

Attachments

Council Meeting

Monday 25 March 2024

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10.1 **42-48 Glenburnie Road, MITCHAM (LOT 1 LP 37448)**
– Amendment to Planning Permit WH/2018/45

Attachment 1 History (Current Permit and Endorsed Plans)

Attachment 2 Proposed Amended Development Plans

Attachment 3 Proposed Amended Landscape Plans

City of Whitehorse

PLANNING PERMIT

Permit Number: WH/2018/45
(Amended)
Planning Scheme: Whitehorse
Responsible Authority: City of Whitehorse

ADDRESS OF THE LAND:

42-48 GLENBURNIE ROAD, MITCHAM (LOT 1 LP 37448)

THE PERMIT ALLOWS:

Construction of more than two dwellings on a lot in the Neighbourhood Residential Zone (Schedule 1), demolition of outbuildings in the Heritage Overlay (Schedule 296), construction of dwellings and associated works in the Heritage Overlay (Schedule 296), and removal of vegetation in the Significant Landscape Overlay (Schedule 7) and under Clause 52.17 of the Whitehorse Planning Scheme, generally in accordance with the endorsed plans and subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 Before the development starts, amended plans in digital form must be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, and be generally in accordance with the plans by Jesse Ant Architects, drawing nos. TP04 to TP11, all marked Revision C and dated 21 August 2019, but modified to show:
 - (a) Front paired visitor car spaces constructed above Natural Ground Level (NGL).
 - (b) The inclusion of paving as part of the percentage encroachment of buildings and works within the TPZs of all relevant trees being retained.
 - (c) Garage to the existing dwelling designed with root sensitive footings within the TPZ of Tree 25.
 - (d) Details for Dwelling 6 modified to show:
 - i Materials and finishes consistent with the existing heritage dwelling including:
 - (i) roofing to be constructed of terra cotta tile; and
 - (ii) Wall cladding to include a significant percentage of weatherboard or similar lightweight wall cladding (Hardies Scyon "Stria", "Axon" or "Linea" or similar). Sections of face brickwork can be included, while large areas of render or smooth finished panels are not acceptable.
 - (e) **The existing heritage dwelling modified to show:**
 - i. **the western rear highlight window of the kitchen relocated to this room's southern wall that projects to the rear of the dining area.**
 - ii. **the western rear setback of the entertainment room from the common driveway, increased by an additional 500mm.**
 - iii. **the landscape plan as required by Condition 5, updated to accommodate the changes approved on [issue date of this amendment], as well as the requirements of Conditions 6a and 6b.**

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- iv. **confirmation in the elevations and printed materials schedule that no changes to the front façade (walls, windows and verandah) will occur.**
- (f) The accessway grades are required to be in accordance with Clause 52.06-08 of the Whitehorse Planning Scheme and/or section 2.5 and 3.3 of AS 2890.1. This is to be demonstrated by providing a longitudinal section of the proposed centreline of the circulation and from the centre line of the road to the parking areas within the proposed garages.
- (g) The proposed accessway widths are to comply with Australian Standard AS 2890.1 section 2.5 and figure 2.8.
- (h) Sweep paths to confirm that all turning areas will comply with Clause 52.06 of the Whitehorse Planning Scheme.
- (i) The plans updated to only show the removal of Tree Nos. 1, 11, 12, 13, 17-20, 22-24, 26-30, 35, 37, 38, 39, 40, 41, 46, 50, 54, 55, 60, 63-67, 69-71 and 73-76.
- (j) The plans accurately updated to reflect:
- i Condition 5.
 - ii Condition 8.
 - iii All sustainability features indicated in an updated Sustainable Development Assessment (SDA) required by Condition 3, and to include the following specific requirements:
 - (i) Water-sensitive urban design measures as required to achieve a STORM Rating of at least 100% or equivalent,
 - (ii) Design measures as identified in the BESS Report, as required to exceed achieve an acceptable overall 50% score.
 - (iii) All operable windows, doors and vents in elevation drawings.
 - (iv) Location of clotheslines.
 - (v) Any exterior building services equipment, including any heating, cooling, ventilation, hot water systems.
 - (vi) Include an annotation of the timber species intended for use as decking or outdoor timber, noting that unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) must not be used.
 - (vii) Where measures cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).
- (k) Details of the outbuildings to be demolished.
- (l) The SDA updated as required by Condition 3.
- (m) Any changes required by the Waste Management Plan required by Condition 10.
- (n) The Offset Management Plan updated in accordance with Condition 11.
- 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.

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PAGE 3 OF 9 OF WH/2018/45/A**Sustainable Development**

- 3 Prior to the commencement of any buildings or demolition works, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. This SDA must be generally in accordance with the SDA submitted with the application but amended to include the following changes:
- (a) Any changes required by Condition 1.
 - (b) A STORM Rating Report with a score of at least 100% or equivalent.
 - (c) A complete, published BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ).
 - (d) Include a preliminary sample set of NatHERS scores as per Guide to NatHERS Sample Sizes – see <http://bit.ly/NatHERS-sampleset>
 - (e) Commit to controlling all exterior lighting with sensors/timers.
 - (f) Commit to the inclusion of energy efficient heating and cooling systems indicating the associated COP and EER values and/or star ratings.
 - (g) Commit to the inclusion of improved water efficient fixtures and appliances indicating the associated WELS ratings.
 - (h) Connect the rainwater tanks to all toilet flushing, laundries (washing machines) and irrigation services/systems.
 - (i) Commit to diverting at least 80% of construction/demolition waste from landfill.

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

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

- 4 Prior to the occupation of any dwelling approved under this permit, a report from the author of the SDA, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Reports have been implemented in accordance with the approved plan.
- 5 **Unless with the prior written consent of the Responsible Authority, there must be no replacement or modification of materials to the eastern front façade (includes external windows, walls and verandah).**

Landscaping and Tree Protection

- 6 Prior to the commencement of any buildings or demolition works, a revised Landscape Plan in accordance with Council's Landscape guidelines prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscape plan must include, but is not limited to:
- (a) Any changes required by Condition 1.
 - (b) 2 small canopy trees with maximum growth heights of 5 metres to 8 metres in front of dwelling 6.
 - (c) 3-metre high screening plants provided along the western rear and southern side boundaries wrapping around the south-eastern corner of the site, from the trunk of Tree 56, to the south-western corner of dwelling 5.

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- (d) Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method.
 - (e) The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority.
 - (f) Any plant detailed in the endorsed landscape plan that is dead be replaced with similar plant species as necessary to the satisfaction of the Responsible Authority.
 - (g) A 6-month Maintenance Plan.
 - (h) 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.
- 7 Unless with the prior written consent, all tree planting and landscaping works as shown on the endorsed plans must be completed prior to the occupation of the development to the satisfaction of the Responsible Authority.
- 8 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 Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:
- (a) Tree Protection Zone distances:
 - i Tree 2 (Yellow Gum) – 2.0 metre radius from the centre of the tree base.
 - ii Tree 3 (Narrow leaved Peppermint) – 4.2 metre radius from the centre of the tree base.
 - iii Tree 4 (Yellow Box) – 2.1 metre radius from the centre of the tree base.
 - iv Tree 5 (Sweet Pittosporum) – 2.3 metre radius from the centre of the tree base.
 - v Tree 6 (Narrow leaved Peppermint) – 6.7 metre radius from the centre of the tree base.
 - vi Tree 7 (Cootamundra Wattle) – 3.5 metre radius from the centre of the tree base.
 - vii Tree 8 (Sweet Pittosporum) – 3.6 metre radius from the centre of the tree base.
 - viii Tree 9 (Messmate Stringybark) – 2.0 metre radius from the centre of the tree base.
 - ix Tree 10 (Messmate Stringybark) – 5.0 metre radius from the centre of the tree base.
 - x Tree 14 (Mealy Stringybark) – 4.8 metre radius from the centre of the tree base.
 - xi Tree 15 (Cherry Plum) – 2.4 metre radius from the centre of the tree base.
 - xii Tree 16 (Silky Oak) – 8.4 metre radius from the centre of the tree base.
 - xiii Tree 21 (Mediterranean Cypress) – 12.2 metre radius from the centre of the tree base.
 - xiv Tree 25 (English Gum) – 7.8 metre radius from the centre of the tree base.
 - xv Tree 31 (Spotted Gum) – 6.6 metre radius from the centre of the tree base.

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- xvi Tree 32 (Mealy Stringybark) – 3.6 metre radius from the centre of the tree base
 - xvii Tree 33 (Mealy Stringybark) – 8.4 metre radius from the centre of the tree base
 - xviii Tree 34 (Mealy Stringybark) – 6.0 metre radius from the centre of the tree base
 - xix Tree 36 (Mealy Stringybark) – 7.6 metre radius from the centre of the tree base
 - xx Tree 42 (Variegated Pittosporum) – 2.5 metre radius from the centre of the tree base
 - xxi Tree 43 (Lily Pily) – 2.5 metre radius from the centre of the tree base
 - xxii Tree 44 (Peppermint Wallow) – 5.0 metre radius from the centre of the tree base.
 - xxiii Tree 45 (Variegated Pittosporum) – 4.8 metre radius from the centre of the tree base.
 - xxiv Tree 47 (Coastal Banksia) – 3.6 metre radius from the centre of the tree base
 - xxv Tree 48 (Photinia x 2) – 2.5 metre radius from the centre of the tree base
 - xxvi Tree 49 (Red Box) – 6.2 metre radius from the centre of the tree base
 - xxvii Tree 51 (Sweet Pittosporum) – 2.4 metre radius from the centre of the tree base
 - xxviii Tree 52 (Box Elder) – 2.2 metre radius from the centre of the tree base
 - xxix Tree 53 (Pin Oak) – Height (15 metres or similar), SRZ (2.9 metres) and TPZ (8.6 metres radius from the centre of the tree base).
 - xxx Tree 56 (Spotted Gum) – 9.6 metre radius from the centre of the tree base
 - xxxi Tree 57 (Sweet Pittosporum) – 3.6 metre radius from the centre of the tree base.
 - xxxii Tree 58 (Red Box) – 10.7 metre radius from the centre of the tree base
 - xxxiii Tree 59 (Kurrajong) – 2.5 metre radius from the centre of the tree base
 - xxxiv Tree 61 (Illawara Flame Tree) – 2.5 metre radius from the centre of the tree base.
 - xxxv Tree 62 (Ironbark) – 7.2 metre radius from the centre of the tree base
 - xxxvi Tree 68 (Prickly leaved Paperbark) – 4.8 metre radius from the centre of the tree base
 - xxxvii Tree 72 (Sweet Pittosporum) – 4.2 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 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.

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- 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.
- 10 During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:
- (a) A project arborist must be appointed by the applicant or builder. Any Qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist.
 - (b) The Project Arborist must supervise all approved works (including site demolition) within the TPZs of all trees shown to be retained on the endorsed plans. Any root severance must be approved and undertaken by the Project Arborist using clean, sharp and sterilised tree root pruning equipment. There must be no root severance within the SRZ of any tree shown on the endorsed plans.
 - (c) The project Arborist must ensure that any root severance or buildings and works within a TPZ of a tree shown on the endorsed plans does not adversely impact the health and / or stability of the trees now or into the future.
 - (d) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.
 - (e) All paving, paths, decking and porches where within the TPZs of any tree shown on the endorsed plans, on or adjoining the subject site, must be constructed above the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile (porches do not need to be porous). Any postholes are to be hand dug and no roots greater than 25mm in diameter are to be cut or damaged. There must be no grade change within greater than 10% of any TPZ and no roots are to be cut or damaged during any part of the construction process.

Waste Management

- 11 Prior to the commencement of buildings and works, an updated Waste Management Plan must be prepared to the satisfaction of the Responsible Authority. The Waste Management Plan must provide details in relation to:
- (a) Any changes required by Condition 1.
 - (b) Private collection of all wastes generated on the site.
 - (c) On-site waste storage capacity: including justification based on similar uses and developments operating elsewhere that the on-site waste storage capacity will be sufficient for the likely residents, and options to increase capacity if required,
 - (d) Bin storage areas: their location, accessibility and number, size and capacity of bins that can be accommodated,
 - (e) An on-going commitment to recycling,

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- (f) The separation of garbage from recyclables and other wastes (such as green waste): including ease of separation by residents, and separate collections by waste contractors, to ensure that separation of recyclables is facilitated and not hindered by the site layout,
- (g) Delivery of bins to waste collection points and retrieval of bins to nominated storage areas within the building: including access to secure basement areas and management of potential conflicts between vehicles accessing the site and waste collection arrangements,
- (h) Waste collection arrangements: including collection frequency, collection location, collection vehicle access arrangements, including clearance and turning movements, appropriate collection standards including collection cleanliness and spill management, hours of access, noise impacts and other amenity related issues, and any signage required to facilitate these arrangements,
- (i) Litter and green waste management,
- (j) The requirements of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

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

Native Vegetation

- 12 Prior to the removal of any trees, the owner must provide an updated Offset Management Plan (OMP) to the satisfaction of the Responsible Authority. The plan must include:
- (a) Total hectares of native vegetation approved for removal in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).
 - (b) The general offset must:
 - i Contribute gain in general habitat units
 - ii Be located within the Port Phillip and Westernport Catchment Management Authority boundary.
 - iii Have a strategic biodiversity score.

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 the 'Assessor's handbook: Applications to remove, destroy or lop native vegetation'. Offset evidence must be in the form of a credit register extract from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

Assets Protection

- 13 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.

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10.4 Draft Governance Rules and Election Period Policy

Attachment 1 Whitehorse City Council Draft Governance Rules - no markup

Attachment 2 Whitehorse City Council Draft Governance Rules - marked up copy

10.5 S5 Instrument of Delegation to the Chief Executive Officer and S6 Instrument of Delegation from Council to Members of Council Staff

Attachment 1 S5 Instrument of Delegation to Chief Executive Officer

Attachment 2 S6 Instrument of Delegation from Council to Members of Council Staff

