelling spacing appears regular from the street. In areas where timber predominates, new buildings utilise complementary materials. The impression of the streetscape will be of informality and openness due to a frequent lack of front fencing, or low, unobtrusive fences, and the landscaped setting.

The landscape character of the area will be enhanced through the planting and growth of new vegetation, including large shrubs and tall canopy trees.

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The proposed development reflects these statements through the modest building footprints which both meet the varied schedules to the zone for site coverage and permeability and provide suitable landscaping areas to accommodate trees and other planting to allow the development to integrate with the surrounding streetscape.

The proposed level of built form provides a modest scale, with Dwellings 1 and 2 accommodating a footprint similar to that of a single dwelling only. This is achieved through the dwellings containing living spaces at ground level only and bedrooms at first floor above, increasing the landscaping opportunities within the site.

The proposed building footprints allow the location of Dwelling 2 Secluded Private Open Space (SPOS) to be sited centrally, achieving space within the development to reflect the neighbourhood character guidelines which state: *provide a separation of at least 3-4 metres between dwellings on the same site to accommodate vegetation*. The 5.7m width of the SPOS would provide for tree planting which will be even further enhanced by the removal of the single garage as proposed in the 'discussion plans' generally in line with the objectives of Clause 22.04.

The upper levels of the proposed dwellings would be further reduced in scale (from the advertised plans) through permit conditions to reflect the 'discussion plans' submitted by the applicant following the public forum.

The development has implemented a variety of materials including face brickwork at ground level and upper levels consisting of timber feature walls and black metal cladding. The use of these materials complement the objectives to be achieved under the neighbourhood character guidelines.

The proposed site coverage is 40% which meets Standard B8, as varied by the Schedule to the Zone) and the permeability of the site is 51% meeting the minimum of 40% as varied by the schedule to the zone. Again, these outcomes would be further enhanced by the discussion plans which further reduce the extent of paving associated with Dwelling 1 SPOS, the removal of Dwelling 2 garage (converted to open car space) and the reduction of ground floor footprint of Dwelling 3.

These changes provide a clear and distinct break in the building form between the front and rear of the site which is not seen in other developments within the immediate vicinity and is a generally supportable design response to the existing character of the area and policy guidance under the Scheme.

The development proposes to remove the existing crossover along the northern boundary and provide a new crossover to service the new driveway along the southern boundary. The change to the access arrangements allows the SPOS and living areas of the dwellings to have a northern orientation.

Whilst this outcome is supported in principal, the challenge presented is that the proposed SPOS for dwelling 1, as shown in the application plans, is located partly within the frontage of the dwelling. This is not an outcome supported as it presents a fence that sits forward of the dwelling, impedes the openness of the frontage, and is not otherwise reflected in existing dwellings, within Baldwin Rd or the wider area. As an outcome this is not supported. The northern location of this open space area is a good outcome however, so moving the SPOS elsewhere would reduce the amenity of the outdoor space for future residents. The most effective and appropriate outcome is to require conditional changes that draw the protruding section of the SPOS back in line with the front wall of dwelling 1.

The location of the SPOS is otherwise supported by Standard B10 which encourages new developments to be designed so that solar access to north is maximised.

The proposed single crossover allows the garages for the dwellings to be located to the rear and avoids the visual impacts of car parking structures when viewed from the street allowing opportunity for the front garden to remain open to the streetscape.

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Although the placement of the new crossover results in improved solar access for the dwellings, being that the open space can be located on the north, the crossover location as proposed requires removal of a street tree. As Council's Parkswide team have not given consent for this tree to be removed, the crossover and driveway alignment will require modification to ensure the street tree is protected. The small size of the street tree, and the space available can reasonably accommodate a changed driveway and crossover arrangement and ensure the tree is kept and the site can still have proper and functional access arrangements.

Overall, the proposal provides for an acceptable design response to the zone and the neighbourhood character statement while providing for a sensitive increase in residential density in an area which is well serviced by shops and other services, but transitions into more traditional residential areas.

Street setback objective

Standard B6 requires the front setback to be the average of the adjoining properties which is 6.6m. The proposed 6.625m front setback meets Standard B6.

As discussed above, the required changes to the SPOS will provide for an increased setback of the front fencing for the SPOS of Dwelling 1, allowing for the planting of two proposed trees within the site frontage. One new canopy tree is proposed within the SPOS of dwelling 1 and 2, two canopy trees within the SPOS areas of Dwelling 3 and a new canopy tree within the driveway adjacent to Dwelling 2 SPOS. Guidance was sought in regards tree species selection from Council's Tree Education officer and these tree species have been included in the permit conditions. The tree species in the permit conditions are native to the area, have been selected to create biodiversity to the future tree canopy and will allow the trees to reach growth capacity.

These proposed trees have been highlighted in the planning consultation forum by objectors as lacking in height to be meaningful replacement trees for the loss of the Blue gum. Council's Tree Education officer has suggested *Eucalyptus radiata* as a more appropriate species to be planted within the front setback along with the *Acacia melanoxylon*. This has been included as a permit condition.

No front fence is proposed, which in conjunction with the setbacks of the building from the street would achieve an open site frontage and allow views of the trees and landscaping within the front setback, in keeping with the Bush Suburban Precinct Character set out in Clause 22.03.

Building height objective

The proposed building heights of the dwellings is a maximum of 8.0m, these heights are below the mandatory maximum height limit within the NRZ3 which is 9m and below the 9m height recommended under the Standard.

Landscaping objectives

Schedule 3 to the Neighbourhood Residential Zone outlines that a development should provide at least two (2) canopy trees per dwelling that have a potential of reaching a minimum height of 12m. The applicants have submitted a landscape plan which contained 7 trees with maximum heights ranging between 7-20m in addition to other mid-height plantings along the driveway and open space areas.

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The subject site is also included within the Significant Landscape Overlay, Schedule 9. The landscape objectives include:

- *To retain and enhance the canopy tree cover of the Garden and Bush Suburban Neighbourhood Character Areas.*
- *To encourage the retention of established and mature trees.*
- *To provide for the planting of new and replacement canopy trees.*
- *To ensure that development is compatible with the landscape character of the area.*

The application will require the removal of all trees from the subject site. Council's arborist has reviewed the proposal, assessed the trees and supports the removal. The comments include requirements for adequate replanting of appropriate species. The proposed landscape plan has also been discussed with council's Tree Education Officer to provide an appropriate level of replanting on the site.

The species of trees in the landscape plan was criticised in the planning forum for specifying trees which will not reach a minimum of 12m in height or exotics that were not appropriate for the Bush Suburban precinct. The applicants have obtained guidance from council's Tree Education officer in regards to the species of trees to be planted and these have been included as permit conditions. The provision of one new tree to the SPOS of dwellings 1 & 2, two trees to the SPOS of Dwelling 3, one upper canopy tree to be located in the front setback and one in the common driveway area is in addition to the replacement tree for the Blue gum. This will provide 6 new trees on site in addition to the replacement tree required under permit WH/2020/194.

The landscape plan has been discussed with council's Tree Education Officer and overall the plan is considered to provide a well-considered response to the character of the area with the exception of the *Pyrus calleryana* which will be conditioned to be replaced with a species indigenous to the area.

Side and rear setbacks and walls on boundaries objective

Dwelling 1 and 2

Dwellings 1 and 2 meet the varied standard providing a 1m setback from the northern boundary and a 3m setback from the southern boundary at ground level.

At upper levels both Dwelling 1 and 2 should provide a minimum setback from the northern boundary of 1.6m. These dwellings provide a 2.1m setback from the northern boundary and a minimum 4.0m from the Southern boundary, meeting Standard B17 for both of these setbacks.

Dwelling 3

Dwelling 3 provides ground floor setbacks to the northern boundary which vary between 1.2m and 1.6m - meeting the 1.0m suggested under Standard B17.

First floor, northern setbacks of 1.6m are required to be provided to the northern boundary, this dwelling provides a setback of 2.3m to the northern boundary – again meeting the Standard.

The proposed setbacks to the east vary between 2.5m and 6.5m in lieu of 5m suggested under the varied schedule to the zone, triggering a variation to the Standard.

The development proposes pockets of SPOS areas at both the north-east and south-east corners of the subject site, adjacent to SPOS areas of adjoining lots to the north and south which is a generally supportable design response to these neighbouring backyard areas.

The south-facing setback of 1.2 metres in lieu of 3 metres suggested under the schedule is adjacent to a blank wall of the adjoining property. This variation to the setback is located at the rear of the site, adjacent to the blank wall of the adjoining property and the two storey

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(cont)

concrete wall of the shopping centre against the south east corner. These interfaces are not particularly sensitive and therefore the variation is supportable in this case.

With regards to the interface with 104 Main Street Blackburn to the east, this site has approval for 17 apartment style dwellings, a substantial site cut and landscaping along the common boundary. The location of the proposed east-facing walls is considered an appropriate design response to this interface as the approved dwellings within number 104 Main Street have a northern aspect.

The variation to the standard allows for greater separation within the development between Dwellings 2 and 3 providing space for landscaping through the central part of the block which as discussed earlier in this report, is a benefit of the proposed building layout. The setbacks located in the northeast and southeast corners of the site allow for tree planting opportunities adjacent to sensitive SPOS areas of the adjoining properties.

Overall, the proposed dwellings maintain the rhythm of the streetscape, including the pattern of built form, which includes the rear dwelling located at the end of the driveway and visible from the street, this pattern can be seen in the adjoining properties to the north and south.

The partially reduced setbacks allow space for landscaping to be planted along the rear and meets the objective of the neighbourhood character statement. If the rear and south setbacks were increased to meet the standard it would result in a more intense built form through the middle of the site and the loss of tree planting opportunities. The variations to the standard are acceptable for dwelling 3.

Overshadowing open space objective

The extent of overshadowing from the new dwellings is predominately contained within the site and does not affect the SPOS areas associated with the adjoining properties to the south.

Some additional overshadowing would affect the property to the east at 3pm with an additional 1.3sqm of shadow encroaching into the site. The additional shadow will not affect the primary SPOS for the development on this site with the primary outdoor areas located further along the northern boundary.

Overlooking

Views to the north would be limited with windows at first floor being treated with minimum sill heights of no less than 1.7m above FFL, meeting the sill height suggested under Standard B22 - *Overlooking*.

Views to the south from all habitable room windows meets the standard as they are set back greater than 9m from the SPOS and habitable room windows of the properties to the south.

Views to the west would fall onto Baldwin Road and/or the front setback of adjoining properties and would therefore not result in any unreasonable loss of privacy.

Views to the east will be required to provide additional screening as the existing boundary fence is 1.6 metre in height and does not meet the objectives of Standard B22. Overlooking to the east can be addressed for the ground floor by conditioning the provision of a 1.8 metre high fence to the eastern boundary, providing a visual barrier at the boundary line which will meet the standard. A condition would require this fence to be replaced to a height of 1.8m which will meet the controls under Standard B22 – *Overlooking* to ensure no unreasonable loss of privacy.

9.1.3

(cont)

Car Parking and Access

The proposed development meets the car parking requirements under clause 52.06 – Car parking of the Whitehorse Planning Scheme.

As outlined earlier in this report, council's Transport Engineering Unit have assessed the proposed vehicle access arrangements and car parking layouts. They are generally supportive subject to conditions being included in any permit issued.

Objector Concerns

The objector's issues have mostly been addressed within the earlier sections of this report. The following section will address any outstanding concerns not specifically assessed above.

Lack of space for canopy tree planting

The applicants have provided amended plans with modifications to reduce the building footprint to allow for greater space for tree planting and additional canopy space. These changes provide an acceptable response to the objectives of the varied schedule to the zone, the neighbourhood character statement and the comments raised in the planning consultation forum. Further to this, the shifting of the fence for the SPOS of dwelling 1 to be back in line with the front wall of the dwelling will create greater space within the frontage for canopy trees and landscaping. The proposed changes to the plans have been included in the recommended conditions.

CONCLUSION

The proposal for construction of three double storey dwellings and removal of trees is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Neighbourhood Residential Zone3 and Clause 55, ResCode.

A total of 16 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 Advertised Plans 
- 2 Plans Submitted Post Consultation Forum 

9.1.4 12 - 22 Wellington Road, Box Hill (LOT 1 LP 61611 4, LOT 1 LP 23271 4, LOT 1 TP 390292Q 4, Lot 1 TP 621946, Lot 1 TP 233067 & LOT 1 TP 232105) Use and development of the land for the purpose of a medical centre, car park and food and drink premises, removal of vegetation and reduction in car parking

FILE NUMBER: WH/2020/647
ATTACHMENT

SUMMARY

This application was advertised, and a total of four (4) objections were received. The objections raised issues with land use, traffic and parking, height and design and external amenity. 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.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

- A. Being the Responsible Authority, having caused Application WH/2020/647 for 12 - 22 Wellington Road, BOX HILL (LOT 1 LP 61611 4, LOT 1 LP 23271 4, LOT 1 TP 390292Q 4, Lot 1 TP 621946, Lot 1 TP 233067 & LOT 1 TP 232105) 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 the land for the purpose of a medical centre, car park and food and drink premises, removal of vegetation and reduction in car parking 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 12 - 22 Wellington Road, BOX HILL (LOT 1 LP 61611 4, LOT 1 LP 23271 4, LOT 1 TP 390292Q 4, Lot 1 TP 621946, Lot 1 TP 233067 & LOT 1 TP 232105) for the Use and development of the land for the purpose of a medical centre, car park and food and drink premises, removal of vegetation and reduction in car parking, subject to the following conditions:***
 - 1. Before the development starts, amended plans must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the decision plans but modified to show:***
 - a) The changes included within the 'without prejudice' plans dated 14/05/2021 and prepared by Elenberg Fraser Architects which include:***
 - Further recessed building entry to Wellington Road from 10.765 metres to 14.615 metres to accommodate a greater area dedicated to the urban plaza.***
 - Increased entry setback from 6.765 metres to 12.015 metres to the northern public laneway to accommodate a greater area dedicated to the urban plaza.***
 - Internal reconfiguration of the ground plane to widen the northern atrium from 4 metres to 10 metres and provide an internal seating area for the food and drink premises.***
 - Increase of overall area dedicated to the urban plaza from 620sqm to 806sqm.***
 - Inclusion of a 24/7 publically accessible zone within the urban plaza.***
 - Reduced floor areas for the ground food and drink premises from 381sqm to 288sqm.***

9.1.4 (cont)

- *Reconfiguration of basement level 1 to improve drop-off access with an increased passenger side buffer zone from 700mm to 1.5 metres.*
- *Other design detail treatments both internal and external to the site, including landscape planters, landscaping treatments and wind amelioration mechanisms.*

And further modified to show:

- b) Additional public realm treatments within the urban plaza space to the northern side of the building entry to allow for improved areas for seating, landscaping and passive recreation.*
- c) The provision of six (6) additional car parking spaces designated for short-term pick-up / drop-off within Basement Level 01, located to the northern side of the lift core lobby and to replace car parking spaces 43 to 47.*
- d) Relocation of the compounding pharmacy tenancy entry to be located within a 2 metre setback from the northern atrium building entry wall.*
- e) The provision of a full height green wall along the length of the compounding pharmacy western wall interfacing with the northern atrium and up to the tenancy entry.*
- f) The provision of fifty (50) bicycle lockers within the end-of-trip facilities. These must be located in a manner that would not restrict pedestrian access and would be easily accessible to staff or visitors.*
- g) Provision of pedestrian sightline triangles to vehicle accesses along Wellington Road in accordance with Clause 52.06-9 (Car Parking).*
- h) Dedicated entry / exit lanes from the Wellington Road site access into the first basement ramp at ground level.*
- i) Any changes required to comply with the Sustainability Management Plan under condition 8.*
- j) Any changes required to comply with the Wind Impact Assessment under condition 10.*

All of the above must be to the satisfaction of the Responsible Authority. Once approved this plan will become part of 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 plans and must not be altered or modified without the further written consent of the Responsible Authority.*

Landscaping and Public Realm Plan

- 3. Before the development starts, a Landscape and Public Realm Plan must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the Landscape and Public Realm Plan will be endorsed and will then form part of the permit. The Landscape and Public Realm Plan must be drawn to scale, with dimensions, and be generally in accordance with the decision plans but modified to show:*

Landscaping

- a) Any changes required to meet requirements under Condition 1 of this permit.*
- b) Details of all proposed landscaping within the ground floor open spaces, communal area, upper levels, road reserves and pedestrian link / laneway.*
- c) 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.*
- d) For green walls and above ground containerised planting, include the following details:*
 - i. Plans and cross-sections of planting containers, and calculated soil volume per container.*

9.1.4 (cont)

- ii. Structural engineering report and weight loading allowing for mature plant growth and potential flooding of containers.*
- iii. Irrigation frequency and delivery method.*
- iv. Drainage of planting containers.*
- v. Substrate: suitability for species selection in relation to nutrients and irrigation requirements.*
- vi. Mulch type, depth and weight.*
- vii. Anchoring of all containers and containerised plants above ground level to resist high winds.*
- viii. Assessment / specification of the microclimate and effect on plant health.*
- ix. Maintenance procedures, including access for staff and equipment, and safety/anchoring measures required to access landscaping above ground level*

Public Realm

- e) The location of the publically accessible zone demonstrating public access for a period of 24 hours, seven (7) days a week.*
- f) Details of any street frontage features and footpath areas from the building facade to the kerb of Wellington Road and the northern laneway. The design and materials of all public realm treatments must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*
- g) Any proposed public realm features such as paths, street furniture, seating, wind amelioration mechanisms, paving, lawn, mulch, garden beds and lighting including specifications, materiality and design detailing.*
- h) Details and location of the proposed lighting of Wellington Road and the northern abutting laneway must be prepared in accordance with the Urban Design Guidelines Victoria, Department of Environment, Land Water and Planning 2017, to the satisfaction of the Responsible Authority. All lighting must include with specifications with details of luminance, baffling, height, design and materiality.*
- i) Location of any wayfinding signage, information or other wayfinding measures to ensure safe and efficient access from Wellington Road to the northern abutting laneway. View lines through the site and publically accessible zone must not be impeded by windscreens, containerized planting or any other public realm treatment.*

The provisions, recommendations and requirements of the endorsed Landscape and Public Realm Plan must be implemented and complied with to the satisfaction of the Responsible Authority. The lighting must be installed in accordance with the Landscaping and Public Realm Plan and maintained and operated for the life of the building. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site

- 4. 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) Details in relation to the transportation of substrates and proposed species for all proposed garden or landscaping area.*

9.1.4 (cont)

b) Details of the ongoing maintenance procedures to ensure that the garden areas, containerised planting and green walls remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:

- i. Irrigation frequency and delivery method.*
- ii. Drainage.*
- iii. Pruning and mulching.*

The provisions, recommendations and requirements of the endorsed Landscape Maintenance Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

- 5. The garden and recreation areas shown on the endorsed plan and schedule must only be used as gardens and recreational areas 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.*
- 6. Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along Wellington Road and the northern adjacent laneway frontages must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*

Façade Strategy

- 7. Before the development starts, a Façade Strategy must be submitted to and be to the satisfaction of the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy for the development must be generally in accordance with plans prepared and endorsed by Elenberg Fraser Architects and detail:*

- a) A concise description by the architect of the building design concept and how the façade works to achieve this.*
- b) Schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.*
- c) External building materials and finishes not resulting in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces to the satisfaction of the Responsible Authority.*
- d) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, glazing, window detail and any special features which are important to the building's presentation.*
- e) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.*
- f) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.*
- g) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built outcome in accordance with the design concept.*

9.1.4
(cont)

- h) Details of the east-facing, on-boundary wall, which is to be treated with finishes, textures or other design elements to provide a high quality finish which does not diminish the ability of the eastern adjoining lot to be simultaneously constructed to this wall.*

The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority

Sustainability Management Plan

- 8. Prior to the endorsement of plans under Condition 1 of this permit, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainable Design Assessment prepared by ADP Consulting and dated 10/11/2020, but modified to include, show or address:**

- a) A Green Star Design and As Built v 1.2 Scorecard that exceeds an acceptable overall score of 45 points. Supporting assessments and calculations that pertain to credits claimed associated with 'Energy', 'Water', 'Daylight' and 'Stormwater' criteria must be provided to the satisfaction of the Responsible Authority.*
- b) An Integrated Water Management Assessment addressing stormwater quality performance in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters) are satisfied.*
- c) Appropriate access indicated to maintain and service integrated water management systems demonstrated on Development Plans.*
- d) An annotation on Development Plans indicating the capacity of the rainwater tanks and that the capacities stated are allocated exclusively for reuse/retention purposes and excludes any volume allocated for detention.*
- e) The amount of toilet services and irrigation areas that the rainwater tanks will facilitate annotated on Development Plans.*
- f) A raingarden(s) which service all stormwater emanating from trafficable rooftop and terraces. The size of the raingarden must be at least 2% of the area serviced, designed with a submerged zone and include applicable plant species to treat stormwater. The raingarden must be indicated on Development, Landscape and Drainage Plans, including a cross-section schematic of the system's design and installation.*
- g) Water efficient fixtures and fittings include minimum 5 star WELS taps, 4 star WELS toilet, 3 star WELS showerheads (≤ 6 L/min) and 5 star WELS urinals.*
- h) Daylight modelling assessment to the satisfaction of the Responsible Authority.*
- i) Natural ventilation with all operable windows, doors, terrace openings and vents provided in elevation drawings.*

9.1.4 (cont)

- j) That prior to the commencement of development and works, a National Construction Code (NCC) Building Code of Australia (BCA) Section J or JV3 Energy Efficiency Assessment with documentation status detailed as Issued for Tender. Any changes to the Issued for Tender NCC BCA Section J or JV3 Energy Efficiency Assessment documentation must be approved, to the satisfaction of the Responsible Authority. The NCC BCA Section J or JV3 Assessment will indicate energy efficiency performance with respect to the development's reference/base case. The assessment is required to exceed, as a minimum, the NCC 2019 BCA requirements in excess of 10% and include indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (i.e. U- and SHGC- values). The inclusion of renewable energy systems to demonstrate performance must be demarcated from the assessment.*
- k) LED light fittings used to provide artificial lighting and designed to exceed NCC 2019 BCA requirements.*
- l) Energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.*
- m) Exterior building services equipment including any heating, cooling, ventilation, hot water and renewable energy systems on Development Plans.*
- n) A minimum 20 kilowatt solar photovoltaic system.*
- o) Double glazing for all external windows.*
- p) Car park ventilation fitted with CO sensors.*
- q) Car park lighting, where reasonably safe to do so, fitted with motion sensors or timers.*
- r) Energy efficient lifts which include Variable Voltage Variable Frequency (VVVF) drives and standby modes when lifts are idle.*
- s) External, service and lift area lighting fitted with sensors or timers.*
- t) Service and lift area ventilation fitted with sensors or timers.*
- u) The location of alternative transport facilities including employee and visitor secure bicycle spaces, electric vehicle infrastructure, showers, and changing facilities demonstrated on Development Plans.*
- v) A commitment to divert at least 80% of construction and demolition waste from landfill.*
- w) Low Volatile Organic Compounds (VOC) and formaldehyde products, including building materials with recyclable content and reduced lifecycle impact.*
- x) A commitment that timber species intended for use are not unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) and meet either Forest Stewardship Council or Australian Forestry Standard criteria with a commitment provided as an annotation on Development Plans.*
- y) Where measures cannot be visually shown, include a notes table or 'ESD Schedule' on Development Plans providing details of the requirements (i.e. % energy efficiency improvement, energy and water efficiency ratings for heating/cooling, hot water and plumbing fittings and fixtures etc.).*

The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

9.1.4 (cont)

Car Park Management Plan

9. *Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:*
- a) *The allocation of short-term parking spaces for pick-up and drop-off, with a total of nine (9) parking bays allocated for such purposes. These spaces must be located in accordance with the plans prepared under Condition 1.*
 - b) *The allocation of 250 car parking spaces associated with the medical centre land use and 195 car parking spaces associated with the car park land use.*
 - c) *Details of a system to demonstrate priority parking for patrons of the medical centre land use within the commercial car park land use (pay model, validation system or similar).*
 - d) *Details of any leasing arrangements ensuring that the 195 car parking spaces associated with the car parking land use are not to be leased on a long term basis to any party outside of a period of time longer than 24 hours.*
 - e) *Details to ensure the separation of the car parking spaces and to limit any parking conflict and incorrect use of allocated parking. All allocations associated with the medical centre must be clearly accessible from the Wellington Road by employees and visitors to the site.*
 - f) *The management of the car park use including the operational details, design and location of any entry / exit barriers, location of parking, pay models, ownership structure, security and mechanisms to limit conflict with the approved medical centre land use.*
 - g) *Details of way-finding, cleaning and security of the end of trip bicycle facilities.*
 - h) *Any signage associated with short-stay parking, allocated parking and directional wayfinding signage.*
 - i) *Loading/unloading of vehicles associated with the use being undertaken wholly on site with no vehicles being parked in Wellington Road or other streets.*

The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Impact Assessment

10. *Prior to the endorsement of plans under Condition 1 of this permit, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with plans endorsed under Condition 1, as well as the Wind Impact Assessments prepared by MEL Consultants and amalgamated to include the assessments dated 11/05/2021 and 07/09/2020, but modified to include Wind tunnel testing to demonstrate the approved design achieving:*
- a) *Sitting comfort to the northern building entry in accordance with the plans endorsed under Condition 1. If sitting comfort is unable to be achieved, standing comfort is an acceptable alternative with a report prepared to clearly establish the reasons sitting comfort was unable to be achieved.*

9.1.4 (cont)

The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

Construction Management

- 12. 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.**

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

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

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

Agreement conditions

- 13. Before the development starts (excluding the removal of temporary structures) the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Council.**

The agreement must provide the following:

- a) A total of 250 car parking spaces allocated specifically for the medical centre use and only for practitioners, staff or visitors to the site. These must be available at all times during the operation of the medical centre land use.**
- b) The 195 car parking spaces associated with the car parking land use are not to be leased on a long term basis to any party outside of a period of time longer than 24 hours.**
- c) The management of all car parking on the site including those allocated to the medical centre and car park land uses must be in accordance with the endorsed Car Parking Management Plan at all times.**

The owner of the land must pay all of Council's reasonable legal costs and expenses related to this agreement, including preparation, execution and registration on title

9.1.4
(cont)

- 14. Before the development starts (excluding the removal of temporary structures) the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Council.**

The agreement must provide the following:

- a) The owner must construct temporary works on the land to the satisfaction of the Council to ensure that an active street frontage and/or landscaping is provided at the main site frontages.**
- i. If the land remains vacant for 6 months from the date a permit is issued;**
 - ii. Demolition or construction activity ceases for a period of 6 months; or**
 - iii. Construction activity ceases for an aggregate of 6 months after commencement of the construction**

The owner of the land must pay all of Council's reasonable legal costs and expenses related to this agreement, including preparation, execution and registration on title.

Use conditions

- 15. Except in the case of an emergency or within the prior written consent of the Responsible Authority, the approved Medical Centre may only hold appointments between the hours of:**

- a) Monday to Sunday: 8:00am to 8:00pm.**

Non-appointment based medical uses are permitted outside of these specified hours between 6:00am to 10:00pm.

- 16. The approved Medical Centre can only operate while the car park land use is open to the public.**
- 17. The communal areas, including all upper level terraces within the building, must be available for use by all staff and visitors of the development.**
- 18. The publically accessible zone identified on the endorsed plans must remain accessible to the public 24 hours per day, Monday to Sunday.**
- 19. There must be no restriction to movement within the publically accessible zone identified on the endorsed plans in any way shape or form.**
- 20. The compounding pharmacy must only be accessed through the communal area of the building and not include external access to the building.**
- 21. The compounding pharmacy must only operate within the approved hours of operation of the medical centre land uses on the site.**
- 22. The compounding pharmacy must not include any external, business identification signage of any kind to alert the public to its operation.**
- 23. Except with the prior written consent of the Responsible Authority, the approved Car Park may operate 24 hours, 7 days a week.**
- 24. Except with the prior written consent of the Responsible Authority, the approved Food and Drink Premises may only operate between the hours of:**
- a) Monday to Sunday: 6:00am to 10:00pm.**
- 25. Outdoor dining for the food and drink premises must not occur external to the building (within the urban plaza) before 8:00am and beyond 8:00pm.**

9.1.4
(cont)

- 26. The amenity of the area must not be detrimentally affected by the use or development, including through:**
- a) The transport of materials, goods or commodities to or from land.**
 - b) The appearance of any buildings, works or materials.**
 - c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.**
 - d) The presence of vermin.**
- All to the satisfaction of the Responsible Authority.**
- 27. The use must comply at all times with the State Environment Protection Policy – Control of Noise from commercial, Industry and Trade (SEPP N-1).**

General conditions

- 28. Buildings or works must not be constructed over any easement without the written consent of the relevant Authorities.**
- 29. All building plant and equipment on the roofs, terraces areas, common areas and public thoroughfares are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.**
- 30. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.**
- 31. All pipes, fixtures, fittings and building services servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
- 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 and line-marked (where applicable) to the satisfaction of the Responsible Authority.**
- 33. The car parking areas and driveways must be maintained to the satisfaction of the Responsible Authority.**
- 34. The nature strip must be reinstated where any existing vehicle crossover is redundant, at no cost and to the satisfaction of the Responsible Authority**
- 35. Except with the prior written consent of the Responsible Authority, council assets must not be altered in any way.**
- 36. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 37. Existing street trees must not be removed or damaged except with the written consent of the Responsible Authority.**
- 38. 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.**

9.1.4 (cont)

- 39. 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.**
- 40. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 41. 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.**
- 42. 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.**
- 43. 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.**
- 44. The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**
- 45. Design plans and specifications of the civil works within the site associated with the development are to be prepared by a suitably qualified engineer, and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.**
- 46. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**

Expiry

- 47. This permit will expire if one of the following circumstances applies:**
 - a) The development is not commenced within three (3) years from the date of issue of this permit;**
 - b) The development is not completed within six (6) years from the date of this permit;**
 - c) If the approved use is not commenced within six (6) years from the date of this permit.**

The Responsible Authority may extend the periods referred to in Condition 35 if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion

9.1.4

(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.***

CARRIED UNANIMOUSLY

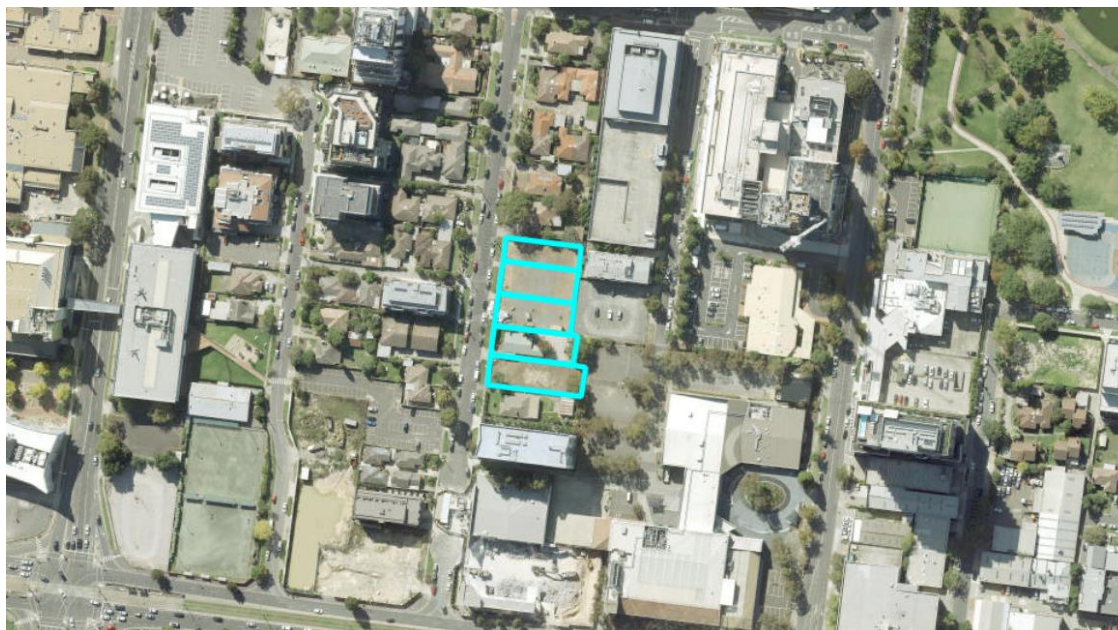
MELWAYS REFERENCE 47 C8

Applicant:	Xin Hai City Investment Pty Ltd
Zoning:	Clause 32.07 Residential Growth Zone – Schedule 3
Overlays:	Clause 42.03 Significant Landscape Overlay – Schedule 9 Clause 45.09 Parking Overlay – Schedule 1
Relevant Policy:	Clause 12.05-1S Environmentally Sensitive Areas Clause 15.01-1S Urban Design Clause 15.01-2S Building Design Clause 15.01-4S Healthy Neighbourhoods Clause 15.02-1S Energy and Resource Efficiency Clause 17.01-1S Diversified Economy Clause 17.02-1S Business Clause 18.01-1S Land Use and Transport Planning Clause 18.02-1S Sustainable Personal Transport Clause 18.02-2R Principal Public Transport Network Clause 18.02-4S Car Parking Clause 19.02-1S Health Facilities Clause 19.02-1R Health Precincts Clause 21.03 A Vision for the City of Whitehorse Clause 21.07 Economic Development Clause 22.04 Tree Conservation Clause 22.05 Non-Residential Uses in Residential Areas Clause 22.07 Box Hill Metropolitan Activity Centre Clause 22.10 Environmentally Sustainable Development Clause 52.06 Car Parking Clause 52.34 Bicycle Facilities Clause 53.18 Stormwater Management in Urban Development Clause 64.02 Land Used in Conjunction with Another Use Clause 65 Decision Guidelines Clause 66 Referral and Notice Provisions
Ward:	Elgar

9.1.4

(cont)

AERIAL IMAGE



BACKGROUND

History

Previous applications

Planning permit WH/2018/856 was issued on 28/11/2016 for the construction of a 14 storey building comprising not more than 133 dwellings with basement car parking.

A planning permit application WH/2018/856 was received on 15/08/2018 for the use and development of the land for a 16-18 storey building, including residential hotel, medical centre, food and drink premises and dwellings, reduction in car parking requirements and removal of trees. This previous application was withdrawn.

Processing history

For the current application, without prejudice discussion plans were received on 13/05/2021 and 14/05/2021 to inform the rearrangement of the basement layout and urban plaza to demonstrate acceptable traffic and wind outcomes for the site.

Broadly, these plans seek the following changes to the previously advertised development plans:

- Further recessed building entry to Wellington Road from 10.765 metres to 14.615 metres to accommodate a greater area dedicated to the urban plaza.
- Increased entry setback from 6.765 metres to 12.015 metres to the northern public laneway to accommodate a greater area dedicated to the urban plaza.
- Internal reconfiguration of the ground plane to widen the northern atrium from 4 metres to 10 metres and provide an internal seating area for the food and drink premises.
- Increase in overall floor area dedicated to the urban plaza from 620sqm to 806sqm.
- Inclusion of a 24/7 publically accessible zone within the urban plaza.
- Reduced floor areas for the ground food and drink premises from 381sqm to 288sqm.
- Reconfiguration of basement level 1 to improve drop-off access with an increased passenger side buffer zone from 700mm to 1.5 metres.
- Other design detail treatments both internal and external to the site, including landscape planters, landscaping treatments and wind amelioration mechanisms.

9.1.4

(cont)

It has been determined that no further notice would be required, as the proposed changes do not alter the overall design, height and massing of the building, and represent a scaling back of the ground plane for improved public realm treatment. As such, planning officers consider there to be no potential for further detriment under Section 52 of the Act.

The without prejudice plans are being used to form a decision on the application and to be reflected within planning permit conditions.

The Site and Surrounds

Site

The subject site is located at 12-22 Wellington Road is made up of five (5) separate land parcels. The site is irregular in shape, with a frontage to Wellington Road of 76.49 metres, a maximum depth to the south of 48.92 and a total area of 3,196sqm. Topographically, the site is generally flat with a slope of approximately 1 metre from north to south.

Presently, 12 and 14 Wellington Road include single storey vacant buildings, whilst 16 to 22 Wellington Road have been cleared of buildings and vegetation and are vacant. There are a number of scattered trees around the periphery of 12 and 14 Wellington Road, which are proposed for removal.

A 1.83 metre drainage easement is currently present to the northern side of 14 Wellington Road, but does not include any assets. In addition, a public laneway spans the northernmost boundary at 22 Wellington Road, providing a through way from Wellington Road to Spring Street.

There are no covenant restrictions or agreements registered on Title.

Surrounds

The subject site forms part of the Box Hill Metropolitan Activity Centre (MAC). The MAC provides residential, retail, dining, entertainment, civic, community and recreational opportunities for the regional population as well as a hub for local community activities.

The site maintains excellent access to public transportation routes, including the Box Hill Railway Station 500 metres to the south-east, the Tram interchange 450 metres to the south-east and the bus interchange 550 metres to the south-east. The site is located within 50 metres of the Box Hill Hospital.

The site is included within the Box Hill Activity Centre Structure Plan (2007), and specifically Built Form Precinct F ("Major Development Precinct") which permits taller buildings enabling increased density.

Broadly, the surrounding land can be described as a mixture of built-form, including a number of existing post-war dwellings, mid-rise apartments and taller mixed-use towers, however there is a visible shift towards higher density development.

9.1.4

(cont)

Adjoining Properties

Directly adjoining properties (including details of any planning permit approved for the site) are described as follows:

Property	Site Description	Approvals
10 Wellington Road Southern abuttal	Single storey brick dwelling with outbuildings located at the rear	No planning permits approved
26 Wellington Road Northern abuttal	Single storey weatherboard dwelling with outbuildings located at the rear	Planning Permit WH/2018/743 issued for the development of the land for a 17 storey building containing dwellings, ground floor food and drink premises (café) and associated buildings and works.
16 Spring Street Rear abuttal	Ground level car park being used in associated with the Box Hill TAFE	Planning Permit WH/2018/1009 issued for the staged construction of a 29 storey mixed use building with four basement levels, comprising 312 dwellings together with the use of the land for the purposes of education centre (nurse training facility, shops, food and drink premises, accommodation, reduction to the car parking requirement and removal of protected trees.
Sites opposite on Wellington Road	The sites opposite include a number of established single storey residential units, with a more recent five (5) storey mid-rise apartment at 19 Wellington Road	Planning Permit WH/2015/1116 was issued for the sites at 5-9 Wellington Road and 7 Poplar Street for the construction of a six (6) storey building and a part fourteen (14), part 16 (16) storey building, comprising not more than 177 apartments with basement car park, a food and drink premises, reduction in the standard car parking requirement, waiver of loading and unloading requirement and the removal and variations of easements.

PROPOSAL

The application proposes the use and development of the land for a part 19 and part 21 storey mixed use building, comprising of medical centre, food and drink premises and a commercial car park. The facets of the application are described further below.

Land Uses

The application proposes the following land uses on the site:

- Medical centre.
- Food and drink premises.
- Commercial car park

9.1.4

(cont)

Medical Centre

The medical centre land uses are proposed on each level with a total leasable floor area of 29,135sqm. At the ground level, the application proposes two (2) tenancies which interface with Wellington Road, and from Level 1 to 21, each tenancy is arranged with a larger footprint, accessed via the central lift core. An ancillary compounding pharmacy (where prescription medication can be created on site and dispensed) with a total area of 255sqm is proposed to the north-eastern corner of the building.

Whilst specific medical type uses are not listed within the Planning Scheme definitions, the Application material has indicated that the proposed land use would serve a greater number of specialist services, including:

- Consulting suites for practitioners.
- Medical offices and records storage
- Radiology and imaging
- Day surgery and medical theatres
- Medical researching; and
- General practitioners.

Commercial Car Parking

The car park use is located within the basement, and includes a total of 445 spaces, 195 of which would be accessed for a fee, by the public in an ad hoc arrangement. The car park maintains direct access into the ground floor and by extension Wellington Road.

The remaining 250 car parking spaces will be allocated to the medical centre land use.

Food and Drinks Premises

The food and drink premises use is proposed on the ground level to the north-western corner of the building, with a total leasable floor area of 249sqm. The food and drink premises maintains a direct connection with the urban plaza and the internal atrium to the northern, eastern and western sides of the land use.

Development

The application proposes the construction of a part 19 and part 21 storey building over a five (5) level basement. The building is arranged with a three storey podium and upper level tower. The building has been designed to incorporate a central rebate that extends through the height of the building, visually separating the building into two (2) distinct forms.

Podium and Ground Plane

The podium is proposed as three storeys, with a maximum height of 18 metres to the north and 15.73 metres to the south when viewed at the Wellington Road interface with a total width along the Wellington Road streetscape of 68.476 metres. The northern edge incorporates a double height ceiling and canopy structure over a portion of the urban plaza.

The podiums ground level is setback between 3.72 metres to 14.615 metres to Wellington Road, 4.5 metres to 12 metres to the northern boundary and laneway interface and 3.515 metres to the southern side boundary. Setbacks increase through the height of the podium up to the tower form.

The podium has been designed to incorporate glass curtain walls, external cladding and pre-cast concrete canopies in a horizontal form to ensure that the podium reads as a clearly legible element at the street when contrasted with the sleekness of the tower form, and is grounded within the public realm to improve the pedestrian experience of the space within the streetscape.

9.1.4

(cont)

The urban plaza areas are located around the periphery of the building and in particular to the Wellington Road frontage and forecourt, to the north-western corner and to the public laneway. There are specific areas designated for sitting, recreation and landscaping design with a total area of 806sqm. With the exception of the north-western corner, where wind treatments are required, the design of this plaza does not limit movement through the site and into the buildings main pedestrian entries, with sufficient footpath setbacks, legibility and wayfinding opportunities.

At the ground level, the buildings main entry is proposed from Wellington Road, with a secondary entry from the abutting and widened laneway leading into a northern atrium zone. The northern atrium zone has been designed to integrate with the external plaza, providing space for seating and passive recreation.

Each point of entry leads to the buildings main reception and central lift core, providing access to the upper levels of the building. The ground floor level includes the food and drink premises to the north-western corner, medical tenancies to the south-western corner and the compounding pharmacy to the north-eastern corner of the building, each interfacing with the streetscape, laneway or internal atriums.

Tower

The tower is located above the podium and has a total height of 19 storeys to the north, or 80.90 metres, and 21 storeys to the south, or 84.2 metres when viewed at the Wellington Road interface, with a total width along the Wellington Road streetscape of 65.44 metres. The tower incorporates a substantial central rebate to the Wellington Road frontage which houses the central atrium and staircase, but is designed to ensure that the building presents as two (2) distinct forms. Through the mid-level the towers include horizontal rebates that seek to break up and provide further articulation of the building mass.

Furthermore, whilst the materiality of the tower is largely the same as the podium form, the response has been refined with no protrusion of the pre-cast bandings and the use of clear glazing within the horizontal rebates to ensure that the tower form maintains a slimmer appearance when being read from the public realm and afar. The upper level incorporates an open terrace and canopies which serves as a building cap, and as such, the development incorporates a clearly distinguished ground plane, mid-section and upper capping.

Each level is provided access via a central lift core, which also includes building services, back of house facilities and tenancy amenities. The lifts provide direct access into an open void atrium where the tenancies are positioned on both the northern and southern side. The layout of the tenancies is yet to be confirmed.

The towers from level 4 onwards (above the podium) are setback between 4.09 metres and 10.865 metres from Wellington Road, with side setbacks varying between 0.62 metres to 6.48 metres and rear setbacks varying between 2.44 metres and 14.725 metres. Setbacks to these interfaces increase through the height of the building.

At levels 19 and 20, the application proposes a roof terrace affording an area of communal open space with seating and landscaping opportunities for staff and patrons to the medical centre. Level 20 also includes additional staff amenities that have a direct connection to the communal open space.

Car Park and Access

A proposed 6.3 metre wide vehicle crossover is located to the southern side of the frontage, providing access to the basement car park, loading area and drop of zones. The basement is proposed over five (5) levels, providing a total of 445 car parking spaces for the site, of which 250 will be specifically allocated to the medical centre for use (location of allocations to be determined through permit conditions), with the remainder to be used by the public on a commercial basis as part of the car park land use.

9.1.4

(cont)

Within basement level 1, three (3) drop-off bays are provided directly to the front of the lift cores, with access to the building lobby, with a further six (6) car parking spaces located to the northern side of the lift core designated as short-stay parking.

At the southern boundary of the site, the application proposes a separate pedestrian / bicycle path which provides access to bicycle parking spaces and end of trip facilities all of which are located to the south-eastern corner of the building at ground level. End of trip facilities include change rooms, staff amenities and an access point into the ground floor foyer. The development will remove the existing (4) crossovers from the individual sites in favour of a consolidated double width crossover for basement access, improving access to on-street parking.

PLANNING CONTROLS

Zone

Residential Growth Zone

The subject site is located within Clause 32.07 Residential Growth Zone – Schedule 3.

Pursuant to Clause 32.07-2, a planning permit is required to use the land for a medical centre, car park and food and drink premises.

The condition of use for a car park under the table of uses within Clause 32.07-2 states that it *must be used in conjunction with another use in Section 1 or 2* and as such the provisions of 64.02 apply.

Pursuant to Clause 32.07-8, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.07-2.

Overlays

Significant Landscape Overlay

The subject site is located within Clause 43.02 Significant Landscape Overlay – Schedule 9.

Pursuant to Clause 43.02, a planning permit is required to remove, lop or destroy trees. Exemptions apply, including the removal of trees outside of the minimum street setback within a Residential Growth Zone. A permit is not required to remove these trees as no setback applies.

In addition, a planning permit is also required to construct a building or construct or carry out works within 4 metres of trees that are protected under the overlay, although it is noted that trees on adjoining sites at 26 Wellington Road and 16 Spring Street have been approved for removal.

Parking Overlay

The subject site is located within Clause 45.09 Parking Overlay – Schedule 1.

Pursuant to Clause 45.09, a planning permit is required to reduce the minimum number of car parking spaces required for a use, specified in the schedule. Where a use is not specified, the rates of Clause 52.06-5 apply, under Column B.

In this instance, there are no rates defined for a medical centre, car park and food and drink premises land use and as such Clause 52.06 – car parking applies.

9.1.4

(cont)

Particular Provisions

Car Parking

Pursuant to Clause 52.06, a planning permit is required to reduce the minimum number of car parking spaces required for a use. As specified within the Parking Overlay, the Column B rates under Clause 52.06 are applicable.

The table below outlines the uses proposed, the number of car parking spaces required under Column B and the number of car parking spaces proposed.

Land use	Rate	Measure	No./sqm	Parking provided	Rate required	Reduction sought
Medical centre	3.5 spaces	Per 100sqm of leasable floor area	29,135sqm	250	1,019	769
Food and drink premises	3.5 spaces	Per 100sqm of leasable floor area	381sqm	0	13	13 spaces
Car park	N/A	To the satisfaction of the Responsible Authority	15,645sqm	195	N/A	N/A
Total				445	1,032	782

With respect to the above, a reduction of car parking is being sought for the medical centre and food and drink premises land uses. While the car park spaces within the basement would not be specifically allocated to the medical centre, they would still be available for use in a public capacity.

Bicycle Facilities

Pursuant to Clause 52.34, a planning permit is required to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6 (required facilities and design).

As the total extent of practitioners is yet to be determined, it is unclear whether a reduction is required for bicycle parking spaces. A total of 105 spaces have been provided, with 10 showers in total (which could accommodate a total of 420 practitioners). The end-of-trip facilities provided are satisfactory when considered against Clause 52.34, with no concerns raised from Council's Transport Engineering department.

General Provisions

Land Used in Conjunction with another Use

Pursuant to clause 64.02 of the Scheme, if a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land:

- There must be an essential association between the two uses; and
- The use must have a genuine, close and continuing functional relationship in its operation with the other use.

It therefore must be demonstrated that the car park land use be used in conjunction with the medical centre, as per the conditional requirement of the Residential Growth Zone.

9.1.4

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Wellington Road frontage and to the northern laneway.

Following the advertising period four (4) objections were received. The issues raised are summarised as follows:

- Land use compatibility of a medical centre within a primarily residential area.
- Traffic congestion on the local road network.
- Parking reduction for the medical centre use.
- Height and built form impacts.
- Overlooking and overshadowing impacts.

As there were only four (4) objections received to the application, a consultation forum was not required to be held with no further formal discussions with objectors. All objector concerns have been discussed through the assessment section of this report.

REFERRALS

External

External Department	Type	Response
Department of Transport	Determining	No objection and no conditions

Internal

Internal Department	Response
Transport	Concerns with drop off facilities including the pedestrian side access and number of spaces available for a building of this scale Concerns with the extent of the 782 car parking space reduction being sought for the use of the land for a medical centre
ESD	Supportive of the development subject to permit conditions
Waste	Supportive of the development
City Works	Supportive of the development, additional detail required through permit conditions
Asset	Supportive of the development, additional detail required through permit conditions
Design and Construct	Supportive of the development, additional detail required through permit conditions
Parkswide	Supportive of the development

DISCUSSION

Consistency with Policy Framework

Zone

The subject site is located within Clause 32.07 Residential Growth Zone (RGZ). The purpose of the RGZ encourages an increase in housing density within more robust built forms of up to four (4) storeys. The purpose of the Zone also seeks to implement the Municipal Planning Strategy and the Planning Policy Framework.

9.1.4 (cont)

The subject site is located within Precinct F of the Box Hill Transit City Structure Plan (2007), with the location designated as the *Major Development Precinct* under Figure 5, where taller buildings are specifically encouraged.

Further, the site is located within the Hospital and Western TAFE Precinct under Figure 4, with the proposed use of a medical centre being co-located within proximity to the Box Hill and Epworth Hospitals and further cultivating the health precinct identified within the policy framework and Plan Melbourne (discussed further below).

As such, the proposed use and development is considered to be generally consistent with the purpose of the Zone as it relates to the implementation of the associated policy framework within the MPS and PPF.

It is noted that the provisions of Clause 32.07-10 do not apply as the site does not abut any General Residential or Neighbourhood Residential Zone. Thus the relevant standards specific under this Clause are not applicable.

Planning Policy Framework

The site is located within Box Hill, identified as a Metropolitan Activity Centre within Plan Melbourne. Under Plan Melbourne, Metropolitan Activity Centres seek to provide a diverse range of jobs, activities and housing for regional catchments that are well serviced by public transport. These centres are intended to play a major service delivery role including that of health and education services.

Plan Melbourne also identifies Box Hill as a Place of State Significance due to the health and education facilities located within the Centre, including the Box Hill Hospital and TAFE which serve the Eastern Region. Health and education precincts within Plan Melbourne are intended to support health and education services in areas well served by public transport to ensure their specialised economic function is reinforced, and to allow opportunities for ancillary health and education services.

The proposed medical centre land uses will improve community access to essential health services and will go some way to contributing to the future demand requirements for the MAC. The medical centre uses are co-located within proximity to the Box Hill Hospital, forming part of the 'Hospital and Western TAFE Precinct' within the Box Hill Structure Plan which seeks to grow and enhance medical infrastructure and support related business.

The proposed development would directly support the longevity of the precinct, and is consistent with the objectives of Clause 19.02-1S (Health Facilities) and Clause 19.02-1R (Health Precincts). The proposal also supports the broader objectives for the health and education precinct as identified under Plan Melbourne through the clustering of synergistic health services, improvement of access and specialised services and the creation of employment and innovation opportunities.

Furthermore, the site is directly connected to a range of public transport options, as well as the surrounding road network supporting efficient uptake of both tram, train, bus, walking and cycling routes to and from the subject site. Clause 11.03-1S (Activity Centres), Clause 15.01-4S (Healthy Neighbourhoods) and Clause 18.02-1S (Sustainable Personal Transport) each encourage the intensification of employment generating uses in areas with these locational characteristics close to where people live.

The proposed building is designed to respond to its context, minimising offsite impacts to the public realm through overshadowing, wind, visual bulk and massing. The proposal contributes to the community and the wider MAC through the provision of fit-for-purpose medical centre tenancies, with the provision of an urban plaza, communal space and working space. The building's form, scale and appearance are consistent with recent development within the MAC and overall the proposal is consistent with the relevant built form objectives under Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design).

9.1.4

(cont)

The commercial land uses and in particular the medical centre use, facilitate growth within the health sector, and provide improved access to jobs within the MAC, closer to where people live, ensuring consistency with the objective of Clause 17.01-1S (Diversified Economy).

Local Planning Policy Framework

The Local Planning Policy Framework identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contribute to their adaptation, redevelopment and economic growth.

Clause 21.07 (Economic Development) also seeks to increase the number and diversity of employment opportunities, specifically identifying retail and office (medical centre being included in office) activities as an area where opportunities have been created, particularly in redevelopment sites. The proposal complies with this policy and achieves these goals through the provision of additional medical centre (nested under office) space within the Activity Centre.

Clause 22.05 (Non-Residential Uses in Residential Areas) seeks to make provision for services and facilities demanded by local communities in a way that does not detract from the amenity of the area. Given the MAC context of the site, the policy objectives sought need to be balanced against the proposed intensification of the land within the Centre. The proposed land use is co-located within proximity to the Epworth and Box Hill Hospitals to build upon the strategically important eastern health precinct identified within Plan Melbourne and the Structure Plan. Whilst there may be some impact to the amenity of existing residential dwellings, the site is nominated within Precinct F of the Structure Plan, anticipating substantial growth in the area.

The policy under Clause 22.07 (Box Hill Metropolitan Activity Centre) promotes design excellence in new developments through encouraging built form which provides for increased height that is sensitive to adjoining residential areas and which provides activated and functional interfaces with the public realm to enhance walkability. The proposal responds to the context of the site, limiting offsite impacts of overshadowing, wind, visual bulk and massing both to private residences and existing buildings as well as the public realm.

The reduction of car parking and the provision of a commercial car park is supported by the policy objectives at Clause 22.07 (Box Hill Metropolitan Activity Centre) which seeks to *carefully manage vehicle traffic in Box Hill to support choice of travel mode and create transit supportive roads*. The reduction of parking proposed limits the total demand, and encourages the uptake of sustainable transportation, noting that the site maintains excellent access to tram, train and bus. The partial use of the basement as a commercial car park also encourages short-stay parking, ensuring that there is a constant supply of parking available on the basis that it is a paid parking arrangement, within a precinct of substantial health services where short-stay parking is in demand.

Land Uses

As discussed earlier, the site is located within a Metropolitan Activity Centre (MAC) designed within Plan Melbourne, which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other Activity Centres, residential areas and multiple public transport options.

With the proposed development contributing in excess of 30,000 square metres of commercial floor area, this is seen to be a significant contribution towards furthering the development of the Activity Centre in line with the associated Structure Plan and local policy at clause 22.07 – *Box Hill Metropolitan Activity Centre* of the Scheme.

9.1.4

(cont)

Medical Centre

The proposed medical centre is located through the height of the building proposing approximately 30,000sqm of net leasable floor area. The medical centre requires a planning permit for its use under the RGZ.

The medical centre use supports economic growth within the Health Precinct, and provides substantial employment opportunities beyond the site's current offering. The Structure Plan, and further more Plan Melbourne, indicate that there is an increasing demand for related medical services, employment and health innovation within the Box Hill MAC and within the Health Precinct, and this application further supports this strategy with a generous increase in the overall net leasable floor area for medical centre suites.

The land use has been carefully considered within its local context, to limit any offsite impact through noise, odour and other emissions, noting that all car parking is proposed within a basement, which includes all site services for waste collection. Standard permit conditions will apply to ensure that the proposed use functions in a manner that would limit offsite impact to nearby residents.

The proposal seeks to operate on a 24/7 basis due to the nature of the use, with the total number of staff and practitioners yet to be determined. The applicant has indicated however that generally, the consulting services are likely to operate between 8am and 6pm. Whilst the site is located within Precinct F of the MAC, a 24/7 operation is not considered to be acceptable for this site given the residential nature of Wellington Road and the direct interface with residential dwellings. It will therefore be recommended that hours of operation for the medical centre land use will be set from 8am to 8pm Monday to Sunday, with additional operating hours between 6am to 10pm for other non-appointment based medical uses such as medical research, administration and medical records storage. This is considered to be a reasonable balance between the proposed intensification of the site within the MAC context and maintaining residential amenity within the immediate area, particularly where the site is within proximity to the Epworth and Box Hill hospitals which operate between 6am to 10pm and 24/7 respectively.

Further to the above, the proposed medical centre use has also been considered against the relevant decision guidelines particularly those around the use of the land and the potential offsite impacts and planning officers are satisfied that the proposed use is an acceptable response to the site within the context of the policy framework and would not result in significant offsite impact to the wider community beyond that expected within a Metropolitan Activity Centre.

Compounding Pharmacy

The application also proposes a compounding pharmacy (defined as a Shop within the Planning Scheme) use located within the ground floor of the building and serving the overall medical centre use. Within the Zone, a Shop land use is generally prohibited unless it can be demonstrated as ancillary to the primary land use.

An ancillary use refers to an otherwise prohibited land use that is additional, secondary or complementary to a permitted principle use of a site. When assessing the nature of an ancillary use, the dominant purpose of the land must be established.

The applicant has demonstrated the ancillary nature of the compounding pharmacy land use through the following means:

- The dominant purpose of the land is for a medical centre.
- The proposed pharmacy is embedded within the primary use and is not directly accessible from the street.
- The proposed pharmacy has hours of operation consistent with the primary use.
- The proposed pharmacy is not independently identified by external signage.
- The proposed pharmacy's principal operation is dependent on the operation of the primary use.

9.1.4

(cont)

As such, it is therefore considered that the proposed compounding pharmacy use complies with the provisions of Clause 64, and can be considered ancillary to the medical centre use. Permit conditions will apply to ensure that these conditions are enforceable and that the compounding pharmacy maintains its ancillary nature.

Car Park

The proposed car park is located within the basement and requires a planning permit for its use under the RGZ. The car park is intended to operate partially as a commercial car park, available for public use. A total of 195 car parking spaces would be made available for such purposes, with the remaining 250 spaces allocated specifically for the medical centre.

The proposed car park use (specifically the public availabilities) provides a consolidated bank of short-term parking within the precinct, supporting the medical uses within the area, most of which maintain a demand for short-term parking. This furthers the objectives of the Structure Plan which seeks to consolidate car parking within precincts and provide a greater number of short-term parking options to minimize traffic on the local road network from searching for parking options. Given the commercial nature of the car park and the approach to precinct based parking, 24/7 operation is considered to be acceptable, providing additional parking options to the Box Hill hospital.

The proposal to provide a commercial car parking function within the basement of the medical centre is not a typical use contemplated within a residential zone, and for this reason the zone requires particular tests to be met to demonstrate its suitability. These tests are established in Clause 64.02. Pursuant to Clause 64.02 (Land Used in Conjunction with Another Use), where a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land (in this instance the car park use within the RGZ), it must be demonstrated that:

- There must be an essential association between the two uses; and
- The use must have a genuine, close and continuing functional relationship in its operation with the other use.

Essential Association

In the absence of an economic benefit between the uses, the essential association between the medical centre and the car park is established through a strong physical relationship between the two uses, where the car park and medical centre uses occur within the same building.

Furthermore, the pedestrians for both uses will share the proposed ground floor lobby to access each use regardless of whether the intent is to visit the medical centre or not, with the lifts directly connecting the two uses. These physical connections create a degree of integration between the uses.

Where spaces are unavailable within the allocated medical centre parking, it is likely that patrons will use the commercial car park. These spaces will likely benefit patients to ensure that they are able to access the site easily and efficiently and in practical terms, the medical centre may rely on these spaces to meet any overflow parking demand.

Having regard to the physical context of the proposal, and the benefit from the car park use to the medical centre for overflow demand, planning officers are satisfied that there is an essential association between the uses. A permit condition will require that the medical centre can only operate when the car park is open to the public.

9.1.4

(cont)

Genuine, close and continuing functional relationship.

It is considered that there is a genuine and close relationship between the proposed uses. The relationship between the uses is not contrived or one where the primary uses are proposed only as a means of allowing a secondary use. The proposal established that there is a *genuine* and *close* relationship, with both uses offering substantial benefit to the wider Health precinct, through co-location of health services, plus provision of additional public parking for the wider precinct area.

With regards to the continuing functional relationship between the uses, the applicant has indicated an allocation of 250 car parking spaces specifically to the medical centre land use on an ongoing basis. This will ensure that there will be a continuing interaction between the two land uses, ensuring that there is a high likelihood that these spaces are used by employees and visitors to the site.

In summary, the applicant has demonstrated that the car park is used in conjunction with the medical centre use through the following means:

- The physical location of the car park, within the basement of the medical centre building.
- The allocation of 250 car parking spaces for specific use by the medical centre.
- The limitation of leasing public parking spaces on a long-term basis, with no leasing of parking beyond 24 hours.

As such, it is determined that the proposed car park use complies with the provisions of Clause 64, and can be considered as in conjunction with the medical centre use. Permit conditions will apply.

Further to the above, the proposed car park use has also been considered against the relevant decision guidelines particularly those around the use of the land and the potential offsite impacts. Planning officers are satisfied that the proposed use is an acceptable response to the site within the context of the policy framework and would not result in significant offsite impact to the wider community beyond that expected within a Metropolitan Activity Centre.

Food and Drink Premises

The proposed food and drink premises is located to the north-western corner of the building at ground floor and requires a planning permit for its use under the RGZ. The use provides a necessary function to the overall commercial space and from an urban design perspective also provides activation to the streetscape and improves the visual and physical connection between the building and adjoining urban plaza.

The food and drink premises, similar to the other uses is unlikely to result in any offsite impacts pertaining to noise, odour litter or the like, with the use being contained within the building, subject to best practice waste treatment as nominated within the approved Waste Management Plan. Whilst hours of operation and staff numbers have not been specified, these should be set to align with the medical centre land use hours, which has been identified as 7am to 10pm, which would be consistent with other approvals nearby. Other conditions will apply to control amenity impacts beyond certain times (i.e. no outdoor seating after a certain timeframe).

Design and Built Form

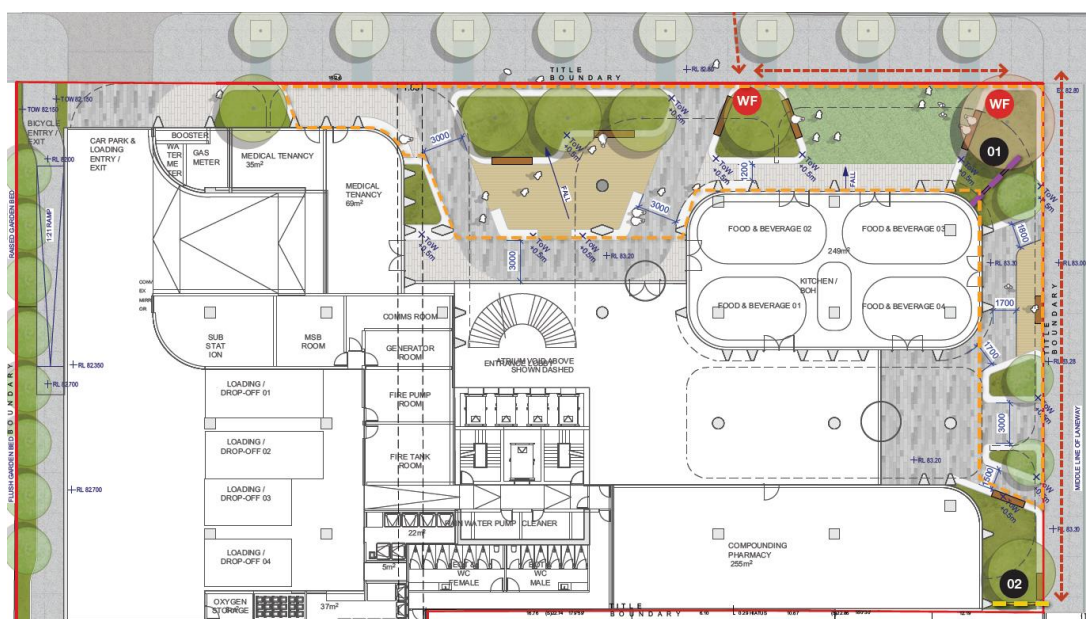
In assessing the appropriateness of the proposed built form, planning officers refer to the decision guidelines of the Residential Growth Zone for non-residential use, the built form objectives of the Structure Plan as well as the objectives and strategies outlined under Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design).

9.1.4 (cont)

It is acknowledged that there is a strong level of policy support for intensive development of the subject site within a Metropolitan Activity Centre context as outlined within the PPF (Clauses 11.03-1S Activity Centres), the Box Hill Structure Plan (Precinct F Built Form Guidelines) and Plan Melbourne. However this is contingent on an appropriate design response to the context and an appropriate level of architectural merit to warrant the proposed building's scale. The proposal has further support by the Urban Design advice received which supports the intent of the use and extent of built form.

Urban Plaza

The buildings ground plane has been designed to incorporate a substantial area dedicated for public use around the periphery of the building and to emphasise the site's abuttal to the laneway leading to Spring Street. The image below demonstrates the extent of the plaza space available at ground level based on the without prejudice plans submitted on 13/05/2021:



The proposed plaza space affords a total area of 806sqm, which includes areas dedicated to sitting, movement and landscaping. The without prejudice plans demonstrate that the layout of the plaza does not restrict pedestrian movement into the building entries, through the site or into the wider street network with 3 metre wide pedestrian entries and a number of connecting paths to the street network. A 24/7 publically accessible zone is to be established via a planning permit condition (outlined as an orange dotted line) to ensure ongoing public access in perpetuity.

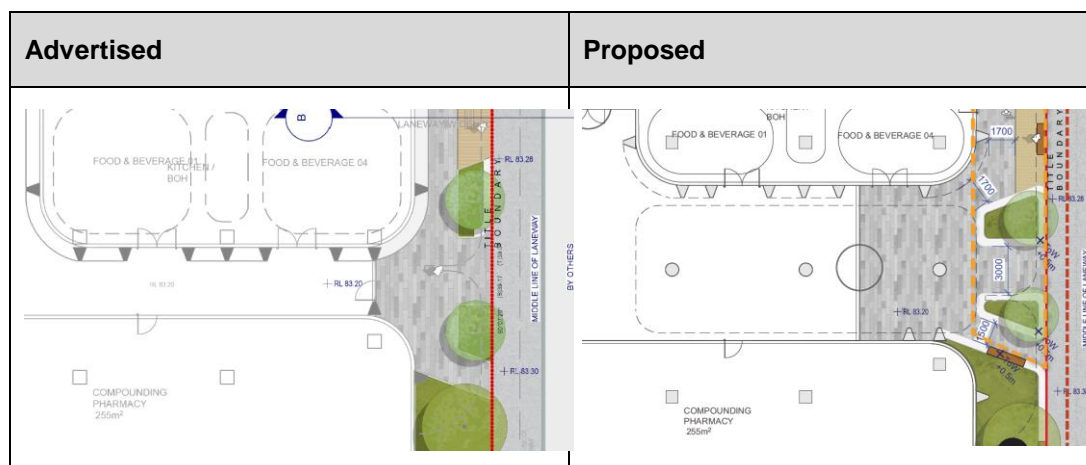
Whilst a 'no-go pedestrian zone' is proposed to the north-western corner of the site, this zone is required for wind-protection from an identified unsafe wind condition. The without prejudice plans submitted indicate that this zone would not restrict visibility or movement around the north-western corner with a 50% porous and tapered wind screen proposed which would also ensure that wind conditions within the pedestrian zone and laneway are maintained at walking and standard comfort. To further improve this interface and ensure that the laneway remains legible and visible as a thoroughfare, a condition of permit will require the provision of wayfinding strategy for the urban plaza as well as a lighting strategy to improve movement and thoroughfare during night time hours.

9.1.4 (cont)

With further regards to wind comfort, additional tunnel testing submitted by the applicant has indicated that the forecourt sitting area is fit-for-purpose, with sitting comfort established. Around the remainder of the space, primarily walking and standing comfort has been achieved, with sitting comfort proposed to the front of the northern building entry. It is noted that when the northern site is developed (as approved), the wind comfort levels around the corner would be substantially improved with no further wind safety issues.

The without prejudice plans submitted on 13/05/2021 substantially increased the area around the northern entry by reducing the overall area of the food and drink premises and recessing the entry from the boundary by 12.015 metres. This has resulted in net increase of land available both internally within the northern atrium and externally within the plaza abutting the laneway. A condition of permit will be required to further demonstrate the functionality (seating, pedestrian access) of this additional area with the intent to allow for improved passive recreation.

The image below compares the advertised northern interface to the without prejudice plan, and shows the substantial increase in space available within and external to the building:



The plaza space maintains a number of planter boxes for landscaping purposes which could accommodate up to six (6) canopy trees within the boundaries of the site as well as other understorey greenery to soften the buildings ground plane and improve the human scale. The plaza space maintains a direct visual connection to the building entries as well as the ground floor land uses to maintain activation to the streetscape.

With regards to the above assessment, the proposed urban plaza is deemed consistent with the objectives under Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) through the provision of a high-quality space that provides opportunities for landscaping, recreation and supports the amenity and attractiveness of the public realm. These outcomes have also been supported by the urban design advice received by council for the application.

It is noted that the substantial area of open space provided is a key element of the site, which in turn provides further justification for the increased building intensity. It is unlikely that planning officers would support the further erosion of this space.

Entries and Street Interface

The buildings primary pedestrian entry is located from the Wellington Road frontage, into a double height atrium, that provides access to the buildings reception, lift core and additional ground floor land uses.

9.1.4

(cont)

The point of entry is recessed from the frontage lot boundary by approximately 10 metres, and integrated into the urban plaza. The curvature of the external walls of the east / west land uses at the ground plane move the pedestrians further into the buildings entry point. This provides for a clearly legible sense of address that is identifiable from Wellington Road. The same principles apply to the side entry from the laneway.

This outcome is generally consistent with the objectives outlined within Clause 15.01-1S and Clause 15.01-2S as well as Objective 5.2.3 under the *Urban Design Guidelines* (DELWP, 2017), with the building's lobby at ground floor being appropriate in terms of the overall scale and the provision of functional spaces to cater to the associated land uses.

The buildings ground plane has been designed to maintain a street presence to both Wellington Road and the abutting northern laneway, with active land uses maintaining a direct interface with the pedestrian network. The recession of the northern and western building edge at the ground level creates an 'eroded' street corner that encompasses the urban plaza. This architectural response provides a space for shelter, recreation and access into the building.

Overall, the proposed building entries and street interfaces respond to the context of the street and improve the public realm experience, with these outcomes further supported by the urban design advice received for the application.

Podium and Building Design

Podium design

The street wall height and setbacks to Wellington Road and the abutting laneway vary through the height of the podium with greater setbacks at the ground level, and some cantilevering at levels 1 to 3 above with planters, terraces and canopies. This provides a clear separation between the podium level and the upper tower, without overwhelming the streetscape and ensuring that the podium maintains a human and pedestrian scale within the public realm setting.

The use of differing materials at the podium levels provides an appropriately scaled building mass to respond to the pedestrian environment along Wellington Road. While adopting a robust level of built form to 'hold' the street edge, the podium levels would utilise horizontal canopies which continue up through the tower element of the building (albeit with less protrusion) to ensure the length of this wall is not overbearing when viewed from the street.

The utilisation of the podium levels for the proposed food and drink and medical centre uses, ensures that the building engages with the public realm and streetscape, creating a level of activation between the street and the tenancies which is generally supportable.

Whilst the eastern ground floor podium wall would utilise an unadorned, boundary wall, this approach is acceptable in light of the neighbouring site having been approved for a tower building form with non-sensitive interfaces (access and site services), noting that from level 1 above, the same design principles have been incorporated into the rear buildings interface to improve equitable development outcomes and maintain visual interest in the round. A condition of permit will be required to ensure that the boundary wall is finished to an acceptable quality. These outcomes are also supported by the urban design advice received for the application.

Tower design

The design of the tower maintains a consistent design language similar to that of the lower levels, but with greater emphasis on clear glazed curtain walls, and pre-cast banding that wrap around the tower form through each mid-level to achieve a balanced and elegant form atop the podium.

9.1.4

(cont)

The tower incorporates two (2) double level horizontal recessions through the mid-section of the building, as well as an upper level capping which minimises the extent of sheer extrusion through the height of the tower. The central rebate and mixed materials through the spine of the building at both the front and rear creates a physical 'break' which reduces the extent of massing across the frontage to Wellington Road as well as when viewed in the round and ensures that the overall form is perceived as two separate elements.

The proposed building presents a robust level of built form as envisaged under the policy direction outlined earlier in this report but is also balanced with a refined architectural massing and design detail which creates a high quality outcome for the activity centre. These outcomes are all supported by Council's Urban Design advice.

Overall, the proposed development has delivered an outcome which is both appropriate in the context of the Zone and the broader Health Precinct, while seeking to minimise the impact to the currently adjoining residential interfaces. The building finishes are of a high quality but will be further investigated through a condition which requires a façade strategy to fully identify all materials and treatments across the building.

The purpose of this 'façade strategy' is to integrate the outcomes sought with regards to glare and wind amelioration, ESD and urban design outcomes into a cohesive package which is able to be endorsed under the permit.

The strategy will ensure that the overarching design intent implemented throughout the planning permit application process is not eroded either through the introduction of additional measures to address the points above or through subsequent amendments to the permit over time.

Amenity

Wind Comfort

A wind tunnel study has been conducted by MEL Consultants on a 1/400 scale model of the proposed development at 12-22 Wellington Road. The study has been reviewed against both existing and proposed configurations for the site and surrounds and peer reviewed (at council's request) by Vipac who have concluded that the report has been prepared to the appropriate scientific standard.

In summary, the following results have been identified when tested with **wind amelioration mechanisms installed**:

- Sitting comfort within the urban plaza to the Wellington Street building frontage.
- Sitting comfort at the Wellington Road entry.
- Sitting comfort at the public laneway northern entry.
- Walking and standing comfort around the remainder of the urban plaza.
- Walking and standing comfort around the periphery of the site and into the surrounds.
- Walking and standing comfort on the upper level terraces.

These are acceptable wind comfort outcomes for the site and surrounds for both the existing and proposed configuration.

Within the urban plaza, the forecourt on Wellington Road has been proposed with sitting comfort allowing for long-term stationary and passive recreation. Walking and standing comfort has been achieved around the remainder of the urban plaza area allowing for short-term stationary and pedestrian movement.

9.1.4

(cont)

Likewise, sitting comfort has been proposed at each direct point of entry to ensure ease-of-access into the building and to avoid a wind tunnel effect from the street into the lobby entrances. The without prejudice plans submitted on 13/05/2021 reconfigure the northern building entry, with the inclusion of a greater area and opportunity for passive recreation. These are acceptable outcomes for the building entries and urban plaza, with sufficient space being made available for passive recreation and long-term stationary comfort. A final wind report will be required via permit conditions to capture the amended plans, and determine the comfort levels within the expanded northern entry. Sitting comfort will be the preferred comfort criterion, however the condition will include the necessary flexibility if this cannot be achieved in full.

Around the remainder of the building and beyond the site into the public realm, sitting and walking comfort has been achieved ensuring that pedestrians can move through the site and streetscape with ease.

At the upper level terraces, walking and standing comfort has been achieved. This is considered to be acceptable due to the nature of the use (medical suites), where long-term stationary recreation is unlikely to be necessary as compared to a typical residential development.

It is noted that with all wind amelioration mechanisms installed, there would be no unsafe wind conditions present on the site or within the surrounds. Wind amelioration mechanisms include wind screens, building canopies and recessed entries. Additional landscaping within the urban plaza will also contribute to a softening of the wind effect upon maturity.

The design of each wind amelioration mechanism will need to be further investigated through a condition which requires detailed design treatments to be shown, particularly at the ground plane.

Overshadowing

Overshadowing diagrams have been prepared by the applicant at hourly intervals between 9am to 3pm at the September Equinox. The diagrams include the impact from existing buildings as well as the proposed development to allow planning officers to make a complete assessment of the potential impact.

Consideration has been given to shadow impacts to areas identified as public open space within the Structure Plan (Figure 5), streets identified as priority pedestrian corridors within the Structure Plan (Figure 3) and residential interfaces.

Structure Plan and Key Open Spaces

Within the Box Hill Structure Plan (2007), the built form guidelines under Precinct F dictate that buildings should not have a shadow impact to areas defined as 'Key Open Spaces'.

The proposal would result in a shadow impact to an area identified within the Structure Plan as a 'Key Open Space' between the Box Hill TAFE and Poplar Street (in an east-west orientation and to the southern side of the building at No.8 Wellington Road).

Upon review of the overshadowing diagrams, the following impacts to the proposed Key Open Space is identified at 1pm and 2pm where the building will overshadow a portion of the key open space area identified within the Box Hill Structure Plan.

At 1pm and 2pm, the proposed building would result in shadow impacts to a section of the rear Box Hill TAFE carpark at 16 Spring Street, which also serves as a pedestrian thoroughfare between the site and into Poplar Street. This portion of land is identified within the current Structure Plan as a key open space area.

Whilst under the existing conditions, overshadowing will occur to this space as a result of the proposed development beyond the existing shadow impacts, it is considered that this area of open space has already been impacted through the construction of a nine (9) storey

9.1.4 (cont)

apartment building at 8 Wellington Road, and the approval of a 29 storey building at 16 Spring Street where the pedestrian link would be substantially overshadowed between 11-2pm.

As such, any additional impact from the proposed building would be negligible as it would fall well within the shadows of the existing and approved development. Furthermore, these outcomes have been supported by the urban design advice received for the application.



Priority Pedestrian Corridor and Public Realm Amenity

Additional areas identified for protection include the Wellington Road pedestrian network and the courtbowl parklet at its southern end. Wellington Road and the parklet both serve as primary pedestrian corridors within the MAC, serving as major pedestrian thoroughfares.

An established urban design test within the Box Hill MAC is to avoid shadows being cast onto any of these identified spaces between 11am and 2pm at the September Equinox. These are substantiated by the urban design advice received which uses the same measurable standard for overshadowing.

Upon review of the overshadowing diagrams, the following impacts to Wellington Road have been identified at 11am where the proposed development would result in overshadowing to a portion of the eastern side of the Wellington Road footpath and the north-eastern edge of the parklet. No overshadowing would occur to the western side of the road.

A review of the endorsed plans for the existing building at No.8 Wellington Road indicates a similar extent of shadow impact to the eastern side of the road and the north-eastern edge of the parklet at 11am. A comparison between the two buildings is demonstrated below:

9.1.4 (cont)



As demonstrated above, the existing building already has a shadow impact to the eastern side of the footpath and the north-eastern edge of the parklet at 11am. Therefore, any shadowing cast by the proposed building would largely fall within areas already affected by shadowing at this time.

Overall, on the basis that the western side of Wellington Road remains clear from shadow impact at 11am to 2pm, this outcome is therefore acceptable, ensuring that Wellington Road is maintained as a primary pedestrian corridor with excellent solar amenity, encouraging pedestrian movement through the MAC.

Residential Shadowing

Upon review of the shadow diagrams, it is noted that a number residential dwellings will be affected by overshadowing from the proposed building. The following areas impacted are described below:

- 3 Wellington Road – Rear SPOS overshadowed between 9am and 10am,
- 8 Wellington Road – North facing balconies overshadowed between 10am and 2pm.
- 10 Wellington Road – Rear SPOS overshadowed between 11am and 3pm.

Whilst the proposal would not be able to demonstrate strict compliance with the relevant ResCode tests for overshadowing, as described above, the proposed building is located within a MAC setting and identified within the major development precinct within the Structure Plan, encouraging an intensity of building form.

As such, the expectation of amenity must be balanced with the increased density being achieved and anticipated in line with the strategic direction for this area. In this instance, the areas of SPOS identified will still receive solar access during the day, and on balance this is considered an acceptable outcome when considered with the strategic intent for the site. This is also further supported by the urban design advice received.

Visual Bulk

The proposed development maintains direct interfaces with residential land to the north, south, east and west. These have been clearly detailed within the application materials. The design response has been carefully considered to ensure that the proposal would not result in unacceptable visual bulk and massing through the provision of acceptable side and rear setbacks, physical rebates and a mixture of materiality and architectural detailing. This is further detailed within the built form assessment above and further supported by the urban design advice received for the application

9.1.4

(cont)

Parking and Traffic

Car Parking and Layout

Parking Analysis

As described above, a total reduction of 782 car parking spaces would be required for the medical centre and food and drink land uses. Council's Transport Engineering department acknowledges the strategic intent to provide less parking on the site, but suggests that the reduction is too substantial without further specific justification.

Planning officers have reviewed the traffic analysis as well as the broader policy framework for the site and wider MAC, and consider the reduction to be acceptable for the land use. This is based primarily on the following factors:

- The use of the land and the type of demand generated;
- The opportunity to provide precinct based car parking within an activity centre; and
- The policy framework for parking within the Box Hill Metropolitan Activity Centre.

Firstly, it is important to recognise that in a scenario where the public parking is not available to patrons of the medical centre, it is considered that the proposed allocation of 250 spaces will still be acceptable for the land use, in light of the large reduction being proposed. This is on the basis that the use have a high turnover rate of vehicles due to the appointment based nature of a medical centre, which will cater for any associated demand.

Further, the use is co-located within the health precinct in proximity to the Epworth and Box Hill Hospital. This maintains opportunities for multi-purpose trips within the precinct and encourages walking between the various medical uses. As specified, there are a number of other public parking areas within the precinct, should there be any need for overflow, with the proposal maintaining excellent pedestrian links for movement between the various sites.

With regards to the land use, and as specified above the proposed medical centre would generate short-stay parking demand for patrons due to the appointment-based nature of the use. As such, parking will be available throughout the day as a result of constant turnover. Whilst practitioners on the site may call for long-term parking, there is a sufficient number of parking spaces available on the site either within the allocated parking bays for the medical centre use, or within the commercial car park that would enable patron parking for any potential overflow. Ultimately, the reduction seeks to suppress parking demand by limiting supply, which is a long-held strategy for lowering parking demand within activity centres. As the site maintains excellent access to public transportation from the centre, as well as excellent pedestrian links and bicycle facilities, any additional demand could be catered for by alternative transport options as well as multi-purpose trips.

Further to the above, Council's adopted Integrated Transport Strategy (ITS) includes principles for consolidated precinct parking, which is further supported within the draft Box Hill MAC analysis report. Specifically, the ITS seeks to relocate and consolidate off-street parking to outer areas within the MAC while still providing gateways into the centre; this would alleviate traffic impacts within the central road network, and improve pedestrian movement through the MAC. The proposal responds to these objectives by providing 195 public car parking spaces within the building, within what is considered the 'health precinct' and co-located within proximity to other public car parking spaces nearby, including:

- The Box Hill Hospital car park;
- The Epworth Eastern car park; and
- 450 Elgar Road car park.

The proposal therefore works in synergy with the existing uses, complementing the availability of services and parking spaces in proximity to each other. This has the potential to allow a significant proportion of trips to be shared across the uses in the precinct, rather than generating additional parking demand on the site.

9.1.4

(cont)

Lastly, the PPF and LPPF both support reduced parking rates within Activity Centres and specifically the Box Hill Metropolitan Activity Centre. Clause 18.02-1S (Sustainable Personal Transport) and Clause 18.02-2S both support the facilitation of alternative modes of transport and the promotion of increased development close to high-quality public transport routes. Clause 18.02-4S (Car Parking) seeks to ensure that there is an adequate supply of parking partly by encouraging the efficient provision of car parking by consolidating car parking facilities.

Within the LPPF, Clause 22.07 (Box Hill Metropolitan Activity Centre) includes objectives which seek to encourage walking, cycling and the uptake of public transport in favour of reduced private vehicle usage as well as managing parking supply to support choice of travel mode, and a balance between access, sustainable transport and land use needs within the Centre. The proposed land use and car parking arrangement is supported by the above policy objectives through the location of the site, its proximity to transportation, the limited parking supply and the quality of bicycle facilities.

With regards to the above, if there are parking deficiencies associated with the primary medical centre land use, there are opportunities for reallocations to occur between the two land uses via amendments to the planning permit to ensure that the demand for the use is met in perpetuity.

Basement Layout

Further to the above, Council's Transport Engineering department raised concern around the proposed pick up/drop off facility. Specifically the concerns are documented as follows:

The proposed pick-up/drop-off facility is not supported and is not considered satisfactory. Vehicles entering the area will alight front seat passengers adjacent to the vehicular access aisle...

A pick-up/drop-off facility catering for a 'state of the art facility' should be designed to be accessible to users and should also be located in an area where it is clearly visible to users. Being located within the car park does not provide this level of service and users will need to rely on the use of wayfinding signage to access the facility.

In response to these concerns, without prejudice basement layout plans were submitted to Council on 14/05/2021 to include a greater 1.5 metre pedestrian buffer in lieu of the previous 700mm to provide greater protection to the passenger side exit.

To further improve the pick-up/drop-off facilities, additional short-term drop-off parking bays to the northern side of the lift core within Basement 01 will be required through permit conditions and a car parking management plan to increase the availability of drop-off bays that would be commensurate to a building of this scale. Overall, with conditions a total of nine (9) drop-off bays will be available within basement 01.

Overall, the changes made within the without prejudice plans, as well as the recommended conditions would seek to provide for greater passenger protection when alighting from a vehicle within the drop off bay, as well as provide a greater number of spaces (including accessible spaces).

Whilst the internal layout of the basement (including directions) remains largely unchanged, on balance with the additional passenger protections and short-term bays, this is considered to improve the safety for future users, and ensure that there is sufficient space available for drop-off / pick-ups. It is also important to note that whilst pick-up/drop-off facilities are necessary, that the overall use is for a medical centre, with specialist services (as described above) and in some respects would function similar to an office (for medical records storage as an example) and therefore be unlikely to require pick up/drop off bays. As such, the facilities provided for pick-up/drop-off as proposed are deemed acceptable for the use as proposed.

9.1.4

(cont)

With regards to the second concern, preference was given to ensuring that the drop-off zone was located within the basement to ensure that the ground floor plane was unencumbered by vehicular access. This would have resulted in a substantial reduction in the area available for the urban plaza, and would have been a poor urban design outcome. On balance, the location within the basement is deemed acceptable.

With regards to other traffic layout standards, the following is noted:

- Ramp grades are satisfactory.
- Width of access ramps are satisfactory for two-way movement.
- Headroom clearance is satisfactory for private and commercial vehicles.
- Clearances to parking spaces are satisfactory.
- Sight-lines will need to be demonstrated on plans.
- Dedicated entry / exit lanes should be provided.

A Car Parking Management Plan will be required as a permit conditions which will resolve matters relating to allocations, wayfinding, signage and the like.

Traffic

The traffic analysis prepared by Traffix Group demonstrates a peak of 245 vehicle movements in each hour. Given the layout of the road network, and consistent with the survey rates, it was assumed that traffic generated by the proposed development will be primarily distributed at the intersection of Wellington Road and Arnold Street.

SIDRA analysis has been undertaken by the applicant to demonstrate the traffic impact of the proposed development, and taken at the nearest intersection of Wellington Road and Arnold Street. The SIDRA analysis demonstrates that there will be no material impact to changes to the operation of the intersection in both am (8am to 9am) and pm (5pm to 6pm) peaks, and that the intersection will continue to operate under 'excellent' conditions.

Further assessment was also carried out for the Elgar Road / Arnold Street and Arnold Street / Nelson Road intersections as requested by Council's Transport Engineering department, both of which demonstrated that the intersections would continue to operate under acceptable conditions post-development.

Whilst further SIDRA analysis was requested by Council's Transport department to be undertaken at Arnold Street and Spring Street, it was not deemed to be necessary given the proposed reduction of parking would ultimately limit the expected demand and peak hour movements from the site. If additional parking was to be proposed under any future amendment, there may be a requirement to conduct further analysis as a result of the net increase in peak hour movements.

Overall, it is considered that the proposal would not result in any unreasonable traffic impact to the site or wider street network based on the Traffix Group findings detailed above.

Bicycle Parking

The application proposes a total of 105 bicycle parking spaces located within end-of-trip facilities which are positioned to the rear of the site. Given that the total number of practitioners is yet to be determined it is unclear whether a reduction of bicycle parking spaces would be required. By approximation, a maximum of 420 practitioners would be required for a reduction to be necessary.

Regardless of the above, 105 spaces is still considered to be a generous offering for the site, improving the uptake of alternative transport to and from the site. Parking options include a mixture of horizontal and vertical spaces for flexibility of use. The bicycle parking spaces are designed in accordance with Clause 52.34, with no concerns raised from Council's Transport Engineering department.

9.1.4

(cont)

The end-of-trip facilities are designed to include all the necessary amenities for staff or visitors, including toilets and showers which are co-located within proximity to the parking areas to improve ease-of-access. The end-of-trip facilities maintain their own separate access from other building services to limit any inappropriate thoroughfare. It is noted that there are no lockers proposed within the end-of-trip facilities. These would be necessary for long-term stay for any staff on the site, and a permit condition will require the provision of lockers located within the end-of-trip facilities to be shown on plans.

The end-of-trip facilities are accessed via an independent pedestrian thoroughfare from Wellington Road, to avoid conflict with any private or commercial vehicles whilst maintaining direct access into the building without any complicated manoeuvring or wayfinding required. As discussed above, the parking management plan required via permit conditions will include signage and wayfinding treatments for the end-of-trip facilities from the street, and internally to the building.

Other matters

The without prejudice plans demonstrate a publically accessible zone around the periphery of the building, which is intended to allow 24/7 pedestrian access between the subject site and street network. In order to guarantee that this zone is used for its intended purpose in perpetuity, an Agreement under Section 173 is considered to be a necessary mechanism to apply to the permit. This would form part of the title, and provide an ongoing obligation to the owner.

In addition, given the length of time the site may sit vacant, planning officers have identified that the site could be used as an area of public open space until such time the development commences. This will ensure that the site maintains an acceptable outcome to the public realm and wider MAC, prior to its construction. In order to ensure this outcome, an Agreement under Section 173 is considered to be a necessary mechanism to apply to the permit. This would form part of the title, and provide an ongoing obligation to the owner.

There is an easement located within the property at 14 Wellington Road spanning from east-to west. A planning permit will be required for the removal of this easement, and must demonstrate that the easement is not required prior to removal with support from the relevant authorities.



CONCLUSION

The proposal for construction of use and development of the land for the purpose of a medical centre, car park and food and drink premises, removal of vegetation and reduction in car parking is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the Planning and Local Planning Policy Framework, the Zone, Overlays and relevant Particular Provisions.

A total of four (4) 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 with a Notice of Decision to be issued, subject to necessary Planning Permit Conditions.

ATTACHMENT

- 1 Advertised Development Plans 
- 2 Amended Development Plan 
- 3 Amended Landscape Plan 
- 4 Amended Basement 01 Plan 

9.1.5 134-136 Station Street, Burwood (LOT 1 LP 78938 51A) Use and development of two (2), two storey rooming houses, removal of trees and buildings and works within 4 metres of trees protected under Significant Landscape Overlay

ATTACHMENT

SUMMARY

This Application was advertised, and a total of 19 objections were received. The objections raised issues with incompatible land use, neighbourhood character, amenity impacts, car parking and traffic, site services and landscaping. 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.

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Barker

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2020/242 for 134-136 Station Street, Burwood 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 two double-storey rooming houses, removal of trees and buildings and works within 4 metres of protected trees 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 134-136 Station Street, Burwood (Lot 1 LP 78938 51A) for the Use and development of two double storey rooming houses, removal of trees and buildings and works within 4 metres of protected trees , subject to the following conditions:*
- 1.** *Before the development starts, or vegetation removed, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn scale, and be generally in accordance with the plans submitted with the Application but modified to show:*
 - a)** *The locations of the Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 5 and 6 to be annotated on the development and landscape plans.*
 - b)** *Amended Landscape Plan showing the following:*
 - i.** *Replacement of Silver Birch with Fuchsia Gum (Eucalyptus forrestiana) or Large Fruited Yellow Gum (Eucalyptus leucoxylon megalocarpa).*
 - ii.** *Replacement of Native Frangipanis with Blueberry Ash (Elaeocarpus reticulatus) or Willow Myrtle (Agonis flexuosa).*
 - iii.** *Replacement of plants along the western boundary with 10 Goodenia ovata, 10 Correa alba, 3 Acacia cognata 'Green Screen', 1 Backhousia citriodora, 2 or 3 Callistemon or 3 or 3 Leptospermum.*
 - iv.** *The placement of the taller and shorter plants should take into account the location of the windows and should be set back further from the boundary with the garden bed made wider in line with the bed of Native Violets.*
 - v.** *The trees, at their maturity, would not overhang more than 25% of its mature canopy into adjoining properties.*

9.1.5

(cont)

- c) The location of all service trenches to serve the buildings (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) and the locations of protected trees within 4 metres of these trenches (if any). The service trenches must be located and dug (including boring or hand digging) to ensure that protected trees are not damaged, to the satisfaction of the Responsible Authority.*
- d) Removal of existing timber fencing and details of any new fencing proposed. The front fence to Station Street must not exceed 1.8m in height, and the fence to Farleigh Avenue must not exceed 1.2 metres in height.*
- e) The provision of a 6 cubic metre externally located storage shed for each rooming house.*
- f) Each unit to be provided with an evaporative cooler system.*
- g) The driveway gradients must demonstrate compliance with AS 2890.1 = 2.4.6 Gradients within Parking Modules.*
- h) The external garage doors for each dwelling must open outwards and away from the internal dimensions.*
- i) Any changes required to the plans arising from the recommendations or implementation of the Access Audit, including recommendations contained within Section 6 of the report, prepared by Melbourne Access Audits, dated 25 July 2020.*
- j) The cladding colours and materials schedule updated to indicate that all obscured glazing be manufactured obscured glass.*

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

- 2. The use of the land and the layout of the site, and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*

Landscaping and Tree Protection

- 3. Prior to the occupation of the approved buildings, landscaping and tree planting must be undertaken in accordance with the endorsed landscape plan that forms part of this permit, to the satisfaction of the Responsible Authority.*
- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. Prior to commencement of any building or demolition works on the land, Tree Protection Zones (TPZs) must be established on the subject site and nature strip and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
 - a) Tree Protection Zone distances:*
 - i. Tree 1 (Waterhousia floribunda) – 6.2 metre radius from the centre of the tree base.*
 - ii. Tree 2 (Araucaria heterophylla) – 2.5 metre radius from the centre of the tree base.*

9.1.5
(cont)

- 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.**
- 6. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**

 - a) For Trees 1 and 2, no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.**
 - 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 (which includes trenching and site scrapes) within greater than 10% of the TPZs of Trees 1 and 2.**
 - c) No trenching is allowed within the TPZs of Trees 1 and 2 for the installation of utility services. All utility services must be bored to a depth of 600mm below natural ground level where within the TPZs of these trees and the entering points for the boring works must be outside the TPZs.**
 - d) The builder / site manager must ensure the TPZ Fencing Conditions and the Tree Protection Conditions for Trees 1 and 2 are being adhered to throughout the entire building process, including site demolition, levelling, and landscape works.**

Construction Management Plan

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

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

9.1.5

(cont)

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

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

Site Use and Operation

- 8. The recommendations of the Access Audit, prepared by Melbourne Access Audits, dated 25 July 2020 must be implemented to the satisfaction of the Responsible Authority. No alterations to the Access Audit may occur without the written consent of the Responsible Authority.*
- 9. The recommendations of the Rooming House Management Plan, prepared by IVY Architects, dated August 2020 must be implemented to the satisfaction of the Responsible Authority.*
- 10. No more than 22 persons, comprising one person per bedroom, may be accommodated on the site at any one time.*
- 11. The car spaces within the garages must not be allocated to specific rooms, so that they can be utilised on a 'first come, first served' basis to the satisfaction of the Responsible Authority.*
- 12. For so long as these premises operate as rooming houses, they must be owned and managed by an experienced operator, to the satisfaction of the Responsible Authority.*
- 13. Prior to the occupation of the rooming houses, a site manager must be appointed.*
- 14. Within one month of the commencement of the Use, the owner/managers of each rooming house must set up a management plan/ charter for the site and this must be clearly displayed in prominent locations within the buildings for residents to clearly read.*
- 15. The development must be provided with external lighting capable of illuminating access to each garage. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
- 16. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*
- 17. Evaporative cooler systems must comply with EPA Guidelines and must be installed in a way so as not to cause nuisance / noise to neighbouring properties.*

Asset Engineering

- 18. All stormwater drains 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.*
- 19. 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.*

9.1.5

(cont)

- 20. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 21. 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.**
- 22. 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.**
- 23. 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.**

Waste Management Plan

- 24. The approved WMP will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.**
- 25. Any MGB placements proposed on Station Street and Fairleigh Avenue for on-street bin collection service must not cause any obstruction to any infrastructure or cause any danger to traffic/pedestrians. Bins are not to be placed within 1 metre of any infrastructure and are to have a height clearance of 4 metres for collection.**
- 26. If the criteria for the on-street bin collection services is unable to be met and the service is rendered inoperable, then the waste collection service will revert to an external Private waste collection service AND an amended WMP must be resubmitted to Council for approval.**
- 27. Waste collections for this development are to be completed externally by Council's waste collection contractor.**
- 28. Council issued bins will be required for this development.**
- 29. MGB usage is to be shared by the occupiers of the development.**

Expiry

- 30. 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 is not commenced within two (2) years 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.

9.1.5

(cont)

Permit Notes:

- A. No occupants are to reside in the property until the proprietor or managing person has been given approval under the Public Health and Wellbeing Act 2008.**
- B. The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.**
- C. The lot/unit numbers on the “Endorsed Plan” are not to be used as the official street address of the property. All street addressing enquiries can be made by contacting the Property Team on 9262 6470.**

Asset Engineering:

- D. 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.**
- 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. There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.**
- G. Floor levels need to be amended if vehicle access to the garage cannot be achieved. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890.1:2004)**
- H. Planning Permit is required for any works (including any excavation) near significant trees. Please contact Council Planning Department on 9262 6303 for information.**

Waste Management

- I. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.**
- J. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor**

- C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61**

CARRIED

A Division was called.

Division

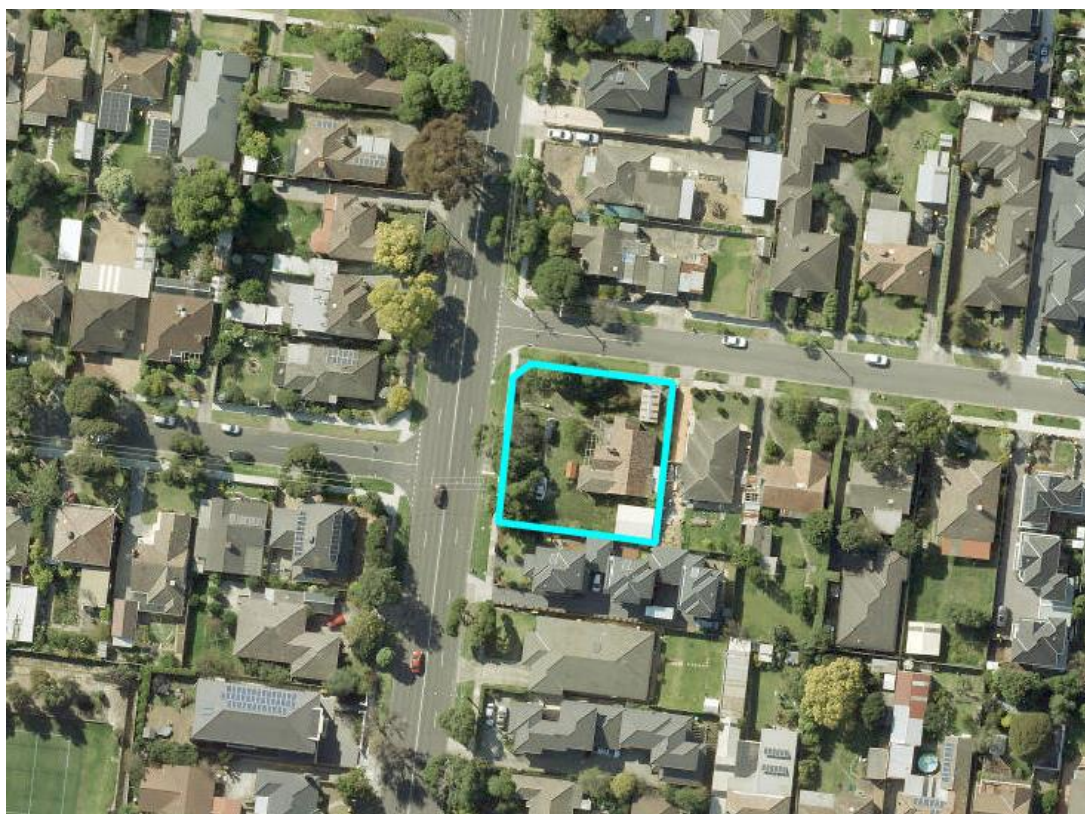
For	Against
Cr Barker	Cr Davenport
Cr Carr	Cr Liu
Cr Cutts	Cr Stennett
Cr Lane	
Cr Massoud	
Cr McNeill	
Cr Munroe	
Cr Skilbeck	

On the results of the Division the motion was declared CARRIED

9.1.5
(cont)

MELWAYS REFERENCE 61 C5

Applicant:	Mr A DiNicolantino
Zoning:	General Residential Zone, Schedule 3 (GRZ3)
Overlays:	Significant Landscape Overlay, Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.09	General Residential Zone Schedule 3
Clause 42.03	Significant Landscape Overlay Schedule 9
Clause 52.06	Car Parking
Clause 52.23	Rooming House
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Wattle



Subject site and surrounding area

9.1.5

(cont)

BACKGROUND

History

Planning Permit application WH/2016/201 sought approval for the construction of six double storey dwellings with basement car parking and alteration of accessway to a Road Zone Category 1. This application was refused with this decision upheld by VCAT.

Planning Permit WH/2018/537 was issued for the development of four double storey dwellings and vegetation removal. The permit was issued on 12 March 2019. The permit is current.

The Site and Surrounds

The subject site is located at the south-east intersection of Station Street and Farleigh Avenue. The site is square in shape with a frontage of 29.26 metres to Farleigh Avenue and a frontage of 29.57 metres to Station Street with an overall site area of 1,048.9 square metres.

The site contains a single storey brick dwelling with a pitched tiled roof. A vehicle crossover is located in the north-east corner and provides access to a single-width garage. Horizontal timber fencing (approximately 1.8m high) exists across both street frontages. The site has a fall of approximately 3.05 metres falling from the south-east corner (75.23AHD) to the north-west corner (72.18 AHD).

The site contains a number of trees, with the arborist report, prepared for the application, by PSY Inv P/L, identifying 15 trees within the subject site. Trees 1, 2, 6 and 8 are protected under the Significant Landscape Overlay, Schedule 9. A table summarising the affected trees on the subject site is included under the 'Planning Controls' heading below.

The site is located within a residential area. Within the immediate context the following is noted:

- To the east, at 2A Farleigh Avenue, contains a single storey brick dwelling with a tiled pitched roof. The dwelling is setback 6.8 metres to Farleigh Avenue and 4.2 metres to the common boundary with the subject site. A carport and garage, located to the rear of the dwelling, are adjacent to the common boundary with the subject site.
- To the south, at 132 Station Street, is a medium density housing development comprising three double storey dwellings. The front dwelling is setback 9 metres to Station Street. The garages to the dwellings are attached to the common boundary with the subject site.

Station Street is classed as a Road Zone Category 1 under the Whitehorse Planning Scheme. It carries bus route 732 and has a bus stop adjacent to the subject site. The subject site is within close proximity to Deakin University, Bennetswood Neighbourhood Activity Centre and the Burwood Heights Activity Centre. The role the activity centres is to accommodate a mix of uses that responds to the needs of the local community.

Planning Controls

A rooming house is defined as, '*Land used for a rooming house as defined in the Residential Tenancies Act, 1997*'. Under the *Residential Tenancies Act, 1997*, a rooming house means a building in which there is one or more rooms available for occupancy of payment of rent:

- a) *In which the total number of people who may occupy those rooms is not less than 4; or*
- b) *In respect of which a declaration under section 19 is in force.*

Pursuant to Clause 73.03 Land Use Terms, a rooming house is nested under 'Residential Building'.

9.1.5

(cont)

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

General Residential Zone Schedule 3

Accommodation is a Section 1 Use under the GRZ, providing the use meets the requirements of Clause 52.23 (Rooming House). The proposal does not meet these requirements and therefore the use triggers the need for a planning permit. The development of the land for this purpose also triggers the need for a permit.

Under Clause 32.08-4 (GRZ3), an application to construct a residential building on a lot must provide a minimum garden area of 35% (as the lot is greater than 650 square metres). The garden area is 498.5 square metres or 47.5%.

Significant Landscape Overlay, Schedule 9

Pursuant to Clause 42.03-2 (SLO9) a planning permit is required for the removal or lopping of protected trees and/or for building and works within 4 metres of protected trees.

The application seeks to removal trees 6 and 8 located within the subject site, as follows:

Tree removal

Tree No.	Species	Common Name	Height	Applicant's Arborist Comments
6	<i>Cinnamomum camphora</i>	Camphor Laurel	5m	Very poor health – tree canopy deteriorated with very thin sparse dieback – 90% dead
8	<i>Melaleuca styphelioides</i>	Prickly Leaf Paperbark	11m	Native greenery tree with a medium useful life expectancy.

Trees 1 (*Waterhousia floribunda* – Weeping Lilly Pilly) and 2 (*Araucaria heterophylla* – Norfolk Island Pine) are protected species. These trees are to be retained (located in the south-west corner). No buildings or works occur within 4 metres of these trees.

Particular Provisions

Pursuant to Clause 52.23 (Rooming House), the proposed development requires a permit for both the use and buildings and works for rooming houses as:

- More than nine bedrooms are proposed (11 bedrooms are proposed for each Rooming House);
- The total floor area of the proposal exceeds 300 square metres (397 square metres for dwelling 1 and 391 square metres for dwelling 2); and
- More than 12 persons are proposed to be accommodated.

ResCode

Clause 55 applies to 'Two or more dwellings on a lot and Residential Buildings'.

9.1.5

(cont)

PROPOSAL

The application proposes the development of two double storey residential buildings to be used for the purpose of rooming houses. The key features of the proposal include:

Use:

- The applicant has provided the following information in respect to the operation of the rooming house:
 - The number of people to be accommodated will be one per bedroom, equalling 11 people per rooming house.
 - A total number of 22 bedrooms.
 - A private organisation will operate the rooming houses.
 - The accommodation is to provide housing for predominantly low income earners and welfare recipients.
 - In general, the length of stay will be for either 6 or 12 months with renewal options for a further 6 or 12 months block.
 - A site manager will be appointed upon the issue of the occupancy certificate.

Development:

- The two buildings are orientated towards Farleigh Avenue and have an internal separation of between 1 and 4.5 metres.
- The buildings are setback approximately 6.8 metres to Farleigh Avenue; a minimum of 3 metres to Station Street and 6 metres to the south boundary. The upper levels are recessed from the ground floor below with a setback of approximately 7.2 metres to Farleigh Avenue and 3.7 metres to Station Street.
- Vehicle access is via a shared crossover (6.8 metres in width) to individual driveways (separated by 1 metre) to double-width garages for each Rooming House.
- It is proposed to cut into the topography to the east and south elevations which is to be supported by a retaining wall (varying heights up to 1.2 metres).
- The ground floor layout to each rooming house provides for an open plan kitchen, dining and living area, four bedrooms (each with ensuite) and laundry facilities.
- The first floor layout to each rooming house provides for seven bedrooms (each with ensuite).
- The areas of secluded private open space are within the southern setback for both houses. The area for building 1 is 62.9 square metres and the area for building 2 is 98.8 square metres both with a minimum dimension of 5 metres.
- Located between the dwellings are two, 2,500lt water tanks, rubbish bins and space for the parking of two bicycles.
- External materials comprise a mix of face brickwork at ground level, render finish at upper levels and feature architectural columns to the front elevation. The roof forms at ground and upper level are hipped with tile cladding.
- The maximum height of the development is 7.78 metres.

9.1.5

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the Station Street frontage and Farleigh Avenue frontage. Following the advertising period 19 objections were received.

The issues raised are summarised as follows:

- Neighbourhood Character
- Use
 - Incompatible land use / commercial development
- Amenity impacts
 - Overshadowing
 - Overlooking / privacy
 - Noise
 - Safety issues
 - Loss of community amenity
- Vegetation
 - Loss of vegetation
 - Insufficient garden area and landscaping opportunities
- Car Parking
 - Insufficient on site car parking
 - Traffic congestion
- Site Services
 - Building compliance
 - Waste management
 - Strain on infrastructure
- Non-planning matters
 - Setting a precedent

Consultation Forum

A Consultation Forum was held via zoom on 28 January 2021, chaired by Councillor Andrew Davenport. The planning officer, applicant and 8 objectors attended the meeting.

The issues raised in the objections were discussed at the forum, with objectors expressing their concerns with the proposal. The applicant was offered the option to respond to the issues raised, however no further changes have been made to the proposal so no consensus has been reached.

Referrals

External

- VicRoads

The Head, Transport for Victoria has considered the application and does not object to the granting of a permit. No conditions are required.

Internal

Waste Management

The application has been reviewed by Council's Waste Management Team. The Waste Management Plan is approved subject to conditions and notes included within the permit.

9.1.5

(cont)

Assets Engineer

The application has been reviewed by Council's Asset Engineer. The application is supported subject to standard conditions and notes included within the permit.

Transport Engineer

The application has been reviewed by Council's Traffic and Transport Team. The application is supported subject to conditions placed on the permit.

Planning Arborist

The application has been reviewed by Council's Planning Arborist. The removal of tree 6 and tree 8 is supported given trees 1 and 2 are to be retained. There are no trees on the adjoining properties that will be impacted by the proposal.

Subject to tree protection measures, the proposal is supported subject to conditions placed on the permit.

DISCUSSION

The key issues for consideration, and those which have been raised within objections can be grouped as follows:

- Compliance with the Planning Scheme controls
- Land Use in a residential context, including concerns related to safety, loss of amenity, and need for this type of use
- Neighbourhood Character
- Built form in the context of a residential setting.

These issues are addressed below.

Use for Rooming Houses

A rooming house is a specifically defined use that is distinct from a dwelling (which may be rented as a whole to one or several people), and also from student accommodation, (which is restricted to occupancy by students only). A rooming house is specifically defined as the provision of rental occupation, by the room, but without restriction on the type of people who can be accommodated (ie not just students). As such, Council's Student Accommodation Policy does not apply to this application.

Planning Scheme Compliance

Under Clause 32.09-2 a rooming house is a Section 1 use provided it meets the requirements of Clause 52.23-2 (Rooming House provisions). As stated above, these requirements are not met, therefore a permit is required for the proposed rooming house use.

Clause 32.09-6 of the Scheme requires the assessment of various residential applications including those for residential buildings, against Clause 55. Assessment against the relevant standards and objectives of Clause 55 can be tempered in their consideration given the communal nature of the housing, and that it is a different form of residential housing. This will subsequently form the basis of determining whether the proposal is an appropriate outcome.

General guidance to the exercise of discretion under the Planning Scheme is provided by Clause 65. It provides that consideration is to be given to various matters including the Planning Policy and Local Planning Policy Framework, the orderly planning of the area, the purpose of the zone, overlay or other control, and the effect of the proposal on the amenity of the neighbourhood.

9.1.5

(cont)

The relevant provisions of the LPPF, include Clause 21.06 that sets out Councils strategic planning objectives for 'Housing'. Under Clause 21.06-2, the Vision' in the City is:

- *To ensure that housing in the City of Whitehorse meets residents' needs in terms of location, diversity, sustainability, accessibility, affordability and good design. There are a number of key challenges facing the City of Whitehorse in relation to housing.*

These challenges are (where applicable to the application):

- *Accommodating an additional 12,997 dwellings to house the projected population growth in the City to 2036.*
- *Ensuring established residential areas continue to play an important role in providing additional housing.*
- *A higher demand for private rental housing, a proportion of which will need to be affordable to low-income tenants.*
- *A higher proportion of lone person households may require smaller housing types including town houses, units and apartments. However in some instances, these housing types are more costly to buy or rent than older housing stock, and can contribute to housing affordability problems.*

Clause 21.06-4 deals with Housing Diversity. The key issues (applicable to this application) include:

- *Meeting the continuing high demand for private rental accommodation, which puts pressure on housing affordability.*
- *Encouraging a broader range of housing types to meet the differing needs of the future population through the lifecycle.*

Clause 21.06-5 deals with Housing Affordability. The key issue and subsequent objectives (applicable to this application) includes:

- *Meeting an increasing demand for more affordable housing across the municipality.*
- *To increase the supply and distribution of affordable housing in the City of Whitehorse.*
- *To reduce housing stress in the City of Whitehorse.*

Amongst other policy objectives within the Planning Scheme, there is an emphasis on ensuring an adequate provision of alternative and affordable accommodation to low-income persons. On this basis, the proposal meets policy objectives and demand and is a suitable use within the area.

Is the Land Use Appropriate?

The Victorian Government's housing strategy *Homes for Victorian (2017)* outlines initiatives to increase and renew social housing stock, including rooming houses. In order to implement these initiatives, Amendment C152 to the Planning Schemes gives effect to the strategies in Clause 16.01-1S (Integrated housing), Clause 16.01-4S (Housing affordability) of the Planning Policy Framework (PPF) by supporting the supply of social housing and affordable housing. Accordingly, a rooming house is a Section 1 use provided it meets the requirements of Clause 52.23.2.

Conditions of any permit issued can include requirements that relate to the management of the use to minimise off-site amenity impacts. This can include ways in which to manage concerns about waste collection (via a implementation of the waste management plan), methods to control development impacts (via a construction management plan), a limitation on the number of occupants at any one time to one per bedroom (total of 22 residents), and for the use of the two rooming houses to be managed by a site manager. These types of conditions can provide a level of expectation to the operators of the rooming houses, as well as to objectors, as to how the site is to be used and maintained.

9.1.5

(cont)

Further to this, the application was accompanied by a Rooming House Management Plan (IVY Architects, dated August 2020). The plan addresses other matters such as behaviour of residents, limitation on visitors, procedures for dealing with complaints and information regarding access to public transport which is intended to reduce the reliance on private vehicles.

On the matter of undesirable safety issues, it is noted that this was a concern for many residents. The Planning Scheme sets out how land is to be used and developed, and whilst not 'traditional' single dwelling accommodation, it is not the role of the planning scheme to make judgements on perceived behaviour issues associated with non-traditional accommodation offerings. It is however recognised that there will be more people housed on this site than would ordinarily be the case for two dwellings, and the Rooming House Management Plan has been provided to manage this.

Residential Character

The subject site is located within the Garden Suburban Precinct 4 area under Clause 22.03 (Residential Development). The preferred character statement includes (as relevant):

The area will retain its classic garden suburban characteristics of modest, pitched roof dwellings in formal garden settings. The defined pattern of regular front setbacks and side setbacks from both side boundaries will be maintained, allowing sufficient space for planting and growth of new vegetation. Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens.

Properties abutting or situated close to Gardiner's Creek will contain substantial vegetation, and development will be sited so that the overall visibility of buildings is minimised when viewed from the creek corridor.

Areas with good access to trams and shops will accommodate more dwellings, including well designed medium density housing, with slightly more compact siting than the remaining residential areas, but with space for large trees and gardens.

The subject site is also included within the Significant Landscape Overlay Schedule 9. The 'statement of nature and key elements of landscape' recognise that trees are significant to the landscape character of Whitehorse and the tree cover simultaneously delivers multiple benefits to the community, including defining neighbourhood character, providing visual amenity, providing habitat for fauna and increasing the liveability of neighbourhoods. The landscape character objective and the decision guidelines can be summarised as retaining trees that are significant and allowing sufficient space for offset planting for indigenous or native trees that can grow to a mature height.

The proposal balances the urban consolidation outcomes and housing objectives of the Planning Policy Framework with the preferred built form, character and landscape outcomes in the objectives and decision guidelines of the General Residential Zone Schedule 3, the Significant Landscape Overlay Schedule 9, Clause 22.03 (Residential Development) and Clause 22.04 (Tree Conservation), as outlined below.

The character of Station Street and Farleigh Avenue comprises a mix of original housing stock, older style infill development and a number of new contemporary medium density developments. New development is often double-storey in scale and prominent in built form. Nearby examples include three double storey dwellings immediately to the south, two double storey dwellings at 128 Station Street and three recently completed dwellings at 8 Farleigh Avenue. Given the established neighbourhood context, the site is capable of supporting two double storey dwelling forms, as they will reflect similar scale and proportions of nearby multi dwelling developments.

The Precinct Guidelines identify front setbacks within the Precinct 'as generally 3 to 7 metres, with 1-2 metre side setbacks from at least one side boundary with new developments generally having smaller front and side setbacks usually displaying reduced front setbacks'.

9.1.5

(cont)

The proposed development orientates itself to Farleigh Avenue and proposes a setback of 6.8 metres with minimum side setback of 3 metres to Station Street. The minimum side setback to the east is 1.19 metres and to the south, a generous setback of 6 metres is achieved. These front and side setbacks maintain and reinforce the rhythm of space between and around buildings and the alignment of buildings along the street.

The upper levels also enjoy generous setbacks to front, side and rear boundaries and provide a reasonable level of internal separation between 4.5 and 6.2 metres. The upper levels are recessed from the ground floor below and with varying materials and hipped roof forms, assist with reducing the perception of visual bulk.

The Precinct Guidelines encourage the provision of a single vehicle crossover as a means of *minimising car accommodation visible to the streetscape*. The development provides for a double-width crossover and detached driveways fronting Farleigh Avenue. The width of the crossover equates to 23.5% of the site's frontage, which meets the numerical requirement under Standard B14 (Access objective). The garages are centralised within the development and setback from the front façade to reduce their dominance to the streetscape. The driveways have an internal separation of 1 metres to provide for some landscaping to visually soften their appearance.

The development proposes a site coverage of 44.2% and a permeable area of 43.6%, in compliance with Standards B8 and B9 of Clause 55, as varied by the Schedule to the Zone. This demonstrates the ability to meet a preferred character and respond to the features of the site.

The 7.78 metre maximum height of the proposed development is below the mandatory height limit identified within the General Residential Zone, Schedule 3 and Standard B7 (Building height). The proposed cut into the natural topography will lower the profile of the buildings as viewed from the adjoining lots to the east and south. This contributes to the rooming houses maintaining an inconspicuous profile within the setting.

Existing fencing across both streetscapes consists of 1.8m high horizontal timber boards. This fencing is unsightly and the plans do not indicate whether the fencing is to be retained or whether new fencing is proposed. It is not an unreasonable proposition that new fencing to Station Street be 1.8m in height however new fencing to Farleigh Avenue should be no greater than 1.2 metres in height. This outcome is consistent with Standard B32, as varied by the Schedule to the zone. This outcome will be addressed via a condition of the permit.

Overall, the buildings have been designed to reflect the built form and massing of other more recent multi dwelling development, and are an appropriate addition in this context.

Amenity

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

Standard B17 (Side and Rear Setbacks) seeks to ensure that the height and setback of a building respects the existing character and limits the impact on the amenity of existing dwellings. The ground level and upper level setbacks meet the required setbacks and prevent excessive bulk or amenity impacts.

On site amenity

Clause 55.05 sets out a number of objectives and standards that ensure for a strong level of on-site amenity.

9.1.5

(cont)

Standard B25 (Accessibility) encourages the consideration of the needs of people with limited mobility. The application was accompanied by an Access Audit Report (Melbourne Access Audits, 25 July 2020). The access report identifies the design is at a point where the inherent BCA philosophies have been checked and development consent can be sought. The finer details with respect to BCA compliance are noted within Section 6 of the report. This includes matters of internal stairs, accessible car parking space and location of facilities within each accessible bathroom. It is recommended that changes be addressed via a condition of the permit.

The areas of secluded private open space are 62.9 square metres to house 1 and 98.8 square metres to house 2. Each area has a minimum dimension of 5 metres. These areas are directly accessible from the living area and meet Standard B28 (Private Open Space).

The proposed rooming houses enjoy daylight to new windows in accordance with Standard B27 (Daylight to New Windows) and each house can be provided with 6m³ of accessible and secure storage (addressed via a condition of the permit).

Standard B34 (Site services) encourages bin and recycling enclosures to be adequate in size, durable and to blend in with the development. The management of waste was an issue raised within objections. The Waste Management Plan, prepared by KD Development, provides an assessment of the types of waste generated, bin types and location of waste storage. This includes 2 x 240L garbage bins, 4 x 240L recycle bins and 1 x 240L food and waste bin. There is an accessible path for the bins to be transferred to the street. Hard waste can be collected twice a year through a Council service.

It has been demonstrated that the proposal provides for sufficient on site amenity and management of waste.

Landscaping

The proposal requires the removal of two protected trees (Trees 6 and 8), both of which have a 'low' retention value, and their removal was supported by Council's Arborist. The proposal retains trees 1 (*Waterhousia floribunda*) and 2 (*Araucaria heterophylla*) in the south-west corner with remaining trees on site either environmental weeds or 2-3 metres in height and therefore not triggering consideration under the SLO9. The landscape plan demonstrates capacity for new tree planting including two *Tristaniopsis laurina* (Luscious WaterGum) within the front setback and one *Ulmus parvifolia* (Chinese Elm) trees within each area of secluded private open space. In addition, a further 10 large shrubs, 63 medium shrubs and 167 low shrubs, ground covers and grasses are proposed to provide a complete landscape scheme. The strong level of replanting will enhance the landscape character and meet the objectives of the Significant Landscape Overlay Schedule 9.

Car parking

Objectors have raised concern with the lack of on-site car parking, increase in on street parking demand and subsequent traffic impacts.

Table 1 to Clause 52.06-5 requires one car space to each four bedrooms for a rooming house. The proposal provides for 11 bedrooms per building which equates to two 2 spaces. The proposal provides for a double-width garage for each building with capacity within each driveway for a further vehicle, and is therefore compliant with the planning scheme.

The car spaces to each rooming house are independently accessible and will not be allocated, so that they can be utilised on a 'first come, first served' basis, which will minimise the reliance on on-street car parking for residents.

The application has been reviewed by Council's Traffic and Transport Team. The following is a summary of advice:

- There is wno objection to the widening of the existing vehicle crossing in Fairleigh Avenue to provide vehicular access to both buildings.

9.1.5

(cont)

- Access to and from the eastern garage car space of dwelling 1 and the western garage space of dwelling 2 is satisfactory.
- The reverse manoeuvres from the western garage car space of dwelling 1 and the eastern car space of dwelling 2 is tight although achievable with careful manoeuvring.
- The driveway gradients are unclear and will need to comply with AS2890.2 – 2.4.6 Gradients within Parking Modules.
- The external garage doors for each dwelling must not open into the garage.

The proposal will provide compliant car parking on site and will not result in excessive traffic impacts within the street or wider street network. The minor changes will be addressed via conditions of the permit.

Objectors' concerns

The objectors have raised the following concerns, many of which are addressed in more detail in the above 'assessment' section of the report.

Neighbourhood Character

Objectors have raised concerns with regard to the proposed use being out of character with the existing neighbourhood character and setting a precedent for future development. As previously discussed, the proposed use is an accepted use for the zone, whilst the built form and siting demonstrates high level of Clause 55 compliance, and is of a similar scale to newer residential development within the immediate area.

It is noted that all planning applications are assessed on a site by site basis therefore the issue of precedent is not able to be considered as part of the assessment.

Tree Impact and lack of landscaping opportunity

Objectors have raised concerns with regard to the lack of landscaping throughout the proposed development. As previously discussed, the site plans include two canopy trees per dwelling within the site. These canopy trees will be required to be located within landscaped garden beds via a permit condition. A landscape plan undertaken by a qualified landscape architect has also been submitted, which indicates formal landscaping throughout the site. This will be required to be installed prior to occupation of the buildings and maintained to the satisfaction of the Responsible Authority, for the life of the development, as per permit condition requirements.

Strain on Infrastructure

Council's Assets Team have reviewed the proposal and have not identified any concern with the new development placing any pressure on Council's infrastructure services.

CONCLUSION

The proposal for the use and development of the land for two rooming houses, removal of protected trees and buildings and works within 4m of protected trees, is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone, Schedule 3 and the objectives and decision guidelines of the Significant Landscape Overlay, Schedule 9.

A total of 19 objections were received as a result of public notice and all of the issues raised have been discussed in the assessment section of this report.

It is considered that the application should be approved, subject to conditional changes as discussed in this report.

ATTACHMENT

- 1 Advertised Plans .

Attendance

Cr Barker left the Chambers at 8:24pm, returning at 8:26pm

9.1.6 Response to Councillor Motion: VicSmart Applications for Tree Removal

SUMMARY

The VicSmart planning permit application process is a streamlined planning permit assessment process for straightforward applications which are determined within 10 business days. Under the VicSmart process, a council may specify local classes of VicSmart applications for any class of application in a zone, overlay or particular provision.

This report examines the types of VicSmart applications that Council receives, in particular, where multiple VicSmart applications have been sought to remove more than one tree on a property and recommends that Council write to the Minister for Planning seeking changes to the VicSmart planning provisions.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Massoud

That Council:

- 1. Note this report providing examples of multiple VicSmart applications for tree removal on individual properties.***
- 2. Write to the Minister for Planning, copying in all local members of State Parliament, seeking an amendment to the VicSmart planning provisions to prohibit the application of more than one VicSmart application for tree removal per property per calendar year.***

CARRIED UNANIMOUSLY

BACKGROUND

At the meeting of 24 August 2020, a Councillor Motion was passed that sought a report on “recent VicSmart planning applications for tree removal, and outlines the process for assessing this type of VicSmart application, particularly investigating:

- Examples where multiple VicSmart applications have occurred for the same property.
- Any issues and concerns arising from this analysis.
- Recommendations for Council to address any issues which are identified”

DISCUSSION

VicSmart

The Minister for Planning introduced the VicSmart planning permit application process in September 2014 through Amendment VC114. The VicSmart process was expanded in March 2017 by Amendment VC135, in July 2017 by Amendment VC137 and further minor modifications were made in January 2018. The VicSmart provisions were restructured in July 2018.

VicSmart is intended to be a streamlined planning permit assessment process for straightforward applications which are determined within 10 business days, with no public notice period. Classes of applications which are identified in the planning scheme as being VicSmart have specific requirements for information, assessment processes and decision guidelines. Zones, overlays, particular provisions, clause 59 and clause 71.06 in the Planning Scheme set out the VicSmart application process.

9.1.6

(cont)

Multiple VicSmart applications

Currently, the removal, destruction or lopping of **one** tree is listed in Clause 59 as a VicSmart application class. Council is aware that some landowners apply for multiple VicSmart applications to remove more than one tree on a property. The data recorded by Council indicates that anywhere from one to six multiple applications for a single property have been lodged with Council, however the most common multiple applications are for the removal of two trees on the one property.

In 2020 there were 315 VicSmart applications for tree removal, out of a total of 540 VicSmart applications lodged with council. Of these, there were 83 applications that were part of multiple VicSmart applications for tree removal on the one property i.e. 83 of the 315 or 26% were for more than one tree on the same property.

These ranged from groups of 2 applications, to groups of 6 applications on the one site. Examples include:

- 6 trees on a property in Blackburn South
- 5 trees on a property in Burwood
- 5 trees on a property in Vermont
- 4 trees on a property in Box Hill
- 3 trees on a property in Vermont South

Analysis of issues

The most common examples where more than one tree has been sought for removal through multiple VicSmart applications are where land owners are seeking certainty around timeframes for a decision on their application as VicSmart applications are determined within 10 business days.

In some cases there is a financial benefit of a 'cheaper' application cost; that being the cost of a VicSmart application for tree removal is \$199.90 (for works with a cost of less than \$10,000) or \$429.50 (for works with a cost of greater than \$10,000), compared to a standard (non VicSmart) application fee which has a sliding scale of fees dependent upon the cost of works to be undertaken; \$199.90 for works with a cost of less than \$10,000, \$629.40 for works between \$10,001 and \$100,000 and \$1,288.50 for works between \$100,001 and \$500,000.

'Benefit' to a land owner can also be derived from multiple VicSmart applications where applications for tree removal can be considered through a VicSmart process, which delivers certainty around timeframes, allowing for any other associated works to be 'split' out and sought through a standard planning application. Officers believe that multiple tree removal applications should be considered as part of the overall development through a standard planning permit application process.

Other examples where multiple VicSmart applications have been sought is where a stand/group of trees exists on a property, and an application for removal of the entire stand of trees is made. Notwithstanding costs and timeframe advantages referenced above, individual applications for tree removal mean, if not all of the stand of trees is permitted for removal, it does not result in refusal of an entire application, which is the case if the application were made through a standard application process.

9.1.6

(cont)

While some examples of multiple applications are considered to be for legitimate reasons, there are nonetheless examples where a land owner seeks to 'circumvent' the system by applying for multiple VicSmart tree removal applications. Not only is this approach advantageous for the applicant from a timeframe perspective, it also avoids the need for advertising and any possible objections to the permit application, thus avoiding the 'third party appeal' opportunity by neighbours or the nearby community. This has caused significant concern in the community, particularly in areas of Blackburn included in Schedule 1 and Schedule 2 of the Significant Landscape Overlay. It is the current drafting of the state-wide VicSmart provisions that is enabling this to occur as the consideration for the cumulative impact of tree removal on a site is within the 'decision guidelines' rather than vetoed through a trigger mechanism at lodgement.

Recommendations

Given the state VicSmart provisions are causing concern, it is recommended that Council write to the Minister for Planning seeking a state-wide amendment to the VicSmart planning provisions to prohibit the application of more than 1 VicSmart application for tree removal per property per calendar year. This would be easily manageable by Councils.

CONSULTATION

Council has previously undertaken consultation during the statutory exhibition for Amendment C219 which proposed to introduce permanent, municipal wide tree controls. The ability to apply for the removal of trees through multiple VicSmart applications was raised as an issue during the amendment process.

FINANCIAL IMPLICATIONS

There are no costs, other than officer time, associated with advocating to the State Government for an amendment to the VicSmart planning process.

POLICY IMPLICATIONS

Goal 2.1 of the *Council Plan 2017-2021* is to "*A well connected City with a balanced approach to growth supported by infrastructure and development that respects our neighbourhood character*". Changing the VicSmart planning provisions would support a balanced approach to growth in accordance with relevant legislation.

Attendance

Cr Liu left the Chambers at 8:31pm, returning at 8:34pm.

9.2 COMMUNITY SERVICES

9.2.1 Draft Strategic Partnerships Framework

SUMMARY

Council endorsed the Indoor Sports Facility Feasibility Study (ISFFS) on 24th August, 2020. Part of the resolution recommended that a Strategic Partnerships Framework (SPF) be developed that included principles to assist Council in the assessment of partnership opportunities presented by other local stakeholders (such as schools or universities) where indoor court projects encouraged broad community use. The principles should also consider Council's asset renewal program when opportunities arise with stakeholders on indoor sport facilities in priority locations. This report seeks that Council notes the draft Strategic Partnerships Framework (SPF) including principles and commits the draft Strategic Partnerships Framework (SPF) to a community engagement process consistent with Council's community engagement policy. Once the engagement process is completed Council Officers will finalise the Strategic Partnerships Framework (SPF) for adoption at a future Council meeting.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr McNeill

That Council notes the draft Strategic Partnerships Framework (SPF) including principles and commits the draft Strategic Partnerships Framework (SPF) to a community engagement process consistent with Council's community engagement policy. A finalised version of the Strategic Partnerships Framework (SPF) will be considered for adoption at a future Council meeting.

CARRIED UNANIMOUSLY

BACKGROUND

The ISFFS was a project identified in Council's Recreation Strategy (2015-2024). Council sought an updated analysis of the demand for indoor sports to identify an appropriate strategic approach for the future provision of indoor facilities. Council endorsed the ISFFS and its recommendations on 24th August, 2020.

The recommendations in the ISFFS included that Council redevelop the preferred Council owned or managed facilities in Council's long term financial planning which involves seeking Federal, State and other funding opportunities.

The increase in demand for indoor sport court use in the City of Whitehorse although captured within the ISFFS raised the need for a Strategic Partnerships Framework (SPF) including principles to guide and encourage partnerships in developing indoor sport facilities especially when community use is involved.

Council will need the assistance of partners to achieve the required number of sports courts and financial contributions to complete these facilities. Therefore requests from schools, private operators, clubs and the community will continue and the SPF including principles will become an important part of the process in prioritising these projects for Council.

DISCUSSION

A draft SPF is being developed which proposes a set of principles that identify partnership opportunities with stakeholders and guides the ongoing assessment of Council assets when opportunities arise for indoor sports facilities. The SPF and endorsed ISFFS will be used to prioritise capital investment in indoor sports infrastructure that highlight and encourage community use.

9.2.1

(cont)

Objectives

The draft objectives of the SPF are:

- a) Strategically support Council's investment into indoor sports projects that provide community use.
- b) To provide a consistent approach for decision making in prioritising capital investment for indoor sports projects involving external partners.
- c) Assist Council in the assessment of project options that target priority areas for development that ensure community access as identified in the ISFFS.
- d) Consider Council's Asset Renewal program when opportunities arise for indoor sport facilities that provide community use.
- e) The principles reflect partnership contributions or equivalent assistance Council should consider with external partners.

Officers have proposed the following principles to align with the draft SPF objectives and also consider:

- The recommendations from the ISFFS.
- The Council resolution from the endorsement of the ISFFS.
- The preferred development sites as identified in the ISFFS which include;
 - Aqualink, Box Hill
 - Sportlink, Vermont South
 - Slater Reserve Stadium, Blackburn North
 - Nunawading Basketball Centre, East Burwood, and
 - Nunawading Gymnastic and Sports Club, Walker Park, Nunawading.
 - New multi-use community facility to include table tennis in Central Box Hill.

Partnership Principles

Council's key principles for partnership include investing in facilities that are:

- Identified in a suburb or an area with a large forecasted percentage population growth of (over 20%*) (*Source: ISFFS – Percentage population growth forecasted to 2036)
- Address the sports prioritised in the ISFFS with the greatest need for additional facilities in the short term (basketball, netball and table tennis).
- Provide multi-court facilities (especially 2+ courts) as they offer greater flexibility in use and additional participation opportunities.
- Scope to develop ancillary services including car parking and strong connections to public or active transport.
- Flexibility in the approach to management models.
- Enable Council to optimise capital resources via asset renewal process and reduce asset duplication.
- Consider partnership contribution or equivalent assistance that may include the following:
 - Site/Land;
 - Level of funding (capital investment); and
 - Hours of community use (subject to an agreed licence).

To assist Council in determining the suitability of indoor sports proposals Officers are developing an assessment criteria. The draft assessment criteria includes a number of elements that form part of the assessment such as available partner funding/capital investment, community access, site constraints and the ability to successfully negotiate an agreement between partners. The criteria will be used to further determine the feasibility of proposals submitted to Council.

9.2.1

(cont)

CONSULTATION

Officers from Leisure and Recreation Services Department have had discussions with Council's Infrastructure Division and Strategic Communications and Customer Service Department to develop the draft SPF and draft assessment criteria.

At the Councillor Briefing on Tuesday 15 June 2021, Councillors were consulted on the draft SPF including principles and draft assessment criteria. Feedback captured at the briefing and any final comments forwarded to Officers will be considered in the finalised SPF.

On endorsement of the recommendation in this report Officers will undertake a community engagement process. Once the engagement process is completed, Council Officers will finalise the SPF for adoption at a future Council meeting.

There also has been collaboration with Strategic Communications and Customer Service to develop advocacy documentation which will form part of a larger advocacy campaign to strongly pursue external partnership opportunities.

The following process is an outline of the tasks identified for advocacy:

Stage One

- Development of SPF brochure.
- Leisure and Recreation Services Department to send out letters to promote partnership opportunities on indoor sport projects to the following stakeholders;
 - State Schools, Private Schools, Deakin University and Box Hill TAFE.
 - Neighbouring LGA's – Boroondara, Manningham, Knox, Maroondah, Yarra Ranges and Monash Councils.
 - State and Federal Governments.
 - Letter sent to relevant State Sporting Associations and Indoor Sports Clubs/Associations for their information.
 - Letter will have a closing date to provide time to assess proposals.

Stage Two

- Proposals received. Internal departments including Leisure and Recreation Services, Project Delivery and Assets, Major Projects review proposals, consideration based on indoor sports Assessment Criteria.
- Meetings with Stakeholders to discuss the partnership opportunity.
- Further assessment or conceptual designs undertaken based on the proposal.
- Successful proposals presented to Councillors for consideration in future Capital Works or budget allocations depending on the proposal.

The process will be ongoing and dependant on responses to original mail out, another round will be instigated if limited proposals received. If enough interest is attained in Stage One the advocacy will be undertaken as an annual process to enable enough time to assess, design and review submissions. It is proposed that this process is therefore aligned with Council's Capital Works timelines.

FINANCIAL IMPLICATIONS

Stage Two of the advocacy process will not align with Council's Capital Works timelines. Council's draft 2021/2022 budget includes \$500,000 towards a new initiative Project Advocacy Fund for Future Designs – unbudgeted projects. It is proposed any additional investigation or design work on submitted proposals should be funded from this allocated budget. Any future funding required on project proposals will be referred to Council's budget process for consideration.

POLICY IMPLICATIONS

The Indoor Sports Facility Feasibility Study (2020).

Attendance

Cr Barker left the Chambers at 8:42pm, returning at 8:46pm.

9.2.2 Healesville Freeway Reserve Update

ATTACHMENT

SUMMARY

This report considers the Victorian Government - Department Environment Land Water Planning (DELWP) proposal to Council for Council to auspice the committee of management responsibilities for the Healesville Freeway Reserve. The report examines Council's vision for the Healesville Freeway Reserve, as well considering other land management options for the site. The report also reviews opportunities for the development of the reserve particularly in relation to active sport opportunities to address local demand. Officers are seeking direction from Council by way of a response to Department Environment Land Water Planning (DELWP's) committee of management proposal.

COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Carr

That Council:

- 1. Considers the Department Environment Land Water Planning (DELWP) proposal (dated 21 September 2020) to become Committee of Management of the Crown Land formerly known as the Healesville Freeway Reserve and determines not to accept the Department Environment Land Water Planning (DELWP) offer.**
- 2. Authorises the Chief Executive Officer to write to the Deputy Secretary Corporate Services at Department Environment Land Water Planning (DELWP) advising of Council's decision not to accept the Department Environment Land Water Planning (DELWP) Committee of Management offer.**
- 3. When writing to the Deputy Secretary of the Department Environment Land Water Planning (DELWP) present Council's counter offer which includes the following key points:**
 - That the Crown Land be converted to freehold land and transferred to Council for a nominal consideration.**
 - That the total funds currently held in trust by the Department of Transport be transferred to Council at the time the freehold title/s are transferred to Council.**
 - That Council is committed to establishing and maintaining the former Healesville Freeway Reserve, once the freehold land is transferred to Council, in accordance with the principles established by the current Crown Land Reservation; these being, "Conservation, Recreation and Leisure" purposes.**

CARRIED

9.2.2

(cont)

A Division was called.

Division

For

Cr Carr
Cr Cutts
Cr Lane
Cr Liu
Cr Massoud
Cr McNeill
Cr Munroe
Cr Skilbeck
Cr Stennett

Against

Cr Barker
Cr Davenport

On the results of the Division the motion was declared CARRIED

BACKGROUND

The Healesville Freeway Reserve is made up of 32 hectares of undeveloped VicRoads land running for 3.5 kilometres from Springvale Road in Forest Hill to Boronia Road in Vermont.

The land is reserved for “Conservation, recreation and leisure” purposes under the Crown Land Reserves Act 1978.

Department Environment Land Water Planning (DELWP) is currently managing the reserve with a focus on fire risk management including fuel break construction and mowing, tree risk management and weed management.

In late September 2020 DELWP contacted Council to gauge Council’s interest in becoming Committee of Management and establishing the Healesville Freeway Reserve.

Council published a media release on 18 May 2021 updating the community that Council is considering a proposal to become the future land manager of the Healesville Freeway Reserve.

DISCUSSION

For many years Council has advocated and campaigned to the Victorian Government to establish the Healesville Freeway Reserve as publically accessible open space. This advocacy is underpinned by a number of Council resolutions on the matter. A brief summary of the most recent Council resolutions regarding the Healesville Freeway Reserve and its future use is provided below.

24 March 2014

Council resolved to:

1. Notes the role and purpose of Council’s alternative vision as a response to VicRoads’ concept plans and structure planning process, while acknowledging the ongoing relevance of Council’s earlier resolution of 21 February 2011 to

“Request and lobby the Victorian State Government to provide all of the Healesville Freeway land as open space for the community in accordance with Council’s preferred option...”

9.2.2

(cont)

2. Endorses the following changes recommended to the alternative vision for the Healesville Freeway Reservation, as noted in the following report and shown in Attachment 1, based on community feedback during consultation:
 - *Retention of the Nunawading Community Gardens entirely in their existing location;*
 - *Removal of the proposed full-sized soccer field, instead setting this land aside for other future recreational uses; and*
 - *Removal of the proposed low-rise apartment building.*
3. Provides VicRoads with the final version of the alternative vision and a summary of the community feedback received during consultation, and sends copies to all local State Members of Parliament and the Opposition.

23 April 2018

Council resolved to

- *“Authorise the Chief Executive Officer to draft a formal response for the Mayor, which is to be addressed to the Minister for Energy, Environment and Climate Change; Minister for Suburban Development...with a copy addressed to the Secretary of the Department of Environment, Land Water and Planning...; advising that the proposed First Right of Refusal process dated 26 February 2018 contravenes the 2014 election commitment given to Whitehorse residents, that Whitehorse residents have been waiting since the 2014 State Election for the Healesville Freeway Reserve to become genuine public open space...”.*

18 March 2019

Council resolved to:

- *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”.*

Respective Agency Visions for the Healesville Freeway Reserve

Independent of each other both Council and the Victorian Government have prepared guiding documents that capture their respective vision for the future use of the Healesville Freeway Reserve. These documents are the Whitehorse City Council – Healesville Freeway Reserve Vision (2014) and DELWP - Healesville Freeway Reserve – Concept Plan (2018). A copy of the Council Vision and DELWP Concept Plan can be found attached.

Both visioning documents express some similar open space planning themes and outcomes however there are notable distinctions.

Broadly speaking the collective vision is that the Healesville Freeway Reserve provides an active transport corridor, nature trails, community gathering spaces, activity spaces and dedicated conservation areas.

The DELWP – Healesville Freeway Reserve – Concept Plan (2018) outlines that four key themes emerged from analysis of the community feedback, namely: access and trails; nature and biodiversity; activity and active spaces; and community and gathering.

The key distinction between the two visions is that Councils vision speaks specifically to creating a sporting precinct within the reserve at Davy Lane. Officers propose that this precinct feature a sporting oval, sports field lighting and associated built infrastructure (pavilion and car park). Council officers will present desk top concepts of how a sporting precinct could be configured within the freeway site during the officer presentation.

9.2.2

(cont)

DELWP Committee of Management Proposal

With regards to Council considering this proposal to become committee of management for the Healesville Freeway Reserve officers provide the following commentary.

In late September 2020 DELWP made contact to gauge Council's interest in becoming Committee of Management and establishing the Healesville Freeway Reserve. DELWP advises that Parks Victoria has expressed that establishing and maintaining the Healesville Freeway Reserve does not align strategically with their core role.

It is worth noting that since the development of the DELWP - Healesville Freeway Reserve – Concept Plan (2018) all communication published by the Victorian Government has identified that the future land manager for the Healesville Freeway Reserve would be an agency of the Victorian Government.

Most recently in May 2021 the Victorian Government released the Open Space for Everyone Strategy which they propose will guide all levels of government in the planning, management and delivery of a quality open space network over the next 30 years. The Open Space for Everyone Strategy features the below action which again identifies a Victorian Government agency delivering the Healesville Freeway Reserve:

Initiative	Description	Directions	Lead
Healesville Freeway Reserve linear park	Finish creating a new park in Vermont that uses the Healesville Freeway road reserve.	- Optimise - Grow	DELWP

Healesville Freeway Reserve Establishment Cost

DELWP have been advised by the Department of Transport (DoT) (Nb. DoT are the Victorian Government agency tasked with the sale of the land) that \$10,585,327 is set aside in trust to fund park planning, establishment and initial maintenance. DELWP also advise that they anticipate that a further \$1 million will be added to the trust through future land sales.

An early order of probable development cost for a linear path (including bridge over Bellbird Dell and drainage works), one play space, one public toilet and two traffic light road crossings is \$10.8 million. This early order of probable development cost is based off a desktop assessment.

Ongoing maintenance for the Healesville Freeway Reserve could be in the order of \$250,000 per year and is a combination of additional staff/equipment and contract works. City Services and Parks and Natural Environment would be responsible for this service.

Please note that the above early order of probable development cost and ongoing maintenance charge does not include the establishment or maintenance of active sporting precinct/s.

There may be an opportunity to draw financial resources from the Open Space Reserve to complement the DELWP capital investment funding. The additional funding would enable Council to deliver the full scope rather than stage the delivery over multiple years.

Council officers will present early order probable development costs for active sporting precincts within the Healesville Freeway Reserve during the Council Briefing session.

9.2.2

(cont)

Land Management Options

Option 1: Council becomes Committee of Management (COM) of Crown Land (as proposed in the letter):

- Council will be the COM in accordance with the *Crown Land (Reserves) Act 1978*.
- Council will administer the land in accordance with the abovementioned act and any future use/s must comply with the "Conservation, Recreation, Leisure and Tourism" reservation set by DELWP.
- DELWP will continue to have an oversight role and ultimately a controlling interest. For example DELWP will approve any building permits under the *Building Act 1993*
- Council will have leasing restrictions which are not particularly onerous but they do relieve Council of the COM obligations if the lease term (including options) is greater than 21 years.
- Crown Land is heavily restricted land and the asset value attributable to Crown Land is less than 20% of the full land value. This is because DELWP retain the controlling interest.
- The COM is responsible for all infrastructure costs and ongoing maintenance costs.
- There are at least two vegetation off-set areas on the HFR land which relate to vegetation removal associated with Victorian Government Level Crossing Removal Projects. It is assumed that these off-sets will run with the land and that the COM would be responsible for the maintenance of the off-set areas; this may require some future legal advice.
- Typically Crown Land in Victoria is covered by the Crown's public liability insurance, this means that Council won't have a public liability insurance cost.

Open Space Planning and Utilisation Consideration of Option 1

- All infrastructure proposals need approval from DELWP. There are historical examples of DELWP and Council having conflicting ideals. Furthermore the approval process for infrastructure can be exhaustive and timely.

Option 2: Council becomes owner with the Crown Land transferred to Council

- Council may consider presenting a counter offer to DELWP and request that the land be transferred to Council as freehold.
- Freehold is highest form of land ownership.
- This would require a conversion from Crown Land to freehold land.
- The sale price to Council should be a "pepper-corn".
- Owning the land would increase Council's land asset base.
- DELWP will not have any interest in the land.
- Owning the land would remove the DELWP oversight role and remove the "Conservation, Recreation, Leisure and Tourism" reservation.
- As Council freehold land it would be on Council's public liability insurance.
- Any additional capital investment from Council could also be used to incentivise Council's negotiations with the DELWP with regards to requesting the land be gifted to Council. Rather than Council becoming Committee of Management.

Open Space Planning and Utilisation Consideration of Option 2

- Council will have the widest range of flexibility available to plan, deliver and manage the Healesville Freeway Reserve. This would allow Council to respond to community needs and adapt the infrastructure and uses of the reserve as they emerge over time. Officer's assessment of this option is that this option is unlikely to be supported by the Victorian Government.

9.2.2

(cont)

Option 3: Council declines to be involved and the land remains managed by Victorian Government agency:

- Assuming Parks Victoria become the COM, Council would either: 1) negotiate Crown Land leases with Parks Victoria for the parcels of Crown Land that we currently occupy or 2) similar to the 18th tee land at Morack Golf Course, Council become the COM for those occupied parcels.
- Council needs to ensure that the title boundaries between Council owned land and the Crown Land are correctly aligned on their title boundary. NB: The Council owned land north of the 17th fairway at Morack Golf Course is encroached by the HFR land.
- Nb. Council was appointed the COM for the 18th tee Crown Land in September 2019.

Open Space Planning and Utilisation Consideration of Option 3

- Council will be limited in its influence with regards to the timing of the establishment of the reserve, the infrastructure provided within the reserve and the level of service provided when the reserve is established. Furthermore the opportunity to activate Davy Lane and Boronia Road for active sport may be limited.

Option 4: Hybrid approach

Hybrid approach that blends either options 1 and 2.

Council may choose to request that DELWP consider excising Davy Lane and other sites that we deem as high priority areas of interest. Council can then plan, develop, activate and maintain these sites with the typical level of service provided by Council.

Open Space Planning and Utilisation Consideration of Option 4

- This option will allow Council to future proof key strategic open space sites (Davy Lane and Boronia Road). Officers consider these sites as critical to addressing the existing and emerging demand that the City of Whitehorse has for active sport. Similarly to Option 3 Council will be limited in its influence with regards to the timing of the establishment of the wider reserve, the infrastructure provided within the wider reserve and the level of service provided when the wider reserve is established. Similarly to Option 3, given that a Victorian Government agency will be managing the wider reserve, Council will be limited in its influence with regards to the timing of the planning, establishment and management of the wider reserve.

Conclusion on Land Management Options

From a Council planning, utilisation and management perspective having complete control over a site will ultimately lead to stronger community outcomes. The community will receive a higher level of service (amenity, presentation, asset provision, renewal and maintenance) from a Council managed site than a Victorian Government agency. A key consideration is whether the costs associated with this are disproportionate to the community outcomes.

Unresolved Matters

The DELWP Committee of Management proposal highlights a number of unresolved matters. These matters include the following items:

- A small number of private encroachments, these appear to involve an incorrect alignment of the rear boundary fence.
- The land is currently in disputed Reconciliation Action Plan (RAP) status. On initial approach to Bunurong and Boonwurrung were initially interested in participating, however Wurundjeri declined, based on the disputed status of the land.
- DELWP is aware that some areas of the reserve may be subject to stormwater inundation issues during heavy rains.
- DELWP is aware of additional areas which contain or may contain waste requiring removal. DELWP's intention that all the areas listed above will be cleared prior to a land manager being appointed.

9.2.2

(cont)

Officers identified that there is a discrepancy in the value of the reserve. Council records display that DoT have sold \$11.4 million of land within the Healesville Freeway Reserve. On clarification DELWP have advised that the value of the reserve is \$10,585,327, being net proceeds after costs.

Other Matters

Council officers have undertaken a preliminary review of the existing conditions of Council land abutting and adjacent to the HFR and have prepared a list of matters that should be considered by the agency tasked with the master planning and future management of the reserve.

Services

Sewer, gas, water, telecommunication, electrical and stormwater assets and services are located within the HFR servicing the abutting land.

Stormwater

There is a comprehensive network of Council and Melbourne Water managed stormwater drainage assets adjacent to and crossing the HFR land. An assessment of the capacity of the existing stormwater network is required to ensure that it has the appropriate capacity so that any development of the HFR land does not cause flooding problems in the network and overland flow paths are appropriately designed and constructed with a maintenance regime that is acceptable to Council. There may be potential opportunities to create waterways and retarding basins in the HFR as part of the management of the stormwater network.

Road Network

Council is the Road Authority for all roads abutting and traversing the HFR except for Springvale Road and Boronia Road where VicRoads is the Road Authority.

Construction of Moore Road and Stanley Road across the HFR requires investigation to determine the impact of the new road links on the vehicle trip patterns in the area and the operational characteristics of the existing road network by the creation of new intersections.

Environmental Land Management

Historical agricultural land uses have involved the application of chemicals including pesticides and herbicides and storage of chemicals on the HFR. A preliminary assessment of the environmental land conditions has been undertaken on all Council land abutting the HFR. This assessment did not identify any environmental conditions that require management at this time although more investigation will be required when civil works occur.

CONSULTATION

Extensive community consultation was undertaken as part of developing the Whitehorse City Council – Healesville Freeway Reserve Vision (2014) and DELWP – Healesville Freeway Reserve – Concept Plan (2018)

9.2.2

(cont)

Should Council become the land manager for the Healesville Freeway Reserve a comprehensive community engagement exercise would be hosted to help inform the Healesville Freeway Reserve Master Plan. The community engagement exercise would be guided by the 2021 City of Whitehorse Community Engagement Policy.

FINANCIAL IMPLICATIONS

Healesville Freeway Reserve Establishment Budget (No active sport precinct/s)





	Budget	Expenditure
Total Budget	10,585,327	
Reserve Establishment		10,800,000
First year maintenance		250,000
Master Planning		100,000
Community Engagement (1no. EFT officer – Band 7 including on-costs)		123,735
Sub Total Expenditure	10,585,327	11,273,735
Total Expenditure		(688,408)

POLICY IMPLICATIONS

City of Whitehorse Open Space Strategy

Whitehorse Recreation Strategy 2015-2024

ATTACHMENT

- 1 DELWP HFR Concept Plan 
- 2 DELWP HFR COM Proposal 
- 3 DELWP Renaming Submission 
- 4 Council 2014 HFR Vision 

9.2.3 Local Government Working Group on Gambling: Call for Nominations

SUMMARY

The Victorian Local Governance Association (VLGA) convenes quarterly meetings of the Local Government Working Group on Gambling (LGWGOG) which aims to reduce harm from gambling in our communities. The network is attended by Council officers, Councillors and other stakeholders interested in reducing harm. Recently the VLGA updated its Terms of Reference and is now seeking all member Councils to nominate one officer and one Councillor to represent their Council on this working group.

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Cutts

That Cr Massoud and Cr Stennett represent the City of Whitehorse on the Local Government Working Group on Gambling (sharing attendance) and authorise the Chief Executive Officer to nominate an officer representative.

CARRIED UNANIMOUSLY

BACKGROUND

LGWGOG provides an opportunity for Councillors and Council officers from VLGA member Councils to come together to hear from informed speakers about current gambling harm prevention research and policy, as well as consider Municipal Public Health and Wellbeing Plan implications and the regulatory environment. It also provides resources to enable more effective policy and advocacy by VLGA members. The network is regularly attended by Whitehorse City Council's Social Policy Officer.

DISCUSSION

Recently the VLGA updated its LGWGOG Terms of Reference, including refining its role and purpose to have a greater focus on capacity building through exposure to current research and policy development, as well as confining membership and attendance of LGWGOG to Councillors and officers of member Councils of the VLGA.

The network meets quarterly and is seeking nominations for one Councillor and one officer representative from each member Council so that invitations may be forwarded prior to their next meeting on 21 July 2021.

CONSULTATION

Correspondence regarding changes to the LGWGOG Terms of Reference have been communicated to all VLGA member Councils via their CEO.

FINANCIAL IMPLICATIONS

There are no financial implications for Councillors or Council officers to attend LGWGOG and represent the City of Whitehorse.

POLICY IMPLICATIONS

Local government has a significant role to play in gambling harm reduction, ranging from its role in planning matters through to providing social and recreation alternatives to gambling.

Whitehorse City Council has two policies that relate to gambling, the 2011 Responsible Gambling Policy, and a Gaming Local Planning Policy which forms part of the Whitehorse Planning Scheme. The Whitehorse Responsible Gambling Policy states that Council has a responsibility to minimise the harmful and negative impacts of electronic gaming machines in the local community and that this includes but is not limited to preventing increases in gambling opportunities within the local area. It also states that Council will support community forums for discussion about gambling related issues.

9.3 CORPORATE SERVICES

9.3.1 Adoption of Proposed Budget 2021/2022

FILE NUMBER:
ATTACHMENT

SUMMARY

A Proposed Budget for the 2021/2022 financial year and three subsequent years was prepared and released for community consultation via public submissions on 19 April 2021. Council received and considered 27 written submissions and heard 7 people/groups speak in support of their submission at the Delegated Committee on 15 June 2021. This report recommends that Council adopt the Proposed Budget 2021/2022 in accordance with section 94 of the Local Government Act 2020.

RECOMMENDATION

That Council:

- 1. Having:**
 - a) Considered all written submissions;**
 - b) Heard the presentations of submissions;**
 - c) Received the report of the Delegated Committee (minutes extract Attachment 1) of its meeting held on 15 June 2021; and**
 - d) Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2021/2022 (Attachment 3) in accordance with Section 94 of the Local Government Act 2020.**
- 2. Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.**
- 3. Declare the rates and charges for the 2021/2022 rating year commencing 1 July 2021 and ending 30 June 2022 as detailed in the Proposed Budget 2021/2022 in accordance with section 158 of the Local Government Act 1989.**

MOTION

Moved by Cr Massoud, Seconded by Cr Liu

That Council:

- 1. Having**
 - a) Considered all written submissions;**
 - b) Heard the presentations of submissions;**
 - c) Received the report of the Delegated Committee (minutes extract Attachment 1) of its meeting held on 15 June 2021; and**
 - d) Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2021/2022 (Attachment 3) in accordance with Section 94 of the Local Government Act 2020.**
- 2. Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.**
- 3. Declare the rates and charges for the 2021/2022 rating year commencing 1 July 2021 and ending 30 June 2022 as detailed in the Proposed Budget 2021/2022 in accordance with section 158 of the Local Government Act 1989 with a minor amendment to section 6.2.1(b) to remove the final decimal place as disclosed in the rate in the dollar amount for consistency with the rate notice formatting. (In rounding down no ratepayer will be unfavourably impacted).**

9.3.1

(cont)

AMENDMENT

Moved by Cr Carr, Seconded by Cr Lane

That Council:

1. *Having*

- a) Considered all written submissions;***
- b) Heard the presentations of submissions;***
- c) Received the report of the Delegated Committee (minutes extract Attachment 1) of its meeting held on 15 June 2021; and***
- d) Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2021/2022 (Attachment 3) in accordance with Section 94 of the Local Government Act 2020 subject to***
 - i. Allocating \$500,000 within the 2021/22 budget to finalise project scoping, undertake community consultation and commence preliminary construction works for the Vermont South Club extension. The remaining project funding of \$1,650,000 is to be allocated within the 2022/23 budget.***
 - ii. Consultation to commence in the second half of the 21/22 financial year followed soon after by construction commencement.***
 - iii. Council's commitment to funding this project being subject to external funding of \$300,000 (Commonwealth Government) and a \$150,000 contribution from the Vermont South Club.***

2. *Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.*

3. *Declare the rates and charges for the 2021/2022 rating year commencing 1 July 2021 and ending 30 June 2022 as detailed in the Proposed Budget 2021/2022 in accordance with section 158 of the Local Government Act 1989 with a minor amendment to section 6.2.1(b) to remove the final decimal place as disclosed in the rate in the dollar amount for consistency with the rate notice formatting. (In rounding down no ratepayer will be unfavourably impacted).*

CARRIED

A Division was called.

Division

For

Cr Carr
Cr Cutts
Cr Lane
Cr Liu
Cr Massoud
Cr McNeill
Cr Munroe
Cr Skilbeck
Cr Stennett

Against

Cr Barker
Cr Davenport

On the results of the Division the motion was declared CARRIED

9.3.1

(cont)

FURTHER AMENDMENT

Moved by Cr McNeill, Seconded by Cr Barker

That Council:

1. *Having*

- a) Considered all written submissions;***
- b) Heard the presentations of submissions;***
- c) Received the report of the Delegated Committee (minutes extract Attachment 1) of its meeting held on 15 June 2021; and***
- d) Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2021/2022 (Attachment 3) in accordance with Section 94 of the Local Government Act 2020 subject to***
 - i. All Allocating \$500,000 within the 2021/22 budget to finalise project scoping, undertake community consultation and commence preliminary construction works for the Vermont South Club extension. The remaining project funding of \$1,650,000 is to be allocated within the 2022/23 budget.***
 - ii. Consultation to commence in the second half of the 21/22 financial year followed soon after by construction commencement.***
 - iii. Council's commitment to funding this project being subject to external funding of \$300,000 (Commonwealth Government) and a \$150,000 contribution from the Vermont South Club.***
 - iv. Allocating \$10,000 towards the opening of the Mont Albert Reserve Pavilion and Springfield Park Pavilion public toilets seven days per week for the 2021/22 financial year as a Proof of Concept trial, to inform a Public Toilet Strategy that is proposed to be developed.***
 - v. Council absorbing expenditures from item iv above within the Operating Budget 2021/22.***
- 2. Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.***
- 3. Declare the rates and charges for the 2021/2022 rating year commencing 1 July 2021 and ending 30 June 2022 as detailed in the Proposed Budget 2021/2022 in accordance with section 158 of the Local Government Act 1989 with a minor amendment to section 6.2.1(b) to remove the final decimal place as disclosed in the rate in the dollar amount for consistency with the rate notice formatting. (In rounding down no ratepayer will be unfavourably impacted).***

CARRIED

9.3.1

(cont)

**The Substantive Motion moved by Cr Massoud, seconded by Cr Liu, as amended
was then put and CARRIED**

A Division was called.

Division

For

Cr Barker
Cr Carr
Cr Cutts
Cr Lane
Cr Liu
Cr Massoud
Cr McNeill
Cr Munroe
Cr Skilbeck
Cr Stennett

Against

Cr Davenport

On the results of the Division the amendment as declared CARRIED

BACKGROUND

The Proposed Budget 2021/2022 was presented to the Council meeting on 19 April 2021 and community feedback was invited by way of written submissions in accordance with Council's *Community Engagement Policy* as per Section 96(1) (b) of the *Local Government Act 2020*. A public notice was placed in The Age newspaper on Wednesday 21 April 2021.

The Proposed Budget 2021/2022 was available for public inspection at Council's customer service centres, Whitehorse library branches and on Council's website for 28 days after publication of the notice.

Submissions regarding the Proposed Budget 2021/2022 were required to be received by Wednesday 19 May 2021 for consideration by Council at its Special Committee meeting, held on Tuesday 15 June 2021. The details of submissions received are contained in Attachment 1 of this report.

DISCUSSION

The Budget has been prepared with reference to Council's long term financial planning strategy, which is aimed at creating a sustainable fiscal environment to enable Council to continue to provide the community with high quality services and infrastructure into the medium and long term.

The Proposed Budget 2021/2022 incorporates the Annual Plan, Operating Budget, and Capital Works Program, and details the resources required over the next four financial years to deliver on the new *Council Plan 2021-2025*, which is currently under development.

The Proposed Budget 2021/2022 provides \$219 million funding to enable the ongoing delivery of high quality services and the renewal and improvement of community facilities and infrastructure for the Whitehorse community. The budget funds a range of community services including health and family services, home and community services, the maintenance of community facilities, parks, sport fields and infrastructure, waste and recycling collection, and building and planning services. In addition, the Capital Works Program provides for a sustainable level of funding for the renewal of the community's infrastructure and an investment in major community facilities such as the redevelopments of the Whitehorse Centre, sporting pavilions and Morack Golf Course.

9.3.1

(cont)

KEY HIGHLIGHTS OF THE BUDGET

An operational budget that enables the delivery of services to the community including:

- \$19.80 million Kerbside Waste Services
- \$16.34 million Home and Community Services
- \$15.12 million Recreation and Leisure
- \$13.39 million Parks and Natural Environment (maintenance of sports fields, parks and gardens)
- \$11.14 million Health and Family Services
- \$10.12 million City Services (maintenance of footpaths, drains and roads, sustainability and depot operations)
- \$9.01 million Whitehorse Recycling and Waste Centre (waste transfer station)
- \$8.72 million Community Safety (Community Laws, parking, school crossings, and emergency management)
- \$7.97 million City Planning and Development
- \$6.76 million Engineering and Investment
- \$5.59 million Libraries
- \$5.53 million Transformation
- \$5.37 million Arts and Cultural Services
- \$4.80 million Project Delivery and Assets
- \$2.40 million Community Engagement and Development
- \$0.58 million Major Projects
- \$0.42 million Pandemic Response

A \$75 million Capital Works Program comprising:

- \$42.79 million for buildings and building improvements
- \$9.11 million for roads, bridges and off street car parks
- \$6.89 million for plant and equipment
- \$5.90 million for parks, open space and streetscapes
- \$4.43 million for footpaths and cycleways
- \$3.33 million for recreational, leisure and community facilities
- \$2.97 million for drainage improvements, waste management and other infrastructure

9.3.1

(cont)

KEY PRESSURES AND CHALLENGES

In preparing the Proposed Budget 2021/2022, a number of influences have been taken into consideration because they are likely to impact significantly on the services delivered by Council in the Budget period. These include:

- The average rate increase will rise by 1.5% in 2021/2022 to ensure continuity of essential community services and provision of community infrastructure over the long term.
- An expected \$40.00 per metric tonne increase in the State Government landfill levy has been assumed in the Budget effective from 1 July 2021. The landfill levy is charged by the state government for every tonne of waste that goes to landfill, including kerbside waste collections, street cleaning, and non-recyclable waste collected at the Whitehorse Recycling and Waste Centre. The state landfill levy is expected to increase from \$65.90 per tonne in 2020/21 to \$105.90 per tonne in 2021/2022. This represents a 1076.7% increase in the levy over the past 12 years from the \$9.00 charge in 2009/10.
- This budget has been prepared under the premise that the majority of Council services and demand for these services will return to normal levels in 2021/2022 following the COVID-19 pandemic. There is still an element of unknown as to whether any ongoing impacts will be seen.
- Cost shifting by other levels of government. Cost shifting occurs where local government provides a service to the community on behalf of the State or Federal Governments. Over time, the funds received by Council do not increase in line with real cost increases. Examples of services that are subject to cost shifting include school crossing supervision, library services and Home and Community Services.
- Changing demographic as a result of an ageing and increasingly culturally diverse population resulting in the need for Council to develop facilities which are accessible and adaptable to inter-generational, diverse and multicultural community users.
- Community expectations for Council to be a leader in environmental sustainability by planning for the effects of climate change, education and awareness of the benefits of trees and natural bushland, and supporting the community in protecting and enhancing our natural assets and open spaces.
- Continuing decline in interest rates in the short to medium-term restricting Council's ability to generate earnings on cash and investments.
- The cost of maintaining Council's infrastructure assets. This is to ensure that infrastructure assets are provided to support services that are appropriate, accessible, responsive and sustainable to the community.
- A sustainable level of funding allocated to the renewal of major community infrastructure and facilities.
- The current Enterprise Agreement allows for an annual increment in line with the 2021/2022 rate cap.
- A recently launched Council transformation process which includes an organisational restructure, increased focus on service planning and reviews and continuous improvement, and commencing implementation of Council's IT Strategy and a new Enterprise Resource Planning System.

9.3.1

(cont)

CHANGES TO THE PROPOSED BUDGET 2021/2022

Subsequent to releasing the Proposed Budget 2021/2022 for community consultation in April, Council has received advice and approved actions which result in variations to budget estimates for 2021/2022. The Proposed Budget 2021/2022 has been updated to reflect the following changes:

- Council has received advice that half (\$2.49 million) of the estimated 2021/2022 Financial Assistance Grant from the Victorian Local Government Grants Commission will be brought forward and paid to Council before 30 June 2021, resulting in an increase to the 2020/2021 forecast and a reduction to the 2021/2022 budget result.
- Council has implemented a new organisational structure effective from 17 May 2021 resulting in changes in descriptions of, and reallocations of budget between, some service areas. This has not resulted in any overall change to the budgeted amounts.
- The Valuer-General Victoria has approved stage 4 of the 2021 property revaluation process, resulting in a \$5,000 reduction in the rateable Capital Improved Value (CIV) of commercial properties, requiring amendment to the rate disclosures.

CONSULTATION

Community consultation is an essential component of the budget process and feedback from community members helps inform the key decisions made by council. The Proposed Budget 2021/2022 is informed by community feedback through various consultations held as part of the development and review of key Council strategies and plans, the annual community satisfaction survey and from past budget submissions.

Councillors and officers also held a number of meetings to develop this fiscally responsible four year budget in a time of significant external and internal pressures and challenges.

Council has recently undertaken a comprehensive community engagement process to help inform the new *Community Vision 2040*, and further consultation process is currently underway for the development of the new *Council Plan*, *Financial Plan*, *Asset Plan* and *Municipal Public Health and Wellbeing Plan*. The themes and priorities identified from both these processes will flow through to future years' budgets.

Public Submissions

Council sought written public comment on the Proposed Budget 2021/2022 in accordance with its *Community Engagement Policy*, as required by section 96 (1) (b) of the *Local Government Act 2020*. Council gave public notice that the proposed document was available for inspection for 28 days and that Council would receive submissions from the public. A person making a written submission was also given the opportunity to be heard by a Committee of Council appointed to consider and hear submissions.

Formal notice of the Proposed Budget for consultation was placed through an advertisement in The Age on Wednesday 21 April 2021. Further promotion of the consultation process was included on Council's website, Facebook page and in the May edition of the Whitehorse News.

Copies of the Proposed Budget 2021/2022 were made available at Council's customer service centres (Box Hill, Forest Hill and Nunawading), at the four Whitehorse library branches (Blackburn, Box Hill, Nunawading and Vermont South) and on Council's website for inspection by the community.

Council received 27 formal submissions/comments on the Proposed Budget 2021/2022 and there were 7 people or groups that spoke in support of their submission at the Delegated Committee meeting.

9.3.1

(cont)

Submissions were received from the following:

Name	Issue(s) Raised
1 M Hassett, Metro-East Bicycle User Group Inc	Increased advocacy and funding for cycling related infrastructure
2 M Hallett, CEO, Nunawading Basketball	Support for East Burwood Reserve master plan
3 R Hansen, Friends of Mont Albert Reserve	Improved access to facilities at Mont Albert Reserve
4 M Elliott	Improved access to facilities at parks including Mont Albert Reserve
5 S Lodge	Increased funding for active transport
6 A Pepper	Equity of budget allocations for sporting clubs
7 M Livy	Spark's Reserve car park sealing
8 L Thomas	Details of operational expenditure budgets
9 E Tyson	Animal registration fees
10 P Daw, Heatherdale Community Action Group	Acquisitions and display of Council art collection
11 P Daw, Heatherdale Community Action Group	Recognition of importance of and improvements at Yarran Dheran
12 D Dressing, President, Vermont South Club Inc	Timing of Vermont South Club extension
13 E Blake	Simpson Park dog park and Britannia Mall improvements
14 P Sayers	Simpson Park dog park
15 J Frank	Simpson Park dog park and Britannia Mall improvements
16 T Hogg	Simpson Park dog park
17 V Turnbull	Simpson Park dog park
18 Name Withheld	Simpson Park dog park
19 T Tescher, President, Whitehorse Ratepayers and Residents Association	Various issues raised
20 A Hucker	Supports Heatherdale Pavilion upgrade
21 P Marulli, President, Kerrimuir United Cricket Club on behalf of Springfield Park tenants	Request for Springfield Park upgrade
22 B Barclay	More gender equal facilities at Heatherdale Pavilion
23 G Gallagher, Yarran Dheran Advisory Committee	Review of planned Yarran Dheran refurbishment
24 G Gallagher, Yarran Dheran Advisory Committee	Recognition of Yarran Dheran environmental education programs
25 D Berry, Blackburn & District Tree Preservation Society Inc	Various tree/open space items raised
26 A Schwarz	Recycling services and changes to budget graph presentation
27 P Carter	Supports funding for cycling infrastructure

9.3.1

(cont)

The following people spoke to their submissions or had their submissions read out on their behalf:

Name	
1	R Hansen, Friends of Mont Albert Reserve
2	S Lodge
3	P Sayers
4	Submitter Number 18
5	T Tescher, President, Whitehorse Ratepayers and Residents Association
6	M Collard, Secretary, Whitehorse Colts Netball Club P Marulli, President, Kerrimuir United Cricket Club A Norris, Whitehorse Colts Netball Club
7	D Berry, President, Blackburn & District Tree Preservation Society Inc

FINANCIAL IMPLICATIONS




The Proposed Budget 2021/2022 incorporates the Annual Plan, Operating Budget, and Capital Works Program, and details the resources required over the next four financial years to deliver on the new *Council Plan 2021-2025*, which is currently under development.

POLICY IMPLICATIONS

The Proposed Budget 2021/2022 was prepared in accordance with its *Community Engagement Policy*, as required by section 96(1) (b) of the Act. The public submissions process undertaken meets the “Consult” level of the IAP2 Public Participation Spectrum detailed in Council’s Community Engagement policy, which is the minimum level of engagement required under the policy.

Due to the timing of the completion of the new Community Vision and Council Plan, preparation of the Proposed Budget was guided by the existing Council Vision and Council Plan. Future year’s budgets will be guided by the new Community Vision and the Whitehorse Council Plan, and as such it may be appropriate for a higher level of engagement to be undertaken regarding the budget (moving forward) once the strategic direction, strategies and priorities have been set under these other plans.

ATTACHMENT

- 1 Delegated Committee Minutes Extract inclusive of Budget Submissions 
- 2 Officer Comments on 2021/2022 Budget Submissions 
- 3 Proposed Budget 2021-22 

Attendance

Cr Skilbeck left the meeting at 9:05pm returning at 9:06pm.

Cr Davenport left the Chambers at 9:08pm returning at 9:09pm.

Cr Skilbeck left the meeting at 9:17pm returning at 9:18pm.

Cr Stennett left the meeting at 9:19pm returning at 9:20pm.

9.3.2 Adoption of Revenue and Rating Plan 2021-2025

ATTACHMENT

SUMMARY

Council is required to prepare a Revenue and Rating Plan for at least the next four years under section 93 of the Local Government Act 2020. A draft Revenue and Rating Plan 2021-2025 was prepared and released for public consultation on 19 April 2021. Council invited public submissions during a four week period closing Wednesday 19 May 2021. There were no submissions made. It is recommended that Council now adopts the draft Revenue and Rating Plan 2021-2025.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Stennett

That Council:

- 1. Notes that no public submissions were received in relation to the Draft Revenue and Rating Plan 2021-2025.***
- 2. Adopts the Draft Revenue and Rating Plan 2021-2025 in accordance with Section 93 of the Local Government Act 2020.***

CARRIED UNANIMOUSLY

BACKGROUND

Section 93 of the *Local Government Act 2020* requires Council to prepare and adopt a Revenue and Rating Plan (the Plan) for a period of at least the next four financial years by 30 June after a general election. The Plan forms part of the new Integrated Strategic Planning and Reporting Framework and must be prepared in accordance with the strategic planning principles outlined in section 89 of the Act and the financial management principles in section 101 of the Act.

The strategic planning principles in section 89 include the following requirements:

- An integrated approach to planning, monitoring and performance reporting
- The Community Vision must be addressed
- Resources needed for effective implementation must be taken into account
- Risks to effective implementation must be identified and addressed
- Ongoing monitoring of progress and regular reviews to identify and address changing circumstances

The financial management principles in section 101 of the Act requires that the Revenue and Rating Plan must seek to provide stability and predictability in the financial impact on the municipal community.

Council adopted its current rating strategy in June 2014.

DISCUSSION

The Revenue and Rating Plan provides a medium-term plan for how Council will generate income to deliver on the Council Plan, programs, services and capital works commitments over the next four years. It outlines the relevant assumptions, policy and decisions of Council with respect to each budgeted revenue source, and provides transparency on these decisions to the community.

The Revenue and Rating Plan is a new strategic plan for Council and supersedes the Rating Strategy, which was adopted in June 2014.

9.3.2

(cont)

The Plan includes a broad pricing policy section, which outlines Council's approach to each major income source including rates, fees and charges, grants, contributions and other income. It provides an overview of the different factors that are considered when setting Council fees and charges and highlights that Council actively seeks to obtain grant funding and grow its own-sourced revenue to reduce the burden on ratepayers.

The Plan also includes Council's rating strategy providing further information about the rating and valuation approaches and principles that are currently applied and a recommendation for the future introduction of a waste service charge from 2023/24.

The Plan will be reviewed annually and updated when required to reflect any changes to Council's pricing policy or rating strategy that arise. This may be required due to:

- Changes that result from the development of other strategic plans including the Community Vision 2040, Council Plan 2021-2025 and Financial Plan 2021-2031, which are currently underway at the time of this report, and
- Changes to Council's rating strategy that may result from Council's waste services charge project, which is considering the potential introduction of a waste services charge in future years.

The Plan has been prepared with reference to the Better Practice Guide and supplementary guidance issued by Local Government Victoria.

CONSULTATION

The draft *Revenue and Rating Plan 2021-2025* was released for public review and feedback during a four week submission period in April-May.

The draft Plan was made available for review by the community for 28 days on Council's website, at Council's customer services centres in Box Hill, Forest Hill and Nunawading and at Whitehorse library branches in Blackburn, Box Hill, Nunawading and Vermont South.

Community members were given the opportunity to submit written submissions to Council with any feedback regarding the Plan by Wednesday 19 May 2021 through Council's *Your Say Whitehorse* platform or via post. No submissions were received.

An advertisement providing formal notice of the Revenue and Rating Plan consultation period was placed in *The Age* on Wednesday 21 April 2021 and it was publicised on Council's website, Facebook page and in the May edition of the *Whitehorse News*.

FINANCIAL IMPLICATIONS

The draft *Revenue and Rating Plan* outlines Council's assumptions, policy and decisions with respect to revenue streams expected over the next four years.

POLICY IMPLICATIONS

Community consultation was undertaken via a four week submissions period, as noted above. Further and more comprehensive engagement will be undertaken in the coming years with respect to the proposed introduction of a waste services charge and the resulting changes to rating strategy, and this will be conducted in accordance with *Council's Community Engagement Policy*.

ATTACHMENT

- 1 Revenue and Rating Plan 2021-2025 

9.3.3 Proposed Procurement Policy 2021

ATTACHMENT

SUMMARY

The Procurement Policy is designed to inform the public as to the principles and governance structure that will apply to all purchases of goods, services and works by the Council. This report presents a proposed Procurement Policy (June 2021) for consideration and endorsement by Council.

MOTION

Moved by Cr Massoud, Seconded by Cr Davenport

That Council:

- 1. Adopts the Procurement Policy dated June 2021, and provided as Attachment 1.***
- 2. Notes that a new policy will be presented for Council endorsement in October 2021 that will align to the new Local Government Act 2020.***

AMENDMENT

Moved by Cr Barker, Seconded by Cr McNeill

That Council:

- 1. Subject to a), adopts the Procurement Policy dated June 2021, and provided as Attachment 1:-***
 - a) That Council will not purchase products that have been manufactured in the Xinjiang province of the People's RC until further notice, and that officers implement a process as part of Council's procurement procedures to give effect of this requirement***
- 2. Notes that a new policy will be presented for Council endorsement in October 2021 that will align to the new Local Government Act 2020.***

LOST

A Division was called.

Division

For

Cr Barker
Cr Munroe

Against

Cr Carr
Cr Cutts
Cr Davenport
Cr Lane
Cr Liu
Cr Massoud
Cr McNeill
Cr Skilbeck
Cr Stennett

On the results of the Division the motion was declared LOST

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

9.3.3

(cont)

BACKGROUND

Following the royal assent of the Local Government Act 2020 Section 108 and 109 of the Act pertaining to Procurement will not legally come in to effect until after 1 July 2021. Until this time, Council must endorse the procurement policy under section 186A of the Local Government Act 1989. Furthermore, the restrictions on the power of a Council to enter into a contract under sections 186 and 186A of the Local Government Act 1989 in force before the commencement of the new Act continue to apply as if those sections had not been repealed.

Procurement is covered in Sections 108 and 109 of the Local Government Act 2020. Council will be required to prepare and adopt a procurement policy prior 1 January 2022. It is intended that the new policy will be presented to Council in October 2021 following the Audit and Risk Committee Meeting in September.

Section 186A of the Local Government Act 1989 requires Council to prepare, approve and comply with a procurement policy that encompasses the principles, processes and procedures that are applied to the purchase of goods, services and works. The legislation requires the policy to be reviewed once in each financial year.

Given that there will be a new Procurement Policy presented to Council in October 2021 Council has decided not to make any changes to the existing policy.

CONSULTATION

Following consultation with staff across the organisation involved in procurement, Managers, Coordinators and the Procurement Team, there are no proposed amendments to the current policy at this point in time.

Extensive regional and sector-wide consultation has been occurring for the past twelve months to enable a more cohesive and aligned approach to sector-wide procurement and land on an agreed approach to collaborative procurement. Further consultation will occur across Council on the proposed policy under the new Act to ensure all requirements are met.

Upon adoption at Council, the proposed Policy will be posted on Council's website and will be made available to the public in hard copy format at the Whitehorse Civic Centre.

FINANCIAL IMPLICATIONS

A key objective of the Policy is to deliver value for money for Council (and therefore ratepayers) in the form of social, economic and sustainable benefits.

POLICY IMPLICATIONS

The Procurement Policy dated June 2021 once endorsed by Council in June 2021 will replace the current Procurement Policy in Council's Corporate Policy Manual and come into effect immediately.

ATTACHMENT

- 1 Procurement Policy 2021 

Attendance

Cr Barker left the Chambers at 10:12pm returning at 10:16pm.

Cr Cutts left the Chambers at 10:12pm returning at 10:15pm.

9.4 INFRASTRUCTURE

9.4.1 Review of the Road Management Plan

SUMMARY

The purpose of this report (review report) is to summarise and present to Council the results of the review of Council's Road Management Plan as required by section 54(5) of the Road Management Act 2004 and Division 1, Part 3, of the Road Management (General) Regulations 2016. It is recommended that the findings and conclusions of the review, as set out in this report, be adopted by Council and that a subsequent amendment of the Road Management Plan proceeds in accordance with the results of the review. This report, following adoption by Council, constitutes the review report required by regulation 9(2) of the Road Management (General) Regulations 2016.

COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Carr

- 1. In accordance with the requirements of section 54(5) of the Road Management Act 2004 and Division 1, Part 3, of the Road Management (General) Regulations 2016 in relation to the review of Council's Road Management Plan, Council hereby adopts the findings and conclusions of the review of Council's Road Management Plan, as set out in this report.***
- 2. That, as a result of the review, Council proceeds to commence the separate and further statutory process to amend its Road Management Plan in accordance with the findings and conclusions of the review, including any other amendments (subject to Council's further consideration) that may result from the further public consultation process to be undertaken by Council, or from any other comments and recommendations made by Council departments or other relevant stakeholders.***
- 3. The findings and conclusions of the review, as set out in this report, be made available for copying or inspection at the place where the Council's Road Management Plan may be inspected or obtained in accordance with section 55(1)(b) of the Road Management Act and on the Internet site maintained by Council.***

CARRIED UNANIMOUSLY

BACKGROUND

The Chief Executive Officer, acting under delegated authority pursuant to section 11 of the Local Government Act 2020, and in accordance with the requirements of section 54(5) of the Road Management Act 2004 and Division 1, Part 3, of the Road Management (General) Regulations 2016 (and in particular regulations 8 and 9) (the Regulations) in relation to the review of Council's Road Management Plan directed that the process to conduct a review of Council's Road Management Plan be completed by 30 June 2021.

It is no longer a statutory requirement for Council to give public notice of the proposed review or to invite submissions from the public in relation to the review.

Council adopted its first Road Management Plan in October 2004, and also approved the Public Roads Register (which lists all the roads throughout the municipal district which Council considers are "reasonably required for general public use", and which are subject to the requirements specified in the Road Management Plan), in accordance with the requirements of Division 5 of the Road Management Act 2004.

Council adopted its current Road Management Plan on 17 August 2015 after reviewing the 2009 version of the Road Management Plan.

9.4.1

(cont)

The Roads Register has, since its first adoption by Council, had six revisions that have been adopted by the Manager Engineering and Environmental Services under delegation, dated 20 January 2005, 3 February 2006, 14 October 2006, 17 November 2006, 19 February 2010 and 16 October 2013 respectively.

The Road Management Plan provides Council with a legal “Policy Defence” in civil liability against claims (and other relevant defences) of negligence or breach of statutory duty arising from the standard and condition of the roads and road related infrastructure that are under Council’s administration. In short, the Road Management Plan details how, and by what standards and priorities, Council will inspect, repair and maintain its public roads in the context of available budgetary and other resources.

Council’s insurers undertake risk assessments and audit of Council operations in relation to Public and Professional Liability and the results influence Council’s insurance premiums. Council’s Road Management Plan and compliance with the Plan is included in these assessments by Council’s insurers.

The purpose of the review is to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and road related infrastructure to which the Plan applies are appropriate.

Appropriate Council departments and other stakeholders have been consulted and the review has now been completed. Following the review, this report is presented to Council for noting and adoption. The report outlines the results of the review and provides recommendations to Council on amendments to the Road Management Plan.

This report otherwise constitutes – and is presented to Council as – the written report summarising the findings and conclusions of the review now undertaken in accordance with the requirements of the Regulations (review report).

Following the review and Council’s adoption of the review report, Council, subsequently and under a separate statutory process, will be requested to proceed to amend its Road Management Plan.

DISCUSSION

Process and procedure

In accordance with the Road Management Act and the Regulations, there are a number of matters Council must do, and then subsequently may do, following the review of the Road Management Plan.

- First, Council must produce a written report (being this Council report and being the report which also constitutes the review report) summarising the findings and conclusions of the review, and make the review report available for copying or inspection at the place where the Road Management Plan may be inspected or obtained in accordance with section 55(1)(b) of the Road Management Act and on the Internet site maintained by Council.
- Secondly, Council may then decide to amend the Road Management Plan. Amendments that are recommended to Council may come from this review, the public consultation process required to be undertaken by Council when amending the Plan, or from comments and recommendations made by Council departments or other stakeholders, or a combination of all of these. The amendment of the Road Management Plan is a separate statutory process from the review which is the subject of this review report. Any future proposed detailed amendments of the Road Management Plan will be presented to Council in a further report and this will require the giving public notice and a consideration of any submissions (because the review report recommends to Council that Council amend its Road management Plan in a manner that requires the giving of public notice under regulation 10).

9.4.1

(cont)

Report summarising findings and conclusions of review

The results of the review of the Road Management Plan and the recommended changes are summarised as follows:

- Update references to Council's current Asset Management Policy and Strategy.
- Update references to the current Council Plan.
- Update information relating to setting levels of service and how this relates to previous Best Value Service Reviews.
- Update information relating to the performance management and internal auditing process including reviewing the audit timeframes.
- Update the section on 'Standards for Construction, Expansion, Upgrade, Renewal and Refurbishment' to include references to all relevant standards including Council standards, Austroads guidelines, Australian Standards and VicRoads standards.
- Update information relating to Occupational Health and Safety.
- Reference Council's Risk Management Strategy and include relevant claim forms.
- Update information relating to Council's budget for road funding.
- Revise the standards of maintenance, including inspection frequencies, in order to ensure that the standards (while still considered to be reasonable) are in fact attainable, having regard to the resources which Council has allocated (and will continue to allocate) to the fulfilment of Council's road management functions.

This report and review meets the compliance requirements of the Road Management Act and the Road Management (General) Regulations 2016 for Council to review Council's Road Management Plan by 30 June 2021.

Subject to acceptance of this review report by Council, a further report will be presented to Council recommending any detailed changes to the Road Management Plan which are required to give effect to the findings and conclusion of the review. This will then require the commencement of a separate statutory process, including the giving of public notice and a consideration by Council of any public submissions received.

It is recommended that Council notes and adopts the findings and conclusions of the review of the Road Management Plan as set out above and that it adopts this report as the review report for the purposes of regulation 9(2) of the Regulations.

Future amendments

It is proposed to undertake a further assessment of the Road Management Plan following the adoption of the Community Vision 2040 and the Council Plan. This assessment and any amendments will be undertaken in accordance with the Road Management Act and regulations.

CONSULTATION

Relevant Council Departments were consulted as part of the review.

FINANCIAL IMPLICATIONS

The type of road assets and the inspection, maintenance and repair standards included in the Road Management Plan directly relate to Council budget allocations as well as acceptable, appropriate and reasonable standards of safety, asset management, levels of service and risk minimisation strategies. Budgetary and resource implications were also taken into account as a part of the review, insofar as they determine the standards of inspection, maintenance and repair which are being recommended to Council.

POLICY IMPLICATIONS

The review has concluded that amendments, both in relation to substantive changes and also to change administrative procedures and responsibilities and to make changes that are fundamentally declaratory or of a machinery nature, are required to the Road Management Plan.

9.4.2 Clayton Regional Landfill 2021-22 Budget and Update

SUMMARY

Whitehorse City Council co-owns the Clayton Regional Landfill with four other south-eastern Councils. The landfill closed to active tipping in 2015/16 and works to cap and finally rehabilitate the site in accordance with Environment Protection Authority (EPA) requirements are nearing completion. This report provides an update on the progress of the site rehabilitation works and ongoing issues associated with managing landfill odour, leachate and regulatory requirements for a closed landfill site.

The 2021/22 Clayton Regional Landfill Budget estimates the funding contribution that will require by the co-owner Councils to ensure the required operational measures can be completed. The funding required is expected to be \$1,736,573 of which Whitehorse City Council's share is \$147,582. A budget allocation for this sum has been made in Council's proposed 2021/22 Budget.

Funding provision will need to continue to be made in subsequent Council budgets for ongoing funding for the management of Clayton Regional Landfill, as under the EPA regulations, the owner Councils are obliged to manage the site for a period of at least 30 years.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Barker

That Council:

- 1. Approves the 2021/22 Clayton Regional Landfill Budget;***
- 2. Notes that the 2021/22 Whitehorse Council contribution of \$147,582 has been included in the proposed 2021/22 Council Budget;***
- 3. Acknowledges that an ongoing annual funding contribution of the order of \$172,000 will be required by Council to ensure that Clayton Regional Landfill meets its EPA and regulatory obligations for a closed landfill;***
- 4. Advises the Clayton Regional Landfill User Group Steering Committee of the above resolutions; and***
- 5. Notes the progress made on capping and managing the closed Clayton Regional Landfill site.***

CARRIED UNANIMOUSLY

BACKGROUND

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

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

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

9.4.2

(cont)

All capping and rehabilitation works at the site are expected to be completed by early 2022.

The landfill must continue to be managed in accordance with EPA licence requirements regardless of its closure. The management of water that comes into contact with garbage (leachate) and gas capture will continue to require resources and monitoring to ensure compliance with EPA regulations.

Gas and leachate capture requires regular installation and ongoing management of an extensive network of wells dug through the landfilled garbage, and piping to transport the methane to a gas generator that converts the gas to electricity. Leachate is separately pumped to storage ponds on site, treated to meet trade waste disposal levels, and discharged via the sewer network.

Details of the type of ongoing works and operations required, and their estimated expenditure levels are covered in the financial section of this report.

DISCUSSION

Capping and rehabilitating landfill sites is a complex and highly regulated activity. The Clayton Regional Landfill annual budgets in recent years have required a mix of capital and operational funding. The capping works have been substantial (provision was made for \$8.6M) to bring the site in line with tougher EPA capping standards. Capping is nearing completion. There were delays experienced in 2020/21 due to the COVID impact on the construction industry and a general shortage of suitable capping material and soil.

The budgeted expenditure covers monitoring and managing gas, leachate, odour, site security, auditing requirements, groundwater, and general site maintenance.

In 2020/21, it was necessary to undertake the following works to comply with all regulatory and EPA requirements:

- Install additional gas and leachate extraction wells with associated distribution piping;
- Supply and progressively place a multi-layer cap of geotextile and clay over the filled garbage areas, audited and verified at every step;
- Cover the capping with a layer of soil to enable vegetation cover to be planted;
- Manage stormwater, groundwater, and the treatment and disposal of leachate;
- Deal with a series of Pollution Abatement Notices imposed by the EPA that required a range of works or measures to mitigate landfill gas migration off-site, reduce odour, and undertake technical assessments verified by specialist auditors;
- Empty, inspect, clean out and repair on-site leachate ponds and drainage network; and
- Maintain a high level of environmental monitoring at all times.

In addition, the 'routine' maintenance and site management requirements continued, requiring the following resources to ensure continued compliance with EPA requirements:

- Site managers to ensure delivery of capital works and operations, site safety, OHS, and provision of regular reports to EPA and Steering Committee;
- Specialist contractors to monitor and measure gas levels, leachate levels, water quality, and trade waste;
- Contractors to maintain infrastructure, landscaping, and site security; and
- Auditors to monitor and verify quality requirements, compliance with EPA landfill KPI's and regulations.

All of this requires considerable integration and oversight, which is largely managed by the Clayton Regional Landfill User Group Steering Committee made up of senior and suitably experienced representatives from each owner Council.

9.4.2

(cont)

Future Use of the Site

An extensive review was undertaken in 2018/19 seeking options for what the site could possibly be used for once all of the capping works are completed. Any possible future use must not interfere with the access and operational requirements to manage the network of gas and leachate wells, and site management requirements to satisfy EPA regulations.

Future use options are very limited due to the Kingston City Council planning scheme. The site is in a Green Wedge zone and many potential uses are not permitted. Further waste activity is not permitted, so the ability to integrate current management requirements with a like or similar waste management use is not possible.

Commercial opportunities are similarly restricted, and none of the permitted use options would generate much income to offset ongoing costs.

A previously reported possibility for a solar farm to be installed at the site has not progressed any further at this stage. The Clayton Regional Landfill Steering Committee is awaiting the outcome of a study undertaken by Kingston City Council to identify possible solar farm sites within Kingston. However, the Clayton Regional Landfill site may not even be considered for a number of years, as landfill sites sink a considerable amount in the early years post-capping due to the waste beneath the cap decomposing and shrinking. A large array of solar panels would require a sound footing.

A further update will be provided to Council once more detail is known about how viable a solar farm project might be.

Managing the next phase of the site

A new site management contract will be tendered to coincide with the change to the site conditions from the capping and rehabilitation phase currently being finalised to a monitoring and ongoing maintenance phase. Some installation and/or replacement of gas and leachate capture wells will occur during the maintenance phase, but the scale of capital works will be very much reduced. The emphasis for the new site management contract will be primarily on ensuring compliance with all aspects of the EPA, planning scheme and regulatory requirements, as well as the general maintenance and security of the site.

In 2021/22, a new stormwater pond is required to be installed to ensure that any runoff from the newly covered site is captured and directed to a holding pond, and linked to the drainage network.

CONSULTATION

The Clayton Regional Landfill requires regular liaison and consultation between the owner Councils, the EPA, and periodic liaison with Kingston City Council. As the landfill is now closed, there is no longer a need to inform or consult with the nearby community about the operations at the site or landfill odours. As the landfilled area becomes progressively capped, the issue of any landfill odours and their impact on the nearby community has reduced substantially to negligible levels.

Council is represented on the Clayton Regional Landfill User Group Steering Committee by the Director Infrastructure and the Assistant Manager Sustainability and Waste.

FINANCIAL IMPLICATIONS

The Clayton Regional Landfill budget for 2021/22 covers:

9.4.2

(cont)

Income

Gas royalties and interest	\$ 32,000
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Expenditure:

Environmental monitoring and site maintenance	\$ 230,000
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Insurance legal, accountant and consultant fees	\$ 76,250
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Site management and secretariat support	\$ 288,000
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Water and leachate treatment	\$ 420,000
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Landfill gas and leachate collection	\$ 280,000
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Capital works:

Stormwater pond construction	\$ 430,000
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Capping completion	<u>\$ 290,000</u>
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Total expenditure:	\$2,014,250
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The net expenditure requires a drawdown of reserve funding plus an injection of \$1,736,573 in additional contributions from owner Councils to reach a closing cash projection at the end of 2021/22 of \$300,000. The contribution from Whitehorse City Council is \$147,582.

The 2021/22 Whitehorse City Council contribution is less than the estimated subsequent yearly contributions because part of Council's contribution for the current financial year will be carried over as a credit for 2021/22. The carry-over has resulted from the delays experienced in completing some of the capping works in 2020/21.

A new site management contract will be tendered in 2021/22 to reflect the next phase of site monitoring and management once the site is fully rehabilitated, so some of the future costs indicated above may vary. Landfills are notoriously challenging to manage with often unpredictable circumstances arising, and the scenario where much of the gas and leachate infrastructure is buried underground amongst rotting garbage also makes it difficult to predict future operating costs accurately. Hence the need to always retain a minimum cash balance of at least \$300,000.

The estimated ongoing Clayton Regional Landfill operational costs when the capping and site rehabilitation works are completed is approximately \$1.25M per annum. Whitehorse City Council's share of this will be around \$172,000 per year, and provision will be made in future Council budgets.

POLICY IMPLICATIONS

Council's ongoing involvement in the management of the Clayton Regional Landfill is an action in the Waste Management Strategy 2018-2028. Compliance with EPA regulations is mandatory.

9.4.3 Eastern Alliance for Greenhouse Action (EAGA) 4-year Memorandum of Understanding 1 July 2021 to 30 June 2025

ATTACHMENT

SUMMARY

The purpose of this report is to outline the programs, projects and advocacy actions undertaken by the Eastern Alliance for Greenhouse Action (EAGA) of which Whitehorse City Council is a member, and to present a new Memorandum of Understanding for Council's ongoing participation in the Alliance for the period 1 July 2021 to 30 June 2025. It is recommended that Council continues its participation in EAGA due to the environmental and financial benefits gained by being an alliance member, and authorises the Chief Executive Officer to sign the next EAGA 4-year Memorandum of Understanding.

MOTION

Moved by Cr Liu, Seconded by Cr Cutts

That Council:

- 1. Continues its participation in the Eastern Alliance for Greenhouse Action (EAGA) for the duration of the proposed Memorandum of Understanding from 1 July 2021 to 30 June 2025, and***
- 2. Authorises the Chief Executive Officer to sign the Eastern Alliance for Greenhouse Action (EAGA) Memorandum of Understanding 1 July 2021 to 30 June 2025.***

PROCEDURAL MOTION

Moved by Cr Lane, Seconded by Cr Massoud

That debate on item 9.4.3 be paused and Standing Orders be suspended in order to seek a resolution of Council to extend the Council meeting beyond 10:30pm.

CARRIED

Standing orders were suspended at 10.28pm.

PROCEDURAL MOTION – (AT 10.29PM)

Moved by Cr Lane, Seconded by Cr Massoud

That in accordance with clause 16 of Council's Governance Rules, the Council meeting be extended for 30 minutes beyond 10:30pm.

CARRIED BY MAJORITY

PROCEDURAL MOTION

Moved by Cr Cutts, Seconded by Cr Massoud

That Standing Orders be resumed.

CARRIED

Standing orders were resumed at 10:31pm.

Debate on item 9.4.3 continued.

9.4.3

(cont)

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

A Division was called.

Division

For	Against
Cr Carr	Cr Barker
Cr Cutts	
Cr Davenport	
Cr Lane	
Cr Liu	
Cr Massoud	
Cr McNeill	
Cr Munroe	
Cr Skilbeck	
Cr Stennett	

On the results of the Division the motion was declared CARRIED

BACKGROUND

Council has been involved with the Eastern Alliance for Greenhouse Action (EAGA) since its inception in 2008 as part of a voluntary regional group of eastern Melbourne Councils. EAGA is one of seven formal Victorian Greenhouse Alliances to work collaboratively and deliver initiatives that aim to reduce greenhouse gas emissions and provide support for local climate change adaptation measures throughout the region. These Greenhouse Alliances represent 70 out of the 79 municipalities across the State, and today provides an effective vehicle for leadership and collaboration to implement climate change mitigation and adaptation projects that might otherwise be beyond the resources of Council to deliver alone.

EAGA members are the Boroondara, Glen Eira, Knox, Maroondah, Monash, Stonnington, Whitehorse City Councils and Yarra Ranges Shire Council. EAGA is guided by a Memorandum of Understanding (MOU) and is supported by an employed Executive Officer hosted at Maroondah City Council. EAGA is governed by an Executive Committee with representation from councillors and senior management, supported by a Steering Committee with representation from Council Officers.

The current MOU that provides the formal commitment for participating Councils expires on 30 June 2021. The next MOU period from 1 July 2021 to 30 June 2025 needs to be considered by participating Councils. Refer to **Attachment 1** for the new MOU 2021-2025.

To assist Councils with considering their ongoing involvement and commitment to the new MOU, EAGA commissioned an Impact Evaluation Report by First Person Consulting and Point Advisory. The evaluation found that EAGA has delivered substantial value for its member Councils to build capacity, deliver projects and coordinate advocacy. This has led to an array of outcomes for EAGA Councils and health and wellbeing of their communities.

Below is a summary of quantifiable benefits since 2012 from the impact evaluation, where EAGA's work has helped secure:

- Net financial savings for EAGA Councils in the order of \$10.1 million (net present value), taking into account grants obtained through EAGA of \$576,222. These have included (and not limited to):
 - Energy efficiency projects such as the streetlight upgrades and Energy Performance Contracts in Council buildings;
 - Advocacy and negotiation on electricity tariffs and street lighting operational, maintenance and repair (OMR) charges with electricity distributors
 - Delivery of the Victorian Energy Collaboration (VECO) project to procure 100% renewable electricity via a long term power purchase agreement.

9.4.3

(cont)

- \$3.4 million in savings for EAGA households (across 1,534 participating households). Expected emission savings of 624,907 tonnes of carbon dioxide emissions over the lifetime of initiatives. Projects that have delivered these outcomes include the Solar Savers program and the Living Green with Less program, which Whitehorse took part in to encourage residents to install solar PV and solar hot water systems via accredited suppliers.
- While not strictly a 'return-on-investment', EAGA's fees provide Councils with an avenue for accessing net benefits (after additional investment) of 7.9 times the membership fee.

The Annual Report 2019/20 shows that since 2012, the region's Councils and communities have captured \$2.25 in financial savings for every dollar invested in EAGA's membership fees and projects.

Refer to **Attachment 2** for the EAGA Annual Report 2019/20.

Council has actively participated in EAGA and most recently has benefited from the following projects:

- Council's 2-year Energy Performance Contract project valued at \$2M to implement energy efficiency measures across eight Council and community facilities. Once all measures are complete at the end of 2020/21, Council will save approximately 1428 tonnes of carbon dioxide emissions from 2019/20 levels. This equates to an estimated 8% reduction. Council partnered with Knox City Council to employ a dedicated Project Manager to deliver each Council's respective EPC project.
- Council is one of 46 Victorian Councils to participate in VECO and to purchase 100% renewable electricity commencing 1 July 2021 via a power purchase agreement. This will save approximately 3478 tonnes of carbon dioxide emissions per year and reduce Council's emissions by 22% from 2019/20 levels by committing six of its large buildings to VECO.
- Establishing a regional Environmentally Sustainable Design (ESD) framework that led to Council developing its first ESD Policy for Council Buildings and Infrastructure (effective from 1 July 2022) to ensure Council-built and maintained assets incorporate ESD objectives and measures, and work towards a benchmark of minimum ESD standards.
- Implementation of Climate Change Building Vulnerability Assessments at Box Hill Town Hall, Sportlink and Elgar Park North Pavilion.
- Commencement of a Business Resilience Program to support small to medium size businesses to implement energy efficiency measures to save operational costs and reduce its emissions.
- Delivery of EAGA's regional Climate Change Adaptation Roadmap to support and encourage collaboration on regional adaptation measures, including establishing a Biodiversity Monitoring Framework.
- 26 formal advocacy submissions since 2017. The most recent accomplishment has eventuated from the Victorian Greenhouse Alliances submissions to the Australian Energy Regulator in response to the 2021-26 Energy Distribution Pricing Review. This has led to pricing outcomes that will save EAGA Councils collectively in the order of \$1.8M between 2021 and 2026 and \$3.8M in the 20 years post 2026. The benefits are not distributed evenly and depend on each Council's electricity distributor region and mix of technology types. For Whitehorse City Council specifically, this advocacy will result in a projected total saving of \$230,000.

The efforts of ongoing advocacy from EAGA and in partnership with other Victorian Greenhouse Alliances and special interest organisations (e.g. Council Alliance for a Sustainable Built Environment (CASBE)) is invaluable. This is because Council would typically not be able to achieve such leverage independently and/or with its current level of resourcing. EAGA's advocacy activities also provide more frequent and detailed representation of local government views and issues to state and federal government.

9.4.3

(cont)

DISCUSSION

EAGA is an example of collaboration across municipal boundaries on activities, programs and projects of mutual benefit. Council has benefitted from its participation in EAGA through more than just involvement with the EAGA projects listed earlier in this report. The networking and information sharing as well as access to the skills and experience of the Executive Officer and peers have helped to support Council staff and build their knowledge and capability in greenhouse gas reduction measures.

Other key benefits of EAGA membership include:

- Collaborating to deliver corporate and community initiatives that provide a strong and well-considered evidence-based emission reduction outcomes and demonstrable return-in-investment.
- Capturing economies of scale and efficiencies through the delivery of cross-municipal initiatives typically beyond the reach of individual Councils. In recent times, this has extended to include other Victorian Greenhouse Alliances and energy distributors as described above.
- Utilising scale and reputation to collectively advocate for initiatives that promote sustainability and low carbon communities at State and Federal Government levels.
- EAGA projects that provide a regional framework for eastern Councils make it easier to develop a corresponding Whitehorse-specific strategy or action plan. The regional context also gives confidence that these subsequent Whitehorse-specific strategies or action plans align with those of our neighbouring Councils, and provide opportunities for collaborative multi-Council projects with the benefit of economies of scale.

Learnings from the EAGA impact evaluation has been considered by both the Executive and Steering Committees, and recommendations for improvement have been considered and integrated into the new MOU 2021-2025.

EAGA's MOU covers a 4-year period and strategically aligns with respective Council Plan renewal requirements. The MOU is structured to:

- Provide a framework to guide collaborative work and meet the objectives of EAGA's Strategic Plan;
- Define the roles and obligations of member councils and EAGA's governance structure; and
- Establish an agreed funding commitment of member Councils.

The EAGA Strategic Plan is supported by the annual Implementation Plan and Advocacy Plan endorsed by the Executive Committee to set priority projects and objectives for each financial year.

It is recommended that Council support its ongoing participation in EAGA, and endorse the signing of the 2021-25 EAGA Memorandum of Understanding.

CONSULTATION

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

Whitehorse City Council is represented on the EAGA Steering Committee by staff from the City Services Department and on the Executive Committee by Cr Tina Liu.

FINANCIAL IMPLICATIONS

The delivery of the Annual Implementation Plan and the salary of the full-time EAGA Executive Officer are funded from the EAGA Reserve, which is funded by member Council's annual EAGA membership fees and any grant monies that EAGA is successful in obtaining. EAGA

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has been very successful in obtaining grants due to the regional impact and multi-Council collaborative approach of the projects that typically aligns with State Government grant criteria.

There is an occasional requirement for additional funding for some EAGA projects. Any request for additional funding is usually made as part of the development of the Annual Implementation Plan to ensure that EAGA Councils that wish to participate in the particular project can make provision for any additional funding in their annual budget process. Council's 2021/22 budget includes an \$8,000 provision for value-add initiatives to the EAGA core program, as a number of the proposed projects will provide programs to benefit small businesses, reduce greenhouse emissions in the community, and help Council fleets to transition to using more electric vehicles.

The EAGA membership fee for 2021/22 is \$26,000 (excl. GST) and provision has been made in the draft 2021/22 Council budget. The 2021/22 membership fee includes provision for a part-time support officer to work with the EAGA Executive Officer, as the range of projects planned is beyond the capacity of a single Executive Officer. Some of these planned or committed projects for 2021/22 have a grant funded component, so any additional staffing cost will be leveraged and will help to achieve projects to further reduce greenhouse emissions in the eastern region.

After 2021/22, a membership fee increase of 2.5% per annum is scheduled to accommodate for EAGA's forecasted increase in expenses over the new MOU period. EAGA has the lowest fees among the metropolitan Alliances, about one-fifth (18%) less than average.

The annual EAGA membership cost for the first year of the MOU period in 2021/22 is as follows:

	Budget	Expenditure
2021/22 EAGA Membership Fee	\$26,000	\$26,000
Provision for Value-Add projects in 2021/22	\$ 8,000	\$ 8,000
Total Budget	\$34,000	
Total Expenditure		\$34,000

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



The benefits of EAGA's past activities will continue to flow in the next proposed MOU period. This does not account for the ongoing qualitative value obtained from participating in EAGA and the knowledge sharing amongst member Councils and Alliances.

POLICY IMPLICATIONS

Ongoing participation in EAGA projects and programs is a key action in the Whitehorse Sustainability Strategy 2016-2022, and is reinforced by Council's interim Climate Response Plan. This has supported Council and the community to identify and implement energy-efficiencies that reduce greenhouse gas emissions, and work towards achieving its greenhouse reduction targets.

The continued collaboration and partnership efforts with neighbouring Councils as well as the expertise of the EAGA Executive Officer will ensure that the benefit to Council will continue over the next 4 years.

ATTACHMENT

- 1 EAGA MOU 2021-25 Final 
- 2 Final EAGA Annual Report 2019-20.pdf 

9.4.4 South East Metropolitan Advanced Waste Processing Project: Special Purpose Vehicle

SUMMARY

The purpose of this report is to seek Council's approval to continue to be a party to the South East Metropolitan Advanced Waste Processing Project and agree to be part of the establishment of a Special Purpose Vehicle to facilitate the procurement of advanced waste processing solutions. The project involves up to 16 south east metropolitan councils using an advanced waste processing and resource recovery facility procured through the Special Purpose Vehicle arrangement to treat residual waste that would otherwise go to landfill.

A Special Purpose Vehicle is a legal entity established under the Local Government Act 2020. A Special Purpose Vehicle is a company with its own governance structure to manage the contracting and ongoing business activities necessary to deliver this procurement project on behalf of multiple councils with participating councils being shareholders.

The South East Metropolitan Advanced Waste Processing Project has been progressing in accordance with a Memorandum of Understanding between the 16 participating councils. The procurement process has reached a stage where a formal arrangement is necessary to help finalise the procurement process ahead of contracting with a preferred contractor or contractors. This report outlines what a Special Purpose Vehicle is, how it will operate and the benefits for Council.

It is recommended that Whitehorse City Council participates in the Special Purpose Vehicle that is being established for the purpose of procuring advanced waste processing contract solutions and agree to share the cost of establishing a Special Purpose Vehicle with the other participating councils.

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Massoud

That Council:

- 1. Notes the need to establish a Special Purpose Vehicle for the South East Metropolitan Advanced Waste Processing Project to facilitate the procurement of advanced waste processing solutions and contract arrangements;**
- 2. Confirms its participation as a shareholder in the Special Purpose Vehicle to be established on behalf of up to 16 participating in the South East Metropolitan Advanced Waste Processing Project;**
- 3. Agrees to contribute on a proportional basis with all other participating councils to the cost of establishing a Special Purpose Vehicle for the South East Metropolitan Advanced Waste Processing Project; and**
- 4. Authorises the Chief Executive Officer to take any further actions necessary to facilitate Council's participation in the South East Metropolitan Advanced Waste Processing Project.**

CARRIED UNANIMOUSLY

BACKGROUND

Council's adopted 'Rubbish to Resource' Waste Management Strategy 2018-2028 includes a priority action for Council to consider using new technology and innovation to improve the processing of waste and reduce the reliance on sending waste to landfill. Key drivers for this action include the rising cost of landfill, the pending closure of the only remaining landfill in the south east metropolitan area in around 2025 (SUEZ at Hallam), and the need to recover more resources from municipal residual waste for recycling. Council currently disposes of its kerbside garbage and the non-recyclable waste from the Whitehorse Recycling and Waste Centre in landfill.

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While there will continue to be landfills available to the west and north of Melbourne for a longer period, the long term landfilling of waste is not sustainable for financial or environmental reasons. These remaining landfills also have a limited lifespan and face operational pressures due to encroaching residential development. To continue using landfill once the SUEZ landfill in Hallam closes, councils in the south east metropolitan area will need to transport all waste across Melbourne, adding costs, creating service impacts due to traffic delays, creating more truck movements and producing more greenhouse emissions. Council has recently approved its participation in a new collaborative landfill contract with other councils and the Metropolitan Waste and Resource Recovery Group (MWRRG) from 2021 to 2025 including a mix of landfills in the south east, west and north of Melbourne. This multi-council landfill contract can be extended for a further period of up to four years should there be no alternative to using landfill in 2025.

Household garbage and non-recyclable waste can be disposed in a more environmentally sustainable manner and with a more certain cost profile than landfilling. Increasing landfill levies continue to put pressure on the need to find an alternative waste disposal option. On 27 May 2019 Council resolved to participate in the South East Metropolitan Advanced Waste Processing Project involving 16 south east metropolitan councils for the processing of municipal waste using advanced waste and resource recovery technology. The 16 councils are Bayside, Knox, Boroondara, Manningham, Cardinia, Maroondah, Casey, Monash, Frankston, Mornington Peninsula, Glen Eira, Stonnington, Greater Dandenong, Whitehorse, Kingston and Yarra Ranges. The procurement process is being facilitated by the MWRRG. The State government is funding the costs associated with the procurement activities.

The tendering process for a contract for waste disposal based on the use of advanced waste processing technology has commenced and is being overseen by a working group of representatives from the 16 councils, supported by the MWRRG and specialist advisors.

In parallel with the tender process, there is a need to establish an entity to represent the 16 councils to deal with contractual, legal, and community engagement activities associated with the development and operation of an advanced waste processing facility.

Following legal advice and consideration of a range of options, a recommendation has been made for the 16 councils to establish a Special Purpose Vehicle (SPV) as the most viable way to procure advanced waste processing solutions. A SPV is a company with its own assets and liabilities and is its own separate legal identity, with the participating councils represented as shareholders. Under the Local Government Act 2020, councils can engage in beneficial enterprise with other councils and co-operative business opportunities that deliver public value.

Given the size and scale of the South East Metropolitan Advanced Waste Processing (SEMAWP) Project, the establishment of a SPV is considered to be essential for participating councils to be able to enter into an agreement with a preferred contractor(s).

This is an example of a collaborative procurement and has received approval from the Australian Competition and Consumer Commission (ACCC).

DISCUSSION

Councils are currently participating in the SEMAWP Project in collaborative manner under an agreed Memorandum of Understanding. The tender process is being facilitated by the MWRRG supported by specialist technical, legal and probity advisors. Similar collaborative but informal processes have been used for previous smaller and less complex waste and recycling contract procurements on behalf of multiple councils. The SEMAWP Project has reached a critical stage where a formal entity is required to represent the interests of the participating councils and enable a contract agreement to be reached with a preferred contractor or contractors.

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The tender process has reached a stage where a number of experienced waste entities have been shortlisted to tender for a contract to deliver and operate an advanced waste processing facility. The shortlisted firms have all indicated that they will not separately contract with 16 different councils individually for this project. So a single entity to represent the participating councils is needed to enable the tender process to be finalised and a contract entered with a preferred contractor(s).

Options considered for a representative contracting entity

The SPV is the recommended representative contracting option for this project. Other options considered were for a single council to engage a contractor or for multiple councils to engage a contractor. The MWRRG is prohibited by its enacting legislation to be party to the agreement or to enter into a contractual agreement on behalf of councils.

If a contractor is engaged by a single lead council, then that council would be fully liable for the performance by the other councils it represents, making it challenging for a single council to take such a risk and act as lead council. This approach has been assessed as being highly unlikely to derive the same value for money or attract high quality, proven and commercially sustainable bids or bidders. Contractors would need to know which councils they will be dealing with and be able to trust that a lead council can fully and fairly represent all other councils.

Another option is for a contractor to be engaged by multiple councils which would be administratively and operationally difficult for the successful contractor and for councils. It would mean that each council would be jointly and severally liable for the performance of other councils. Adding or removing councils from the contract would also be challenging with this approach.

As this project will require the construction of a new advanced waste technology facility, the volume of waste required to make a new facility viable precludes the possibility of a contractor individually contracting with one council at a time, without an entity to bind the participating councils to the contract.

A contractor will need to attract financing to construct an advanced waste processing facility. Each of these alternative options for contracting for this project are unlikely to enable the contractor to get finance to build the facility.

The SPV arrangement reduces the risks for the participating councils and for the contractor. A summary of the key aspects of the proposed SPV follows.

SPV Structure

Objectives:

- Procure waste disposal services from the constructed AWP facility;
- Provide related administrative services to manage the AWP services contract;
- Enable councils to aggregate their supply of waste for this project via a waste supply agreement which will be administered by the SPV; and
- The establishment and ongoing functions of the SPV will provide no greater risk than any other type of procurement.

Shareholders:

- Each council participating in this project is expected to be a shareholder in the SPV;
- The SPV will be governed by a constitution and its scope and functions expressed in the form of a Shareholder's agreement;
- All shareholders will be treated equally; and
- The SPV's conduct will be for the sole benefit of Shareholders.

9.4.4

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SPV Shareholder Governance

Board:

- The Board will consist of 5-7 independent board members with a strong commitment to no conflicts and independence;
- It will be a skills based board with a relevant skills matrix to be developed; and
- Appointments will be for a 4-year term with remuneration capped.

Strategic Budget

- A strategic plan and a draft operating budget document will be prepared in advance of each financial year; and
- Both an annual strategic plan and operating budget (will be endorsed by the Board and approved by all Shareholders).

Accounts

- Audited accounts to be prepared no later than 40 Business Days after the end of each financial year; and
- Shareholders to be provided with any other information that is reasonably required.

Shareholder approval will be needed for:

- SPV's strategic plan and budget (including any capital expenditure) and its annual audited accounts;
- Acquiring stock, assets, or business of any other entity;
- Establishing any subsidiary;
- Creating any dividend policy;
- Selling, transferring, or disposing of any part of the business of the SPV;
- Ceasing to carry on any part of the business or commence any new activities;
- Commencing any litigation or proceedings of any nature; and
- Providing security to any person or creating any security interest over any of the assets.

Benefits of a SPV

Signing up to the SPV will allow councils to continue to have influence over the economic, environmental, and social outcomes of the facility. It will allow participating councils guaranteed access to the facility at what is essentially a fixed price for the life of the contract.

Other benefits are:

- It would bring economies of scale to the contract for participating councils (by aggregating demand) and be attractive to the market as a contracting entity.
- Rather than dealing with many individual councils, the private sector can deal with one entity - this simplifies several legal and financial processes, which facilitates the procurement/contract management. It provides the vehicle to attract investment from other levels of government.
- It is easier to facilitate decision-making and administration between the councils with a clear decision-making structure.
- It will limit a council's liability to its shareholding in the SPV, protecting the council's financial position and wider asset pool.
- The SPV can own, operate or apply for planning permission for a facility.

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Timelines to establish a SPV

There are three phases of the SPV:

Establishment - 1 July 2021

- SPV to exist (on paper);
- SPV to transition into procuring entity role for AWP Project (assisted by MWRRG);
- To be controlled by Shareholders; and
- Will need to have prepared in advance a strategic plan and budget.

Transitional phase (pre-execution of the AWP Project)

- Mobilisation/ramp-up of key establishment activities (e.g. registered office, Board, employees /contracts/agents etc.); and
- Preparation of strategic plan and budget for operational phase.

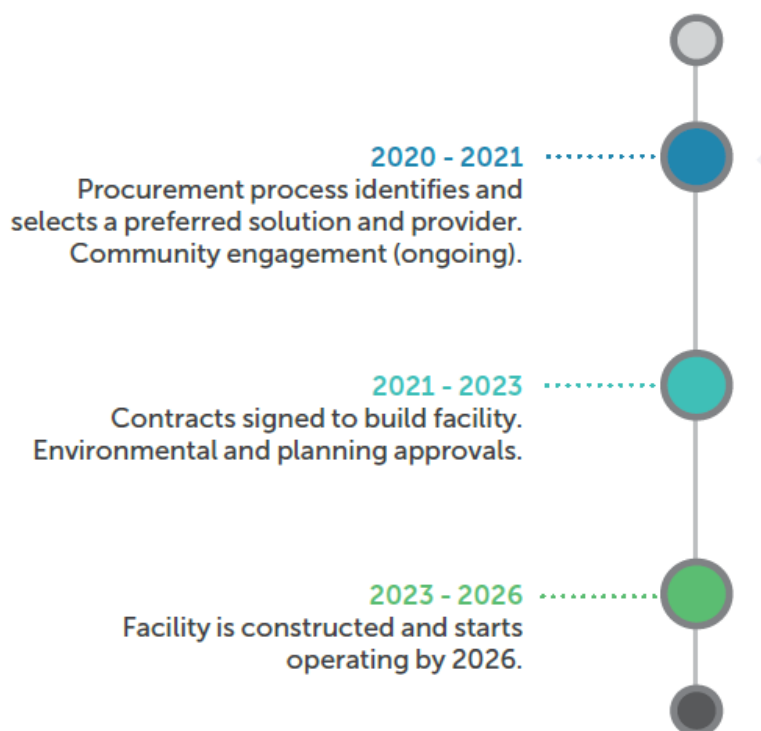
Operational phase - Execution of AWP Contract

- Fully functional.

Tender and project status

The outcome of the procurement is expected to be presented to Council in late 2021 for a decision to continue participation in the SEMAWP Project.

The overall project timing is as follows:



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CONSULTATION

The SEMAWP Project has relied to date on a high level of consultation with officers from each participating council, the MWRRG, and representatives from the Victorian Government.

Consultation with the Whitehorse community was undertaken in 2018 as part of the development of Council's 2018-2028 Waste Management Strategy. This included sharing information and receiving community input about the limited capacity and lifespan of existing landfills, the rising cost of using landfills, and the availability of reliable and safe forms of advanced waste processing technologies as a future means to process waste.

Further community consultation about the transition away from using landfill to dispose of residual waste will be a regular feature of this project.

FINANCIAL IMPLICATIONS

The complex tender process is being funded by the Victorian government through the MWRRG, as part of the State Waste and Resource Recovery Infrastructure Plan that supports collaborative tenders involving multiple councils, where the aggregated waste volume makes it viable for new waste processing infrastructure to be developed.

As the SPV will be the Principal to the advanced waste processing services contract, the next phase of the SEMAWP Project procurement process will need to be in the name of the SPV. The cost of establishing a SPV until the award of the SEMAWP Project agreement requires the participating councils to contribute the required funding as this is not being provided by the State government.

The SPV establishment costs are to be incurred over a six to 12 month period leading up to selection of the preferred tenderer and will be divided evenly between participating councils.

The indicative cost of establishing the SPV on behalf of the participating councils is in the order of \$700,000 to \$870,000. The activities involved include:

SPV establishment

- Regulatory steps
- Risk assessment
- Transitional arrangements (including operational ramp up)
- Strategic plan and budget (and associated legal and accounting advice)

Site selection

- Environmental and technical due diligence

Preliminary approvals

- Environmental and technical assessment
- Legal due diligence
- Preparation of an option agreement and purchase contract
- Land agent

Included in the above is a site option fee that would only be payable in circumstances where the successful contractor did not elect to utilise a site identified by the councils.

Based on the equal distribution between 16 councils, the cost to each council could be in the order of \$44,000 to \$55,000. Given the early order of costing, it is expected that Council's contribution could be up to \$75,000.

Funding for Whitehorse City Council's share of these SPV costs will be funded from Council's 2021/22 waste budget.

9.4.4

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POLICY IMPLICATIONS

As indicated earlier in the report, the transition to using advanced waste processing technology to replace landfill disposal has previously been considered and endorsed by Council in the adoption of the 'Rubbish to Resource' Waste Management Strategy 2018-2028 in December 2018.

The aggregating of waste through multi-Council contracts and reducing reliance on landfill disposal also aligns with various Victorian Government policies and strategies. These include the State Waste and Resource Recovery Infrastructure Plan, the Metropolitan Waste and Resource Recovery Implementation Plan, and the recent Recycling Victoria Policy – circular economy plan that contains a new target to divert 80% of household waste away from landfill by 2030.

10 REPORTS FROM DELEGATES, DELEGATED COMMITTEE RECOMMENDATIONS AND RECORDS OF INFORMAL MEETINGS OF COUNCILLORS

10.1 Reports by Delegates

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

- 10.1.1 Cr Liu reported on her attendance as a delegate at the following committees:
 - Whitehorse Business Group Board meeting held on 8 June 2021.
 - Eastern Transport Coalition meeting held on 17 June 2021.
- 10.1.2 Cr Massoud reported on her attendance at the following meetings:
 - As a delegate attended the Whitehorse Reconciliation Policy and Action Plan Advisory meeting held on 13 June 2021.
 - Victorian Local Governance Association Governance Advisory Network meeting held on 18 June 2021, as an observer.
- 10.1.3 Cr Carr reported on her attendance as a delegate at the following committees:
 - Visual Arts Advisory Committee virtual meeting held on 2 June 2021.
 - Eastern Region Group meeting held on 25 June 2021 where the Minister for Local Government The Hon Shaun Leane MP was in attendance
- 10.1.4 Cr Cutts reported on her attendance as a delegate at the Whitehorse Sports and Recreation Network Committee meeting held on 20 May 2021.
- 10.1.5 Cr Lane reported on his attendance as a delegate at the following committees:
 - Whitehorse Sports and Recreation Network meeting held on 20 May 2021.
 - Whitehorse Manningham Library Corporation Board meeting held on 26 May 2021.
 - Whitehorse Business Group Board meeting held virtually on 8 June 2021
 - Whitehorse Manningham Library Corporation Board briefing held on 28 June 2021.
- 10.1.6 Cr Skilbeck reported on her attendance as a delegate at the following committees:
 - Whitehorse Manningham Library Corporation Board meeting held on 26 May 2021
 - Whitehorse Manningham Library Corporation Board briefing held on 28 June 2021.
- 10.1.7 Cr Davenport reported on his attendance as a delegate at the following committees:
 - Visual Arts Advisory Committee virtual meeting held on 2 June 2021.
 - Metropolitan Transport Forum virtual meeting held on 2 June 2021.
- 10.1.8 Cr McNeill reported on her attendance as a delegate at the Whitehorse Disability Advisory Committee virtual meeting held on 2 June 2021
- 10.1.9 Cr Munroe reported on his attendance as a delegate at the following committees:
 - Municipal Association Victoria State Council meeting held on 21 May 2021.
 - Eastern Region Group Meetings held on 4 June 2021 and on 25 June 2021 where the Minister for Local Government The Hon Shaun Leane MP was in attendance.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr McNeill

That the reports from delegates be received and noted.

CARRIED

10.2 Recommendation from the Delegated Committee of Council Meeting of 15 June 2021

Nil

10.3 Record of Informal Meetings of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
17.05.21 6:30-7:00pm	Councillor Informal Briefing <ul style="list-style-type: none"> Council Meeting Dates: July to September 2021 	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Green S White (ADCOMS) T Johnson (ADCS) S Cann J Russell C Altan N Jones	Nil	Nil
07.06.21 6:30-8:41pm	Virtual Councillor Briefing <ul style="list-style-type: none"> Capital Works Update Financial Report as at 30 April 2021 Future of Livingstone Close Burwood Site (CATO Building) COVID Implications 	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck	S McMillan J Green S White (ADCOMS) T Johnson (ADCS) S Cann J Russell C Altan N Brown D Comazzetto J Cushing D Seddon R Andresson	Nil	Nil
15.06.21 6:35-10:54	Virtual Councillor Briefing <ul style="list-style-type: none"> Delegated Committee & Other Business Delegated Committee 15 June 2021 Draft Council Agenda 15 June 2021 Level Crossing Removal Project: Union Road and Mont Albert Road Healesville Freeway Reserve Update Draft Strategic Partnerships Framework. 	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck	S McMillan J Green S White (ADCOMS) T Johnson (ADCS) S Cann J Russell C Altan K Marriott J Hansen I Kostopoulos A Da Campo K Sinclair L Morris L Gibson T Peak J Blythe J Cushing R Johnson		

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr McNeill

That the record of Informal Meetings of Councillors be received and noted.

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Davenport attended the Australian Local Government Association National General Assembly held 20-23 June 2021.
- 11.2 Cr Skilbeck reported on her attendance at Governance Institute of Australia's, Victorian Governance and Risk Management Forum 2021 held on 20 May 2021.
- 11.3 Cr Carr reported on her attendance at the Municipal Association of Victoria virtual forums:
- Councillor Development Program, Presentation and Public Speaking Skills held on 2 June 2021.
 - Leadership Forum Gender Equality Act implementation on 11 June 2021
- 11.4 Cr Massoud reported on her attendance at the following conferences and seminars:
- Whitehorse Business Group Women in Business Luncheon held on 20 May 2021.
 - Launch of the Victorian Energy Collaboration.
 - Health Matters Webinar Series held on 9 June 2021.
 - Waste Management Forum on 10 June 2021.
 - Municipal Association of Victoria (MAV) Leadership virtual forum on the Gender Equality Act implementation held on 11 June 2021.
 - Australian Local Government Association National General Assembly 2021 attending virtually 20-23 June 2021.
 - MAV Councillor Development Program Sexual Harassment virtual forum held on 23 June 2021.
- 11.5 Cr Liu reported on her attendance at the following:
- Whitehorse Business Group Women in Business Luncheon held on 20 May 2021.
 - Launch of the Victorian Energy Collaboration.
 - Eastern Climate Action Melbourne climate response community information night as a presenter.
- 11.6 Cr Munroe reported on:
- Attendance at the Whitehorse Business Group Women in Business Luncheon held on 20 May 2021.
 - Municipal Association of Victoria (MAV) Leadership virtual forum on Managing the CEO Employment Cycle on 3 June 2021.
 - MAV Leadership virtual forum on the Gender Equality Act implementation held on 11 June 2021.
 - Australian Local Government Association National General Assembly 20-23 June 2021. Cr Munroe will circulate a written report to Councillors.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr McNeill

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

CARRIED UNANIMOUSLY

12 CLOSE MEETING

Meeting closed at 11:00pm

Confirmed this 19th day of July 2021

CHAIRPERSON