

Minutes

Ordinary Council Meeting

of the

WHITEHORSE CITY COUNCIL

**Held in the
Council Chamber
Nunawading Civic Suite**

**379 Whitehorse Road
Nunawading**

on

Monday 24 June 2013

at 7:00 p.m.

Members: Cr Andrew Munroe (Mayor), Cr Bill Bennett, Cr Raylene Carr,
Cr Robert Chong AM, Cr Andrew Davenport, Cr Philip Daw,
Cr Sharon Ellis, Cr Helen Harris OAM, Cr Denise Massoud, Cr Ben Stennett

Ms Noelene Duff
Chief Executive Officer

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The meeting opened at 7.00pm

Present: Cr Munroe (Mayor & Chairperson), Cr Bennett, Cr Carr, Cr Chong AM,
Cr Davenport, Cr Daw, Cr Ellis, Cr Harris OAM, Cr Massoud, Cr Stennett

1 PRAYER

1a Prayer for Council

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

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

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

Amen.

1b Aboriginal Reconciliation Statement

"In the spirit of reconciliation we acknowledge the Wurundjeri as the traditional owners of the land on which we are gathered."

2 WELCOME AND APOLOGIES

The Mayor welcomed all.

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

Cr Massoud disclosed a conflict of interest (residential amenity) in Item 9.2.7 – Delegated Decisions – as one of the decisions relates to her place of residence.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Cr Stennett, Seconded by Cr Bennett

That the Minutes of the Ordinary Council Meeting and Confidential Council Meeting 20 May 2013 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

There were no questions submitted.

6 NOTICES OF MOTION

Nil

7 PETITIONS

Nil

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

9.1.1 31 Byron Street Box Hill South – Construction of four double storey semi-detached dwellings

FILE NUMBER: WH/2012/668
ATTACHMENT

SUMMARY

This application has been advertised and received 25 objections from 24 properties. Issues raised by the objectors include inconsistency with existing and preferred neighbourhood character, traffic and car parking, landscaping and open space provision. An assessment of the proposal against the provisions of the Whitehorse Planning Scheme has been undertaken. A Consultation Forum was chaired by Councillor Carr. It is recommended that the application be approved, subject to amendments to setbacks.

RECOMMENDATION

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2012/668 at 31 Byron Street Box Hill South to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the development of four double storey semi-detached dwellings is acceptable and should not cause unreasonable impact to adjacent properties.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 31 Byron Street Box Hill South for the purpose of construction of four double storey semi-detached dwellings, subject to the following conditions:*
1. *Before the development starts, or any trees or vegetation removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:*
 - (a) *Notation listing all tree protection measures required by Condition 5 of this planning permit, with all nominated trees clearly identified.*
 - (b) *All garages to be setback a minimum of 1 metre from their respective side boundaries.*
 - (c) *Dwellings 3 & 4 garages to be setback a minimum of 5.4 metres to Naples Street.*
 - (d) *Dwellings 1 & 2 kitchen and pantry setback a minimum of 2 metres from their respective side boundaries with no other changes in setbacks.*
 - (e) *All first floors to be setback a minimum of 2.9 metres from their respective side boundaries with no other changes in setbacks.*
 - (f) *Notation that all glazing treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*
 - (g) *The Sustainable Design Assessment (SDA) amended to the satisfaction of the Responsible Authority (see notes).*

9.1.1
(cont)

- (h) Development plans to reflect all sustainability features indicated in the submitted SDA. Where features cannot be visually shown, include a notes table providing details of the requirements (ie. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc).*
- (i) Provision of a schedule of colours and materials.*
- (j) A landscape plan in accordance with Condition 3, including the following:*
 - i. The planting of an upper canopy tree with a minimum mature height of 12 metres within the front setback to Byron Street.*
 - ii. The planting of at least one mid canopy tree (6-11 metres, and not of a type ordinarily pruned) in the secluded private open space area of each dwelling.*

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

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -*
 - * A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
 - * Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
 - * Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
 - providing a complete garden scheme,*
 - softening the building bulk,*
 - providing some upper canopy for landscape perspective,*
 - minimising the potential of any overlooking between habitable rooms of adjacent dwellings.*
 - * 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.*
 - * The proposed design features such as paths, paving, lawn and mulch.*

9.1.1
(cont)

- * ***A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.***

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

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

4. ***The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.***
5. ***Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained 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. All trees and shrubs in both Byron Street and Naples Street nature strips – 2.0 metres radius.***

(b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:

- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.***
- ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.***
- iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.***
- iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.***
- v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.***
- vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.***
- vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.***

9.1.1
(cont)

- viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
6. *The existing street trees shall not be removed or damaged without the approval of Council.*
7. *The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.*
8. *Discharge of storm water from the land will be required by means of an underground pipe drainage system designed on the basis of a 10 year average storm recurrence interval and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.*
9. *All storm water drains shall be connected to a legal point of discharge as determined by Council's Drainage Management Engineer. Prior to the commencement of any works on the subject land a site development layout plan together with detailed design plans and specifications for outfall drainage external to the site shall be submitted for approval by the Responsible Authority. All outfall drainage works must be completed to the satisfaction of the Responsible Authority prior to the occupation of buildings.*
10. *Prior to the occupation of the development, the development must be constructed in accordance with the approved SDA to the satisfaction of the Responsible Authority.*
11. *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 issue of this permit.*

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

9.1.1
(cont)

Notes:

1. ***Please contact Council's Planning Department on 9262 6303 for advice on recommended amendments to the Sustainable Design Assessment (SDA).***
 2. ***Construct an on-site stormwater detention system in accordance with Council Drainage Policy No 2.***
 3. ***Construct outfall drain in accordance with Council Drainage Policy No 1, discharging into the existing Council pit in front of 25 Byron Street.***
 4. ***Prior to the issue of the building permit, design plans and specifications are to be prepared by a registered Consulting Engineer detailing civil engineering works within the site in accordance with the endorsed plans. Certification by the Consulting Engineer that the civil works have been completed in accordance with the design plans and specifications is required by the Responsible Authority subsequent to the completion of all the works.***
 5. ***All storm water drainage within the development site and associated with the building(s) must be completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s).***
 6. ***Soil erosion control measures must be adopted at all times to the satisfaction of Council's Design Engineer during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with EPA guidelines 'Construction techniques for sediment pollution control'. The application must ensure compliance with the above guidelines and in potentially high erosion areas it may be required that a plan be prepared indicating proposed measures and methodology.***
- C** ***Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.***
-

9.1.1
(cont)

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Davenport

That Council:

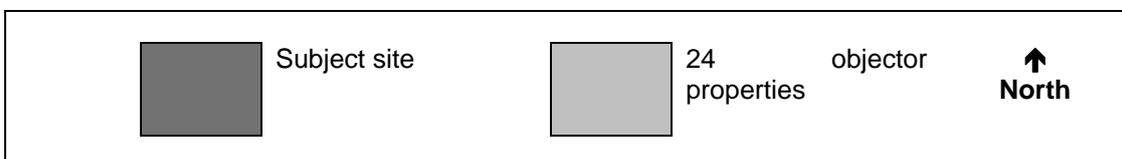
- A** *Being the Responsible Authority, having caused Application WH/2012/668 at 31 Byron Street Box Hill South to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the development of four double storey semi-detached dwellings is unacceptable and will cause unreasonable impact to adjacent properties.*
- B** *Issue a Refusal to Grant a Permit under the Whitehorse Planning Scheme to the land described as 31 Byron Street Box Hill South for the purpose of construction of four double storey semi-detached dwellings, on the following grounds:*
- 1. The proposal fails to comply with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, particularly Clause 21.05 Environment, Clause 21.06 Housing, Clause 22.03 Residential Development, and Clause 22.04 Tree Conservation, in terms of respecting Garden Suburban environment.*
 - 2. The proposed construction of four double storey dwellings is contrary to the preferred neighbourhood character and design objectives for a Natural Change, Garden Suburban Area in Clause 22.03 Residential Design Policy.*
 - 3. The proposed development will not sensitively integrate with the garden character of the neighbourhood given that insufficient opportunity has been provided for the planting of new vegetation with spreading canopies throughout the site due to the extensive amount of paving throughout the site and insufficient setbacks to side boundaries. This is contrary to the objectives of Clause 22.04 of the Whitehorse Planning Scheme.*
 - 4. The bulk and massing of the proposed development is inconsistent with the prevailing neighbourhood character and will result in excessive bulk and form facing the abutting properties and both streetscapes.*
 - 5. The proposal fails to satisfy objectives/standards of Clause 55.02-1 (Neighbourhood character), Clause 55.02-2 (Residential policy), Clause 55.03-1 (Street setback), Clause 55.03-5 (Energy efficiency), and Clause 55.03-8 (Landscaping).*
 - 6. The proposal would result in unacceptable onsite and off-site amenity impacts.*
- 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

9.1.1
 (cont)

MELWAYS REFERENCE 61 B1

Applicant:	Coeve Design Pty Ltd
Zoning:	Residential 1
Overlay:	Nil
Relevant Clauses	Clause 11 – Settlement 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 32.01 Residential 1 Zone Clause 55 – Two or more dwellings on a lot and residential buildings Clause 65 – Decision Guidelines
Ward:	Riversdale
Objector properties:	24



The Site and Surrounds

The subject site is located on the north side of Byron Street, about 280m east of Elgar Road and 65m west of Grandview Road, Box Hill South. The site also has frontage to Naples Street. The site has a 19.2 metre frontage to both streets, depth of 45.72 metres and site area of 878m². The site has a slope of 3 metres falling from north to south. There are Prickly Paperbark trees in both the Byron Street and Naples Street nature strips.

9.1.1 (cont)

The site is currently occupied by a double storey brick dwelling fronting Byron Street. There are a number of small trees on the site. Trees in the middle of the site along the east boundary capable of being retained include two Sweet Pittosporums, Pear, and Forest She-oak. There is a crossover to both street frontages.

Abutting the site to the east is vacant land at 33 Bryon Street, which has an existing planning permit issued by VCAT for the construction of four double storey dwellings comprising of two dwellings facing each of the frontages of Byron Street and Naples Street.

To the west are two dwellings with a double storey brick dwelling at 29 Byron Street and a single storey brick dwelling at 30 Naples Street. The dwelling at 29 Byron Street is setback 6.2m from the frontage and 2.2m from the common boundary, and the dwelling at 30 Naples Street is setback 6m from the frontage and 1.8m from the common boundary (with a single garage forward of the dwelling abutting the common boundary and setback 3m to the street). There are no trees on abutting properties near common boundaries.

Opposite the site in Byron Street is a single storey weatherboard dwelling at 30 Moore Street with a side setback of 2m to Byron Street. There is two double storey brick and weatherboard dwellings to the rear with 3m front setbacks to Byron Street. To the east of these dwellings is a single storey brick dwelling built to the rear of 37 Grandview Road with a 3.2m frontage to Byron Street. Opposite the site in Naples Street is a single storey brick dwelling at 67 Wellman Street with a side setback of 4m to Naples Street, and a double storey brick dwelling to the rear with a 3m front setback to Naples Street. To the east of these dwellings is a single storey brick dwelling built to the rear of 68 Monash Street with a 3m setback to Naples Street.

Planning Controls

The State Planning Policies at Clauses 11 (Settlement), 15 (Built Environment and Heritage) and 16 (Housing) aim to encourage consolidation of existing urban area while respecting neighbourhood character, and facilitate sustainable development that takes full advantage of existing settlement patterns through encouraging higher density development near public transport routes.

The Local Planning Policies at Clauses 21.06 (Housing) and 22.03 (Residential Development) have identified the subject site as being located in a Natural Change Area. The Natural Change Area is expected to undergo a modest level of change to accommodate future increases in dwelling stock, which seek to achieve the desired future character of the area. The Local Planning Policies have also identified the site being located in a Garden Suburban Area where front gardens are characterised by small scale planting and building outlines are generally the dominant element in the street perspective.

A permit is required under Clause 32.01 (Residential 1 Zone) to construct two or more dwellings on a lot. The relevant purpose of Clause 32.01 is to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households and to encourage residential development that respects the neighbourhood character.

Clause 52.06 (Car Parking) details car parking and access requirements.

Clause 55 (ResCode) is the primary assessment tool to ensure that developments of two or more dwellings provide reasonable standards of amenity for existing and new residents.

Clause 65 provides guidelines that must be considered before deciding on an application to ensure the proposal will produce acceptable outcomes. These guidelines include the State and Local Planning Policy Framework, the purpose of the zone, the orderly planning of the area and the effect on the amenity of the area.

9.1.1 (cont)

PROPOSAL

The application proposes the construction of four double storey semi-detached dwellings, with Dwellings 1 & 2 facing south to Byron Street and Dwellings 3 & 4 facing north to Naples Street. All dwellings are proposed with three bedrooms plus study and a single garage with a tandem car space in front.

Dwellings 1 & 2 are proposed to be setback an average of 5.1m to Byron Street and 1.1m to side boundaries, with garages setback an average of 6.3m from the street and constructed to side boundaries. Dwellings 3 & 4 are proposed to be setback an average of 3.1m to Naples Street and 4.5m to side boundaries, with garages setback an average of 5.1m from the street and constructed to side boundaries. A separation of 7.9m between Dwellings 1-2 and 3-4 is proposed at ground level through the centre of the site. Proposed first floor setback for Dwellings 1 & 2 are an average of 6.1m to Byron Street and 1.9m to side boundaries, and for Dwellings 3 & 4 are 4.2m to 5.7m to Naples Street and 2m to side boundaries. A separation of 10.7m between Dwellings 1-2 and 3-4 at first floor is proposed through the centre of the site.

Dwellings 1 & 2 are proposed to have secluded private open space (SPOS) areas of 48 sq m and Dwellings 3 & 4 are to have 62 sq m of SPOS. It is proposed that all existing trees are removed from the site and replaced. The cladding finishes are a combination of brick and light weight cladding with colorbond roofing. There are no proposed front fences.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent property owners and occupiers and by erecting a notice on the frontage of the site. Following the advertising period 25 objections were received from 24 objector properties. The issues raised in the objections can be summarised as follows:

- Inconsistent with existing and preferred neighbourhood character, including:
 - Density inconsistent with the preferred lot size for the area.
 - Site should have only one dwelling facing each street frontage.
 - Eight dwellings over two properties is an overdevelopment.
- Car parking and traffic issues:
 - Increase in traffic
 - Increase in street parking
 - Traffic safety impacts on the street.
- Insufficient setbacks, particularly to the west.
- Insufficient landscaping areas.
- Insufficient private open space for families.
- Negative impact on surrounding property values.
- Demolition of recently renovated house is a waste of resources.
- Noise impacts.
- Impacts to drainage and sewerage infrastructure.

Consultation Forum

A Consultation Forum was held on 12 December 2012 chaired by Councillor Carr.

Additional issues raised at the forum included overlooking, overshadowing, colours, and a suggestion that Naples Street be widened to better accommodate street parking.

9.1.1 (cont)

There were no resolutions at the forum.

Referrals

Internal

Engineering & Environmental Services:

- *Transport Engineer*

Council's Transport Engineer advised that Dwellings 3 & 4 garages are required to be setback a minimum of 5.4 metres to the Naples Street frontage.

- *Drainage Engineer*

Standard conditions, with stormwater to be discharged into the existing Council pit in front of 25 Byron Street.

Parkswide:

There will be no impacts to the street tree in Byron Street.

A 2.5m separation would be required between the Prickly Paperbark in Naples Street and the proposed crossover to Dwelling 4 (proposed setback of 1.5m). Council's Parkswide officers have advised that this tree can be removed and replaced under Council's Tree Amenity Valuation Removal Policy.

ESD officer

The Sustainable Design Assessment (SDA) is required to be amended to meet Council's ESD standards.

DISCUSSION

State and Local Planning Policy

The proposal is consistent with State and Local Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed medium-density housing that makes better use of existing infrastructure; and that new development respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

Clause 22.03 (Residential Development) identifies the site as being in a Garden Suburban Area in which natural change is expected to occur. The clause also identifies the site as being in Character Area 9 in the Whitehorse Neighbourhood Character Study. The Study describes the area as containing a variety of single storey, simple, predominantly post war dwellings of L shaped or double or triple fronted styles. There are also occasional timber Californian Bungalows and a mix of timber and brick building materials found throughout the area. Gardens are predominantly low lying, with exotic shrubs and lawn, and with occasional large trees resulting in views to the houses. Buildings are usually setback from at least one side allowing glimpses of backyard vegetation. Fence styles are often original, matching the materials and era of the dwellings, and open or low lying. Street tree plantings add to the garden settings of the dwellings.

9.1.1 (cont)

The preferred neighbourhood character of the area is for dwellings to sit within established gardens and to be constructed from a variety of materials, retaining the lightness of streetscapes where weatherboard predominates. Buildings will occasionally be built to the side boundary, however the rhythm of dwelling spacing is to appear continuous from the street.

While Byron and Naples Streets are consistent with the description of the character statement, the immediate surrounds of the subject site is characterised by the rear infill unit developments adjacent to and opposite the site in both Byron Street and Naples Street. These infill developments consist of both single and double storey dwellings with setbacks of 3 to 3.2 metres from the street. There are also a number of garages and sheds in Naples Street setback less than 3m to the street frontage.

Furthermore, there is an active planning permit issued by VCAT for the construction of four double storey dwellings on the adjoining property to the east at 33 Byron Street. This approved development has a similar layout to the current proposal, with two dwellings facing both Byron and Naples Streets. In the order issued for the permit at 33 Byron Street, the VCAT member acknowledged this four dwelling proposal at 31 Byron Street, and found that:

This street has a very wide range of dwelling types and built forms. There has been much recent redevelopment, especially closer to Elgar Road. There are many new infill single dwellings of substantial size and several side-by-side dual occupancy developments in Naples Street. Having inspected the site and its environs, I do not consider that the proposal which places two dwellings on each street interface to be inconsistent with this emerging character.

Design and Built Form

In keeping with the emerging pattern of development within the immediate surrounds, it is considered that the subject site is suitable for the construction of four double storey dwellings utilising the dual frontages to both Byron Street and Naples Street.

While there are significant similarities between the current proposal and the approved development abutting the site to the east, there are also many differences.

While the presentations to the streets are improved in the subject proposal by the provision of single garage doors for all dwellings, there are bulk and mass issues to the streets and adjoining properties due to the proposed built form, massing and minimum setbacks. To address this issue to Byron Street, it is proposed that both the Dwellings 1 & 2 garages be setback 1 metre from their respective side boundaries, and that the first floor side setbacks be increased by 1 metre from 1.9 to 2.9 metres. This will be more consistent with the development next door. Although the proposed first floor side setbacks will not be as large as the approved setbacks next door, the proposed dwellings have greater articulation including parts of the first floors setback further from the street and greater separation between upper floors through the centre of the site, resulting in a more compact building footprint. These requirements are included in the recommended conditions for approval.

To address bulk and mass to Naples Street, it is proposed that both the Dwellings 3 & 4 garages be setback 1 metre to their respective side boundaries, and that the first floor side setbacks also be increased from 2.0 to 2.9 metres. Further to this the setbacks of the garages for these dwellings to Naples Street are required to be increased from 5 to 5.4 metres to ensure that vehicles in the tandem car spaces do not overhang into the street. The ground floor setbacks to Naples Street should also be increased from 3 to 3.5 metres, to match the setbacks of the approved dwellings on the adjoining property at 33 Byron Street. The provision of these side setbacks are consistent with the Character Area 9 objective to reflect the rhythm of existing dwelling spacing by having buildings setback from at least one side boundary to allow glimpses of backyard vegetation. These requirements are included in the recommended conditions for approval.

9.1.1 (cont)

Although Dwellings 3 & 4 have good side setbacks, the setbacks of Dwellings 1 & 2 should be increased to 2m, to provide a better outlook for the SPOS of the approved dwelling to the east, and for the habitable room windows of the existing dwelling to the west. This will also increase private open space and landscaping opportunities for these dwellings. These requirements are included in the recommended conditions for approval.

Landscaping

The application proposes to remove all trees from the subject site. There are a number of small trees in the middle of the site along the east boundary capable of being retained. Council's Planning Arborist assessed these trees during the assessment of the adjoining development and found the trees to have fair to poor health and structure. None of the trees make any significant contribution to the character of the area and are suitable for removal and replacement with new trees.

The application includes a concept landscape plan with mid-sized canopy trees to both street frontages and through the centre of the site. Council's planning policies require the provision of at least one upper canopy tree, capable of growing in excess of 12 metres, to be planted as part of the development. It is recommended that a 12 metres tree be required within the Byron Street frontage, and that a mid-sized canopy tree (not types ordinarily pruned) be provided in the SPOS of each dwelling. These requirements are included in the recommended conditions for approval.

All vegetation in the nature strips will require protection during construction. This is provided in the recommended conditions for approval.

Car Parking and Access

Objectors have indicated concern with the traffic and parking issues relating to the construction of two crossovers and four dwellings on the site.

All dwellings are provided with a single garage with a tandem car space in front, complying with the parking provisions of Clause 52.06. Furthermore, the site will continue to provide a minimum of two street parking spaces in front of the subject site in both Byron Street and Naples Street.

Vehicles reversing onto both Byron Street and Naples Street is acceptable and consistent with most other dwellings in the streets. As previously discussed, the setbacks of the Dwellings 3 & 4 garages to Naples Street are required to be increased to 5.4 metres to prevent overhang into the road reservation. This is included in the recommended conditions for approval.

It is considered that the traffic generated by one additional dwelling in Byron Street and two additional dwellings in Naples Street will not cause significant impacts on nearby residential streets. Existing traffic conditions in Byron Street and Naples Street cannot be addressed through this application, nor should the burden of relieving these existing issues be imposed on the developer of the subject land.

Issues raised by objectors not previously addressed.

- *Negative impact on surrounding property values* - VCAT 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.
- *Demolition of recently renovated house is a waste of resources.* – Planning approval is not required for the demolition of the dwelling.

9.1.1
(cont)

- *Noise impacts* - It is expected that any noise from the occupants of the dwellings will be typical of residential uses in the area. There are no proposed noise sources, such as mechanical plant, near any bedrooms of immediately adjacent existing dwellings.
- *Impacts to drainage and sewerage infrastructure.* – Councils assets engineers have no concerns with impacts to drainage and sewerage infrastructure from this proposed development.
- *Overlooking* – All potential overlooking has been addressed by provision of opaque glass to first floor windows. A notation on plans that these windows must not have 'Translucent film' is included in the recommended conditions for approval
- *Overshadowing* – Submitted shadow diagrams demonstrate that the proposal complies with the overshadowing requirements of ResCode.
- *Colours* – Provision of a schedule of colours and materials is included in the recommended conditions for approval.

CONCLUSION

The application proposes construction of four double storey semi-detached dwellings.

Subject to amendment to setbacks, the proposal is an acceptable response to the character of the area and satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Residential 1 Zone and Clause 55, ResCode.

A total of 25 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.

9.1.2 770 Whitehorse Road, Mont Albert, Use and develop the land for a three storey building comprising 28 dwellings (serviced apartments), plus basement, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirement

FILE NUMBER: WH/2012/623
ATTACHMENT

SUMMARY

This application originally comprised 34 dwellings, over 4 storeys, with parking for 16 vehicles in a basement carpark. The application was advertised and 21 objections (objector properties) were received. The objections detailed issues in relation to neighbourhood character, parking, traffic, building bulk and scale, drainage and flood prone concerns, privacy and loss of vegetation.

The applicant submitted amended plans on 21 March 2013 under s. 57A of the Act with a revised design. This included the deletion of the fourth level (comprising a reduction in the number of dwellings by 6), resulting in a total number of 28 dwellings, and reducing the carparking by 2 spaces, to 14 spaces in total. No other changes to the ground, first or second floors were proposed. An amended roof plan for the third level was also submitted to reflect the deletion of the fourth level.

A Consultation Forum was held on 24 April 2013, chaired by Councillor Harris. There were 9 objectors in attendance as well as the applicant and Council officers. At that meeting the amended plan was introduced (as described above). The applicant also advised that his client would be willing to further amend the plans to respond to concerns relating to setbacks consistent with ResCode. The amended plans for three storeys were presented for comment to all parties in attendance.

Since the Forum, the applicant submitted amended plans on 17 May 2013. These plans show a decrease in the roof parapet height and wall heights, as well as the deletion of the balcony walls facing south for one dwelling.

The amended plans have been assessed and it has been determined that notice is not required as there will be no additional amenity impacts. It is recommended, subject to conditions, that the application be approved.

RECOMMENDATION

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2012/623 to the land at 770 Whitehorse Road, Mont Albert (Lot 3 PS 018381), to be advertised and having received and noted the objections is of the opinion that granting of a Planning Permit for construction a three storey building comprising 28 dwellings plus basement, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirement 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 770 Whitehorse Road, MONT ALBERT (Lot 3 PS 018381), for the construction a three storey building comprising 28 dwellings plus basement, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirement subject to the following conditions:*

9.1.2
(cont)

1. ***Before the development starts, or any trees or vegetation are removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
 - a) ***Location of the Tree Protection Zones described in Condition 5 and a summary of the requirements of Conditions 5 and 6 to be annotated on the development and landscape plans.***
 - b) ***The location of Trees 1, 2, 3, 4, 5, 6, 7, 12 and 15, and increases in setback within the TPZs of Tree 7 and 12 to be consistent with Condition 6: Specific Tree Protection Requirements.***
 - c) ***Buildings or works are to be setback no less than 2.9 metres from Tree 12, or the tree removed subject to the consent of the adjoining property owner.***
 - d) ***Buildings or works are to be setback no less than 2.5 metres from Tree 7.***
 - e) ***Prior to the commencement of any buildings or works, an amended Sustainable Design Assessment and report must be submitted to and approved by the Responsible Authority. Development plans to reflect all sustainability features indicated in the submitted Sustainable Design Assessment are to be provided: Ref: Sustainability Management Plan, prepared by Sustainable Development Consultants, dated February 2013. Where features cannot be visually shown, include a notes table providing details of the requirements (ie. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc). This Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment submitted with the application, but amended to include the following changes (as detailed in Council's advice dated 9 May 2013) including:***
 - i. ***Energy: Revised FirstRate Assessment report including dwellings 106 and 205, floor construction for the ground level apartments, minimum window system and lighting types.***
 - ii. ***Water resource: updated notes on ESD report.***
 - iii. ***Stormwater: rain garden and rainwater tank to be shown on plans.***
 - iv. ***Indoor environment: paints, sealants and adhesives to be low VOC, materials to be low VOC and operability of windows noted.***
 - v. ***Materials: to be plantation sourced or otherwise approved under the Australian Forest Certification Scheme (FCS) or Forest Stewardship Council (FSC).******to the satisfaction of the Responsible Authority***
 - f) ***Setback of the second floor wall facing north from Whitehorse Road to be no less than 11 metres, with the balcony to be setback no less than 9.6 metres.***
 - g) ***All screening measures for the first and second floors on the south and east elevations to be in accordance with Standard B22.***
 - h) ***VicRoads requirements in accordance with Condition 15.***
 - i) ***Provision of sight triangles for the access onto Whitehorse Road.***
 - j) ***Security lighting provided in the undercroft of the basement roof.***

9.1.2
(cont)

- k) Notation to the effect that waste collection is to be outside Clearway times.**
- l) Notation to the effect that the developer must not divert and/or concentrate stormwater or increase flood levels onto neighboring properties whereby any remedial civil works must be to the satisfaction of the Responsible Authority, in accordance with Condition 9.**
- m) Details of screening and acoustic treatment to building services nominated for roof and balconies to demonstrate compliance with relevant EPA noise emission requirements.**
- n) A notation on the plans that noise emissions from any building services area at a minimum comply with EPA regulations (SEPP N1) to ensure off-site noise impacts to adjoining residential properties are within acceptable limits.**
- o) The Landscape Plan in accordance with Condition 3.**
- p) A Waste Management Plan in accordance with Condition 7.**
- q) A 'security control' to be located on the proposed ramp to the basement carpark.**
- r) Baffle lighting or similar to be provided where light may impact on neighbouring properties.**

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

Once approved the development plans, landscape plans, Sustainability Management Statement, Waste Management Plan, Construction Management Plan and Green Travel Plan will be endorsed and will form part of the permit.

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

9.1.2
(cont)

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

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

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

4. *The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
5. *Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained 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 – 3.0 metre radius from the centre of the tree base.*
 - ii. *Tree 2 – 2.0 metre radius from the centre of the tree base.*
 - iii. *Tree 3 – 4.2 metre radius from the centre of the tree base.*
 - iv. *Tree 4 – 4.8 metre radius from the centre of the tree base.*
 - v. *Tree 5 – 2.0 metre radius from the centre of the tree base.*
 - vi. *Tree 6 – 2.4 metre radius from the centre of the tree base.*
 - vii. *Tree 7 – 3.6 metre radius from the centre of the tree base.*
 - viii. *Tree 12 – 4.2 metre radius from the centre of the tree base.*
 - ix. *Tree 15 – 2.0 metre radius from the centre of the tree base.*
 - b) *Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:*
 - i. *Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
 - ii. *Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
 - iii. *Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
 - iv. *No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
 - v. *All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*

9.1.2
(cont)

- 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 authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.**
6. **During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:**
- a) **Buildings and works for the construction of the Basement Carpark adjacent to Tree 2, 3, 4 and 5 as shown on the endorsed plans must not alter the existing ground level or the topography of the land within 3 m of the south boundary fence.**
 - b) **Buildings and works for the construction of the Basement Car Park must not alter the existing ground level of the land, or excavate, within 2.2 m of Tree 1.**
 - c) **Buildings and works for the construction of the Basement Car Park must not alter the existing ground level of the land, or excavate, within 1.7 m of Tree 6.**
 - d) **The plans will need to be amended to show no encroachment greater 10% into the TPZ of Tree 12. All buildings and works will need to be set back 2.9 m from Tree 12.**
 - e) **The plans will need to be amended to show no encroachment greater 10% into the TPZ of Tree 7. All buildings and works will need to be set back 2.5 m from Tree 7.**
 - f) **For Tree 15 no roots are to be cut or damaged during any part of the construction process.**
7. **Prior to the commencement of the buildings and works, a Waste Management Plan must be prepared and implemented to the satisfaction of the Responsible Authority. The Waste Management Plan must include the following information:**
- a) **General waste, recycling and bulk packaging generation rates**
 - b) **Type, size and number of mobile garbage bins (MGB's) to be used for the proposed generation rates**
 - c) **Suitability of bin storage area as shown**
 - d) **Facilities for bin washing/maintenance within bin storage area**
 - e) **Provide ramp grades that will allow the use of an electric tug device to move MGB's to kerbside for collection if required**
 - f) **Whether a Council based or private based collection service contractor will be used**
 - g) **Collection point on Whitehorse Road – adequate space for MGB's**
 - h) **Responsibilities and education of the waste management plan for the complex**
 - i) **Education of tenants/residents to promote best practices and waste minimisation**

The requirements of the endorsed Waste Management Plan must be implemented by the single management entity responsible for the site for the duration of the building's use in accordance with this permit.

9.1.2
(cont)

- 8. Prior to the occupation of the building, the development must be constructed in accordance with the requirements of the endorsed Sustainability Management Statement, to the satisfaction of the Responsible Authority.**

Assets

- 9. Prior to construction works commencing the developer must provide an existing and proposed flood analysis for the site and adjacent properties including the following:**
- i. A flood study must be prepared by suitably qualified civil engineer. A suitably qualified civil engineer is one who is included in the National Professional Register, administered by the Institution of Engineers. The 100 year ARI must be adopted to assess the effects of flooding on the proposed development site and adjacent properties. In certain circumstances, it may be necessary to assess the effects from lesser storm events. All input parameters and assumptions must be clearly described and justified. A hard copy report, including all results, results summary table, and all relevant information must be submitted.**
 - ii. From the study the following information shall be submitted for the pre-developed and post – developed scenarios;**
 - a. Water surface contours;**
 - b. Velocity Vectors;**
 - c. Velocity and depth product contours**
 - iii. The flood study will be required to determine the effects of the proposed development on flooding or conversely the effect of flooding on the proposed development.**
 - iv. An investigation of the effects on the proposed development of upstream diversions caused by blockages and inappropriate development needs to be undertaken as part of the overall flood study.**
 - v. The basement car park is to be protected from inundation from the 100 year ARI, ensuring all vehicles, doors and ventilation points are a minimum of 0.2 metres above the 100 year ARI flood level.**
 - vi. The basement building components must be constructed with flood compatible materials up to and including the 100 year ARI plus 500mm freeboard.**
 - vii. The flood analysis must show that filling in this area will not affect flood affection elsewhere. This must be certified by suitably qualified civil engineers.**
 - viii. The diversion of the overland flow to the street, the rear of the subject property or in any other direction other than in which it would naturally flow will not be permitted.**
 - ix. No obstruction to the overland flow of stormwater runoff from adjacent properties is permitted. Allowance must be made for this overland flow component and adequately catered for on the subject property. In calculating this component, the entire catchment upstream of the subject property must be taken into account.**
 - x. When designing overland flow paths the actual flow depth must be taken into account when establishing an appropriate design value Velocity X Depth. Safe values of Velocity X Depth must be adhered to.**
 - xi. Detailed Civil plans showing the proposed method of stormwater disposal are to be submitted to Council for approval.**
 - xii. Fencing is to be constructed in a manner which does not affect the flow of flood so as to detrimentally increase flood affectation on surrounding land. The fence must be certified by a suitably qualified civil engineer.**

9.1.2
(cont)

- xiii. Work as executed plans (WAE) prepared by a Registered Surveyor must be submitted. It is important that the WAE plans provide sufficient information to ascertain that the as – constructed system will function in accordance with the approved design.*
 - xiv. Certificates of hydraulic compliance are required to confirm that the drainage works have been carried out in accordance with approved design. The certificates are to be attached to the Work - As – Executed plans submitted to Council prior to the release of Subdivision Certificate line plans, certificates of occupation and/or Occupation Certificate.*
 - xv. It may be necessary to construct civil works on this property to prevent the impacts of the development on surrounding properties. The civil works must be submitted to Council for approval from Engineering & Environmental Services. The developer must not divert and/or concentrate stormwater or increase flood levels onto neighbouring properties*
- 10. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**
- 11. Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed on the basis of a 10 year average storm recurrence interval and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.**
- 12. All stormwater drains shall be connected to a legal point of discharge as determined by Council's Drainage Management Engineer.**
- Prior to the commencement of any works on the subject land a site development layout plan together with detailed design plans and specifications for outfall drainage external to the site shall be submitted for approval by the Responsible Authority. All outfall drainage works must be completed to the satisfaction of the Responsible Authority prior to the occupation of buildings.*
- 13. No building or works shall be constructed over any easement without the written consent of the relevant Authorities.**

Construction Management

- 14. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the owner will manage the construction issues associated with the development.**

The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, location of site offices, redirection of any above or underground services, and site security lighting.

9.1.2
(cont)

The CMP shall include suitable washing facilities are to be provided and utilised on site for the cleaning of all construction vehicles prior to them exiting the designated property so as to prevent any grease, oil, mud, clay or other substance to fall or run off a vehicle onto a road, into any drain or under the road.

The "Construction Management Plan" (CMP) must be implemented to the satisfaction of the Responsible Authority and a contact name and phone numbers for the site manager must be provided to the Responsible Authority.

Vic Roads Conditions

15. Conditions required by VicRoads:

- a) ***Prior to the occupation of the proposed development redundant vehicle crossovers on Whitehorse Road must be removed and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.***
- b) ***The crossover and driveway are to be constructed in accordance with drawing TP0502 dated August 2012, to the satisfaction of the Responsible Authority and at no cost to Vic Roads prior to the occupation of the buildings hereby approved.***
- c) ***Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:***
 - i. ***Formed to such levels and drained so that they can be used in accordance with the plan.***
 - ii. ***Treated with an all-weather seal or some other durable surface.***
 - iii. ***Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.***
- d) ***The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.***

Expiry

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

- a) ***The development is not commenced within two (2) years from the date of issue of this permit;***
- b) ***The development is not completed within four (4) years from the date of this permit.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

9.1.2
(cont)

PERMIT NOTES:

Construction Management

- A. Prior to any building and works on the subject land, approvals may be required from Council departments in relation to:**
- **Transport (Ph 9262 6177) – construction vehicles access routes, type of vehicles, peak delivery times, frequency and dates, any proposed partial/full road/footpath closures, nb. additional approvals may also be required from Department of Transport and VicRoads, closure of vehicle accessways (including Right of Ways), annexing /leasing of car spaces associated with construction workers street parking permits for construction worker vehicles, pedestrian management (during construction and after hours).**
 - **Asset Management (Ph 9262 6177) – Asset Protection permits and bonds, consent to undertake works in the road reserve (including new/temporary crossovers), temporary drainage discharge pipes, works protection notices and bonds.**
 - **Community Laws (Ph 9262 6394) – street parking permits for construction workers vehicles, leasing of car spaces, soiling and cleaning of roadways, hours of operation, emissions of noise, smoke vapours etc (also relevant to Environment Protection Authority and health Act legislation) storage of rubbish skips, building materials etc off site, cutting of grass re vermin and fire safety, Code of Practice for behaviour of contractors, tradespersons regarding dogs, radios, rubbish and public relations with local residents.**
 - **Building (Ph 9262 6421) – hoarding permits for site fencing/barriers, lighting, location of site offices, material storage, spoil stock-piling, asset protection permits and bonds, review of Occupational health and Safety approvals.**
 - **Parkside (Ph 9262 6222) – protection/removal of street trees, new street tree planting.**

Please ensure the landowner, permit applicant, project manager and/or site supervisor is aware of the above requirements. Please also note that relevant approval application forms are available on the Council web site.

Drainage

- B. On-site stormwater detention system must be constructed in accordance with Council's requirements.**
- C. All stormwater drainage within the development site and associated with the building(s) must be completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s).**
- D. The stormwater discharge from the development site is to be restricted in accordance with the requirements of Council's Drainage Policy No. 2.**

9.1.2
(cont)

- E. Soil erosion control measures must be adopted at all times to the satisfaction of Council's Design Engineer during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with Soil Conservation Authority guidelines 'Control of Erosion on Construction Sites'. The application must ensure compliance with the above guidelines and in potentially high erosion areas it may be required that a plan be prepared indicating proposed measures and methodology.**
- F. Prior to the issue of the building permit, design plans and specifications are to be prepared by a registered Consulting Engineer detailing civil engineering works within the site in accordance with the endorsed plans. Certification by the Consulting Engineer that the civil works have been completed in accordance with the design plans and specifications are required by the Responsible Authority subsequent to the completion of all the works.**
- 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 Harris, Seconded by Cr Chong

That Council:

- A Being the Responsible Authority, having caused Application WH/2012/623 to the land at 770 Whitehorse Road, MONT ALBERT (Lot 3 PS 018381), to be advertised and having received and noted the objections is of the opinion that granting of a Planning Permit for construction a three storey building comprising 28 dwellings plus basement, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirement 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 770 Whitehorse Road, MONT ALBERT (Lot 3 PS 018381), for the construction a three storey building comprising 28 dwellings plus basement, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirement subject to the following conditions:**
- 1. Before the development starts, or any trees or vegetation are removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:**
 - a) Location of the Tree Protection Zones described in Condition 5 and a summary of the requirements of Conditions 5 and 6 to be annotated on the development and landscape plans.**
 - b) The location of Trees 1, 2, 3, 4, 5, 6, 7, 12 and 15, and increases in setback within the TPZs of Tree 7 and 12 to be consistent with Condition 6: Specific Tree Protection Requirements.**

9.1.2
(cont)

- c) ***Buildings or works are to be setback no less than 2.9 metres from Tree 12, or the tree removed subject to the consent of the adjoining property owner.***
- d) ***Buildings or works are to be setback no less than 2.5 metres from Tree 7.***
- e) ***Prior to the commencement of any buildings or works, an amended Sustainable Design Assessment and report must be submitted to and approved by the Responsible Authority. Development plans to reflect all sustainability features indicated in the submitted Sustainable Design Assessment are to be provided: Ref: Sustainability Management Plan, prepared by Sustainable Development Consultants, dated February 2013. Where features cannot be visually shown, include a notes table providing details of the requirements (ie. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc). This Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment submitted with the application, but amended to include the following changes (as detailed in Council's advice dated 9 May 2013) including:***
 - i ***Energy: Revised FirstRate Assessment report including dwellings 106 and 205, floor construction for the ground level apartments, minimum window system and lighting types.***
 - ii ***Water resource: updated notes on ESD report.***
 - iii ***Stormwater: rain garden and rainwater tank to be shown on plans.***
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 - v ***Materials: to be plantation sourced or otherwise approved under the Australian Forest Certification Scheme (FCS) or Forest Stewardship Council (FSC).***

to the satisfaction of the Responsible Authority
- f) ***Setback of the second floor wall facing north from Whitehorse Road to be no less than 11 metres, with the balcony to be setback no less than 9.6 metres.***
- g) ***All screening measures for the first and second floors on the south and east elevations to be in accordance with Standard B22.***
- h) ***VicRoads requirements in accordance with Condition 15.***
- i) ***Provision of sight triangles for the access onto Whitehorse Road.***
- j) ***Security lighting provided in the undercroft of the basement roof.***
- k) ***Notation to the effect that waste collection is to be outside Clearway times.***
- l) ***Notation to the effect that the developer must not divert and/or concentrate stormwater or increase flood levels onto neighboring properties whereby any remedial civil works must be to the satisfaction of the Responsible Authority, in accordance with Condition 9.***
- m) ***Details of screening and acoustic treatment to building services nominated for roof and balconies to demonstrate compliance with relevant EPA noise emission requirements.***

9.1.2
(cont)

- n) A notation on the plans that noise emissions from any building services area at a minimum comply with EPA regulations (SEPP N1) to ensure off-site noise impacts to adjoining residential properties are within acceptable limits.*
- o) The Landscape Plan in accordance with Condition 3.*
- p) A Waste Management Plan in accordance with Condition 7.*
- q) A 'security control' to be located on the proposed ramp to the basement carpark.*
- r) Baffle lighting or similar to be provided where light may impact on neighbouring properties.*
- s) The first floor and second floor of the building to incorporate an additional setback of 1 metre from the southern boundary with no change to any other setbacks.*

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

Once approved the development plans, landscape plans, Sustainability Management Statement, Waste Management Plan, Construction Management Plan and Green Travel Plan will be endorsed and will form part of the permit.

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -*
 - * A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
 - * Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
 - * Planting within and around the perimeter of the site comprising trees and shrubs capable of:
 - providing a complete garden scheme,*
 - softening the building bulk,*
 - providing some upper canopy for landscape perspective,*
 - minimising the potential of any overlooking between habitable rooms of adjacent dwellings.**
 - * 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.*
 - * The proposed design features such as paths, paving, lawn and mulch.*
 - * 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.*

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

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

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- 5. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained 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 – 3.0 metre radius from the centre of the tree base.***
- ii. Tree 2 – 2.0 metre radius from the centre of the tree base.***
- iii. Tree 3 – 4.2 metre radius from the centre of the tree base.***
- iv. Tree 4 – 4.8 metre radius from the centre of the tree base.***
- v. Tree 5 – 2.0 metre radius from the centre of the tree base.***
- vi. Tree 6 – 2.4 metre radius from the centre of the tree base.***
- vii. Tree 7 – 3.6 metre radius from the centre of the tree base.***
- viii. Tree 12 – 4.2 metre radius from the centre of the tree base.***
- ix. Tree 15 – 2.0 metre radius from the centre of the tree base.***

b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:

- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.***
- ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.***
- iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.***
- iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.***
- v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.***
- 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 authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.***

9.1.2
(cont)

6. ***During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:***
 - a) ***Buildings and works for the construction of the Basement Carpark adjacent to Tree 2, 3, 4 and 5 as shown on the endorsed plans must not alter the existing ground level or the topography of the land within 3 m of the south boundary fence.***
 - b) ***Buildings and works for the construction of the Basement Car Park must not alter the existing ground level of the land, or excavate, within 2.2 m of Tree 1.***
 - c) ***Buildings and works for the construction of the Basement Car Park must not alter the existing ground level of the land, or excavate, within 1.7 m of Tree 6.***
 - d) ***The plans will need to be amended to show no encroachment greater 10% into the TPZ of Tree 12. All buildings and works will need to be set back 2.9 m from Tree 12.***
 - e) ***The plans will need to be amended to show no encroachment greater 10% into the TPZ of Tree 7. All buildings and works will need to be set back 2.5 m from Tree 7.***
 - f) ***For Tree 15 no roots are to be cut or damaged during any part of the construction process.***

7. ***Prior to the commencement of the buildings and works, a Waste Management Plan must be prepared and implemented to the satisfaction of the Responsible Authority. The Waste Management Plan must include the following information:***
 - a) ***General waste, recycling and bulk packaging generation rates.***
 - b) ***Type, size and number of mobile garbage bins (MGB's) to be used for the proposed generation rates.***
 - c) ***Suitability of bin storage area as shown.***
 - d) ***Facilities for bin washing/maintenance within bin storage area.***
 - e) ***Provide ramp grades that will allow the use of an electric tug device to move MGB's to kerbside for collection if required.***
 - f) ***Whether a Council based or private based collection service contractor will be used.***
 - g) ***Collection point on Whitehorse Road – adequate space for MGB's***
 - h) ***Responsibilities and education of the waste management plan for the complex.***
 - i) ***Education of tenants/residents to promote best practices and waste minimization.***

The requirements of the endorsed Waste Management Plan must be implemented by the single management entity responsible for the site for the duration of the building's use in accordance with this permit.

8. ***Prior to the occupation of the building, the development must be constructed in accordance with the requirements of the endorsed Sustainability Management Statement, to the satisfaction of the Responsible Authority.***

9.1.2
(cont)

Assets

9. *Prior to construction works commencing the developer must provide an existing and proposed flood analysis for the site and adjacent properties including the following:*
- i. *A flood study must be prepared by suitably qualified civil engineer. A suitably qualified civil engineer is one who is included in the National Professional Register, administered by the Institution of Engineers. The 100 year ARI must be adopted to assess the effects of flooding on the proposed development site and adjacent properties. In certain circumstances, it may be necessary to assess the effects from lesser storm events. All input parameters and assumptions must be clearly described and justified. A hard copy report, including all results, results summary table, and all relevant information must be submitted.*
 - ii. *From the study the following information shall be submitted for the pre-developed and post – developed scenarios;*
 - a) *Water surface contours;*
 - b) *Velocity Vectors;*
 - c) *Velocity and depth product contours*
 - iii. *The flood study will be required to determine the effects of the proposed development on flooding or conversely the effect of flooding on the proposed development.*
 - iv. *An investigation of the effects on the proposed development of upstream diversions caused by blockages and inappropriate development needs to be undertaken as part of the overall flood study.*
 - v. *The basement car park is to be protected from inundation from the 100 year ARI, ensuring all vehicles, doors and ventilation points are a minimum of 0.2 metres above the 100 year ARI flood level.*
 - vi. *The basement building components must be constructed with flood compatible materials up to and including the 100 year ARI plus 500mm freeboard.*
 - vii. *The flood analysis must show that filling in this area will not affect flood affection elsewhere. This must be certified by suitably qualified civil engineers.*
 - viii. *The diversion of the overland flow to the street, the rear of the subject property or in any other direction other than in which it would naturally flow will not be permitted.*
 - ix. *No obstruction to the overland flow of stormwater runoff from adjacent properties is permitted. Allowance must be made for this overland flow component and adequately catered for on the subject property. In calculating this component, the entire catchment upstream of the subject property must be taken into account.*
 - x. *When designing overland flow paths the actual flow depth must be taken into account when establishing an appropriate design value Velocity X Depth. Safe values of Velocity X Depth must be adhered to.*
 - xi. *Detailed Civil plans showing the proposed method of stormwater disposal are to be submitted to Council for approval.*
 - xii. *Fencing is to be constructed in a manner which does not affect the flow of flood so as to detrimentally increase flood affection on surrounding land. The fence must be certified by a suitably qualified civil engineer.*
 - xiii. *Work as executed plans (WAE) prepared by a Registered Surveyor must be submitted. It is important that the WAE plans provide sufficient information to ascertain that the as – constructed system will function in accordance with the approved design.*

9.1.2
(cont)

- xiv. *Certificates of hydraulic compliance are required to confirm that the drainage works have been carried out in accordance with approved design. The certificates are to be attached to the Work - As – Executed plans submitted to Council prior to the release of Subdivision Certificate line plans, certificates of occupation and/or Occupation Certificate.*
 - xv. *It may be necessary to construct civil works on this property to prevent the impacts of the development on surrounding properties. The civil works must be submitted to Council for approval from Engineering & Environmental Services. The developer must not divert and/or concentrate stormwater or increase flood levels onto neighbouring properties.*
10. *The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.*
11. *Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed on the basis of a 10 year average storm recurrence interval and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.*
12. *All stormwater drains shall be connected to a legal point of discharge as determined by Council's Drainage Management Engineer.*
- Prior to the commencement of any works on the subject land a site development layout plan together with detailed design plans and specifications for outfall drainage external to the site shall be submitted for approval by the Responsible Authority. All outfall drainage works must be completed to the satisfaction of the Responsible Authority prior to the occupation of buildings.*
13. *No building or works shall be constructed over any easement without the written consent of the relevant Authorities.*

Construction Management

14. *Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the owner will manage the construction issues associated with the development.*

The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, location of site offices, redirection of any above or underground services, and site security lighting.

9.1.2
(cont)

The CMP shall include suitable washing facilities are to be provided and utilised on site for the cleaning of all construction vehicles prior to them exiting the designated property so as to prevent any grease, oil, mud, clay or other substance to fall or run off a vehicle onto a road, into any drain or under the road.

The "Construction Management Plan" (CMP) must be implemented to the satisfaction of the Responsible Authority and a contact name and phone numbers for the site manager must be provided to the Responsible Authority.

Vic Roads Conditions

15. Conditions required by VicRoads:

- a) *Prior to the occupation of the proposed development redundant vehicle crossovers on Whitehorse Road must be removed and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.*
- b) *The crossover and driveway are to be constructed in accordance with drawing TP0502 dated August 2012, to the satisfaction of the Responsible Authority and at no cost to Vic Roads prior to the occupation of the buildings hereby approved.*
- c) *Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:*
 - i. *Formed to such levels and drained so that they can be used in accordance with the plan.*
 - ii. *Treated with an all-weather seal or some other durable surface.*
 - iii. *Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.*
- d) *The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.*

Expiry

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

- a) *The development is not commenced within two (2) years from the date of issue of this permit;*
- b) *The development is not completed within four (4) years from the date of this permit.*

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

9.1.2
(cont)

PERMIT NOTES:

Construction Management

- A. Prior to any building and works on the subject land, approvals may be required from Council departments in relation to:**
- **Transport (Ph 9262 6177) – construction vehicles access routes, type of vehicles, peak delivery times, frequency and dates, any proposed partial/full road/footpath closures, nb. additional approvals may also be required from Department of Transport and VicRoads, closure of vehicle accessways (including Right of Ways), annexing /leasing of car spaces associated with construction workers street parking permits for construction worker vehicles, pedestrian management (during construction and after hours).**
 - **Asset Management (Ph 9262 6177) – Asset Protection permits and bonds, consent to undertake works in the road reserve (including new/temporary crossovers), temporary drainage discharge pipes, works protection notices and bonds.**
 - **Community Laws (Ph 9262 6394) – street parking permits for construction workers vehicles, leasing of car spaces, soiling and cleaning of roadways, hours of operation, emissions of noise, smoke vapours etc (also relevant to Environment Protection Authority and health Act legislation) storage of rubbish skips, building materials etc off site, cutting of grass re vermin and fire safety, Code of Practice for behaviour of contractors, tradespersons regarding dogs, radios, rubbish and public relations with local residents.**
 - **Building (Ph 9262 6421) – hoarding permits for site fencing/barriers, lighting, location of site offices, material storage, spoil stock-piling, asset protection permits and bonds, review of Occupational health and Safety approvals.**
 - **Parkside (Ph 9262 6222) – protection/removal of street trees, new street tree planting.**

Please ensure the landowner, permit applicant, project manager and/or site supervisor is aware of the above requirements. Please also note that relevant approval application forms are available on the Council web site.

Drainage

- B. On-site stormwater detention system must be constructed in accordance with Council's requirements.**
- C. All stormwater drainage within the development site and associated with the building(s) must be completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s).**
- D. The stormwater discharge from the development site is to be restricted in accordance with the requirements of Council's Drainage Policy No. 2.**

9.1.2
(cont)

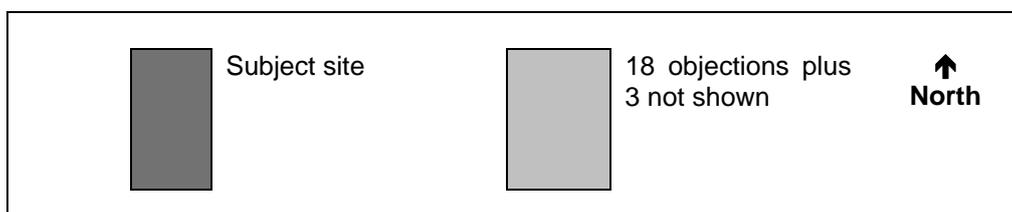
- E. Soil erosion control measures must be adopted at all times to the satisfaction of Council's Design Engineer during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with Soil Conservation Authority guidelines 'Control of Erosion on Construction Sites'. The application must ensure compliance with the above guidelines and in potentially high erosion areas it may be required that a plan be prepared indicating proposed measures and methodology.*
 - F. Prior to the issue of the building permit, design plans and specifications are to be prepared by a registered Consulting Engineer detailing civil engineering works within the site in accordance with the endorsed plans. Certification by the Consulting Engineer that the civil works have been completed in accordance with the design plans and specifications are required by the Responsible Authority subsequent to the completion of all the works.*
- 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

9.1.2
(cont)

MELWAYS REFERENCE P60 3J

Applicant:	Jinlin Australia Pty C/- SJB Planning P/L
Zoning:	Residential 1 Zone
Overlays:	Nil
Relevant Clauses:	Clause 15.01 Built Environment and Heritage Clause 16.01 Residential Development Clause 21.05 Environment Clause 21.06 Housing Clause 22.03 Residential Development Clause 32.01 Residential 1 Zone Clause 52.06 Carparking Clause 52.29 Alter access to a Road Zone Category 1 Clause 52.34 Bicycle parking Clause 55 Two or more dwellings on a lot Clause 65 Decision Guidelines
Objections:	21
Ward:	Elgar



9.1.2

(cont)

BACKGROUND

The Site and Surrounds

The subject site is located on the south side of Whitehorse Road, 200 metres west of Elgar Road, Mont Albert. The site has a 15.24 metre frontage, depth of 48.77 metres and site area of 743m². The site has a slope of 2.8 metres from southeast to northwest across the site and there is a 2.44 metre wide drainage and sewerage easement along the south/rear boundary.

The site is occupied by a single storey rendered brick dwelling that is setback 9.1 metres from the frontage and 1.1 metres from the west boundary. There is a driveway along the eastern setback that leads to a brick garage in the rear yard.

Existing vegetation on the site includes a Ligustrum (6 metres) and Bay Laurel (5 metres) in the frontage. In the rear yard are 2 Prunus (4 metres), Camellia (4 metres) and Fig (6 metres).

Abutting land uses to the west include Maroondah Motel at 768 Whitehorse Road. The building is setback 8.3 metres from the frontage and 3.08 metres from the common boundary. The building includes single and double storey components and non habitable room windows facing the subject site. Vegetation growing along the common boundary includes a Pittosporum (7 metres), English Elm (9 metres) and Fig (6 metres)

Further west are four storey apartments at 766 Whitehorse Road. Permit WH/2006/771 for a four storey building was issued by Council on 4 January 2008.

To the east are two dwellings consisting of a double storey dwelling at the frontage of 770A Whitehorse Road and a single storey dwelling to the rear. 770A Whitehorse Road is setback 8.8 metres from the frontage and 2 metres from the common boundary. The secluded open space is located in the frontage. Existing vegetation growing along the boundary includes a Wallangarra White Gum (10 metres) and Honey Locust (5 metres).

To the south is the rear yard of a single storey dwelling at 47 Zetland Road. The dwelling is setback approximately 7 metres from the common boundary. Existing vegetation growing along the boundary includes a Pittosporum (6 metres), Ligustrum (7 metres), Evergreen Alder (9 metres) and Pittosporum (4 metres).

On the north side of Whitehorse Road directly opposite the subject site is Kingsley Gardens.

Refer To:

- Existing Conditions/Demolition Plan – Papapetrou Rice Architecture, Project 21202, TP 03 01, received 7th September, 2012
- Site Context Plan - Papapetrou Rice Architecture, Project 21202, TP 01 01, received 7th September, 2012
- Arborist's report by Galbraith & Associates Pty Ltd, dated 21 August, 2012, received 7th September, 2012

Permit Triggers

Under the Residential 1 zone provisions, the use of the land for the purpose of a dwelling is an 'as of right' use while the development of more than one dwelling on a lot triggers the need for a permit.

9.1.2 (cont)

In accordance with Clause 52.06, a permit may be granted to reduce or to waive the number of car spaces required by the table at Clause 52.06-5.

It is noted that the provisions of Clause 55 (Res Code) of the Scheme apply given the application proposes development of 28 dwellings (comprising serviced apartments) over three storeys.

Planning approval is required for the alteration of access to a Road Zone Category 1 in accordance with Clause 52.29 of the Scheme.

A permit is required to reduce or waive the bicycle parking requirement in accordance with Clause 52.34 of the Scheme.

PROPOSAL

The application is to use and develop the land for a three storey building comprising 28 single one bedroom apartments (operating as serviced apartments), plus basement, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirement. All of the apartments comprise one bedroom with the majority capable of being used as a two bedroom apartment through connecting doors. All apartments have a separate living area and bathroom facilities as well as most containing a kitchen.

The submitted plans dated 21 March and 17 May indicate 12 serviced two bedroom apartments and 4 serviced single apartments (28 single apartments in total) over a basement car park with 14 car spaces, refuse area, laundry and substation. The ground floor comprises 3 two bedroom apartments and 2 single bedroom apartments; the first floor comprises 5 two bedroom apartments plus one single bedroom apartment; and the second floor comprises 4 two bedroom apartments and 1 single bedroom apartment.

General

- Site coverage of 58%
- Permeable area of 27%
- South elevation setback of 3 metres
- Maximum height of 11 metres (reduced from 14.05 metres with deleted 4th level)
- Contemporary design including flat roofing and grey rendered tones
- Construction of a 6.1 metre wide crossover to Whitehorse Road
- Disabled access

The applicant has submitted that the serviced apartments are flexible so that 12 two bedroom apartments can be utilised as one bedroom apartments; their traffic assessment has confirmed that parking and traffic generation is acceptable; and waste management will be collected twice weekly by private waste contractor. A Sustainability Management Plan, Arborist's report and a Green Travel Plan have also been submitted with the application.

9.1.2

(cont)

Refer To:

- Basement Floor Plan - Papapetrou Rice Architecture, Project 21202, TP 04 02, received 21st March, 2013
- Proposed Floor Plan - Papapetrou Rice Architecture, Project 21202, TP 05 02, received 21st March, 2013
- First Floor Plan - Papapetrou Rice Architecture, Project 21202, TP 06 01, received 21st March, 2013
- Second Floor Plan - Papapetrou Rice Architecture, Project 21202, TP 07 01, received 17th May, 2013
- Roof Plan - Papapetrou Rice Architecture, Project 21202, TP 09 01, received 17th May, 2013
- Elevations - Papapetrou Rice Architecture, Project 21202, TP 10 03, received 17th May, 2013
- West elevation - Papapetrou Rice Architecture, Project 21202, TP 11 02, received 17th May, 2013
- Design Response - Papapetrou Rice Architecture, Project 21202, TP 02 01, received 21st March, 2013
- Landscape Plan – John Patrick and Associates – received 2nd November, 2012
- 3 D Images - Papapetrou Rice Architecture, Project 21202, TP 17 01, received 21st March, 2013
- Shadow Diagrams - Papapetrou Rice Architecture, Project 21202, TP 12-15 02, received 21st March, 2013
- Traffic Report by Cardno dated 14th March 2013, received 15th March 2013
- Waste Management Plan – Waste Space Solutions Pty Ltd, dated 5th September, 2012, received 15th March, 2013
- Arborist's report by Galbraith & Associates Pty Ltd, dated 21 August, 2012, received 7th September, 2012
- Sustainability Management Plan – Sustainable Development Consultants, 25th February 2013, received 15th March, 2013
- Green Travel Plan – Cardno, 7th September, 2012 received 7th September, 2012

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent property owners and occupiers and by erecting a notice on front of the site. Following the advertising period 21 objections were received. The issues raised in the objections are summarised below:

- existing serviced apartments already exist in the area;
- the site should not be used for commercial purposes;
- the site is outside the Box Hill Structure Plan;
- the proposal exhibits excessive bulk and scale;
- lack of open space;
- the number of parking spaces are inadequate and there will be increased traffic onto Whitehorse Road;
- stormwater, drainage and runoff problems already exist and they will be exacerbated with the development;
- the proposal is out of keeping with neighbourhood character: and
- there will be amenity impacts of overlooking, excessive noise and overshadowing.

9.1.2 (cont)

Consultation Forum

A consultation forum was held on 24th April 2013, chaired by Councillor Harris. The planning officer, applicants and their planning consultant, and 9 objectors attended the meeting.

Issues discussed at the meeting included neighbourhood character, overdevelopment, fencing, setbacks, overlooking, traffic, drainage, flooding and parking. There was no resolution of the issues at the meeting.

One of the concerns at the meeting related to the orientation of the building and the balconies being located on the east elevation and the corridor on the west elevation. The applicant has considered the issue of rearranging or 'flipping' the building to reflect a design with balconies on the west elevation and the corridor on the east. The applicant has submitted (20 May 2013) that this is not possible as this will result in an overload on air-conditioning which would increase with apartments facing west and it would also result in the landscaped zone interfacing with a blank core/corridor wall; with the balconies to the west being within 1 m of the boundary. If the corridor was located on the eastern side then the setback of 1 metre would result in additional overshadowing and an increase in visual bulk of the building to the properties to the north.

Referrals

External

Vic Roads

Vic Roads has considered the application and has no objection to the granting of the planning permit subject to the inclusion of conditions on any Notice of Decision to Issue a Planning Permit.

Internal

Planning Arborist

Trees on Adjoining Properties

Council's arborist has no objection to the proposal as detailed on the plans subject to tree protection measures being implemented to protect neighbouring trees on the south, south east and south west boundaries (to the rear of the site). This includes buildings and works for the construction of the basement to be conducted so as to not alter the existing ground level or the topography of the land and plans amended to show no encroachment greater than 10% into the TPZ of Trees 7, 12 and 15.

Engineering and Environmental Services

Transport

The Transport Team supports the approval of the proposed development in principle, subject to the provision of sight distance triangles and waste collection to occur outside of Clearway times.

9.1.2 (cont)

The peak parking demand generated by the proposed development is expected to be up to 0.45 spaces per occupied apartment and for staff parking. The proposed parking provision of 14 spaces exceeds the anticipated peak parking demands of the proposal of 13 spaces, therefore the proposed parking provision of 14 spaces is considered adequate.

The application of this rate to the 28 rooms available to be let equates to a maximum traffic generation of 14 vehicles per dwelling which is reasonable and there is no objection to the proposal based on traffic impact. The submitted Green Travel Plan is considered appropriate for the proposed serviced apartment use of the site. There are also no concerns relating to vehicle access arrangements and the parking layout, or loading facilities.

Engineering Assets (Drainage)

The developer is required to provide an existing and proposed flood analysis for the site and adjacent properties to assess the effects of flooding on the proposed development site and adjacent properties. The developer must not divert and/or concentrate stormwater or increase flood levels onto adjoining properties. It may be necessary to construct civil works on this property to prevent the impacts of the development on surrounding properties.

Sustainability

Council's Sustainability Unit has no objection to the proposal in accordance with the submitted Waste Management Plan (private collection proposed) subject to additional conditions requiring the bin locations on the plans, in accordance with the plan.

ESD Officer

Council's ESD Officer has no objection in principle to the development and the ESD Assessment submitted subject to an amended report being submitted detailing additional ESD application requirements and all measures to be shown on plans.

DISCUSSION

Consistency with State and Local Planning Policies

The key planning considerations for the proposed development of a three storey apartment building relate to whether the proposed design and built form and whether the potential amenity impacts achieve satisfactory outcomes. In determining the appropriateness of the proposal, due weight and consideration must also be given to the site's location within the Natural Change, Garden Suburban area in accordance with Clause 22.03 of the Scheme; as well as with Clause 15.01 Urban Environment and Heritage – Urban Design.

The Natural Change area requires development to be responsive to neighbourhood character and a range of elements need to be considered as to whether or not the development would achieve the relevant character outcome. These include vegetation retention, built form, including height, setbacks, streetscape fit. Clause 21.06 also states that development must respond to the character of the existing area and interface with the residential properties to the rear and east of the site.

The construction of a potential 28 dwellings in the form of serviced apartments in a three storey building on this site is in accordance with State and Local policies to encourage higher density development within walking distance of shops and public transport. The site is located on a main road that contains bus and tram services and is 200 metres west of Box Hill Central Activity Centre. On that basis, assessment is against broader strategic provisions.

9.1.2 (cont)

Melbourne @ 5 Million continues to encourage development within activity centres and close to transport infrastructure. However, this is further defined to housing “in and around activity centres, along tram routes and the orbital bus routes on the Principal Public Transport Network, in areas close to train stations and on large redevelopment sites”.

It is acknowledged that the development will add to housing supply and will provide more diverse housing opportunities for Box Hill and the City of Whitehorse. The proposal seeks to widen housing choice in accordance with State policy, and it is considered that the proposal is an appropriate development of the site. Fundamental issues with the scale of the development have been addressed in the amended drawings detailing three, not four, storey built form. This is considered acceptable as the site is located within a Garden Suburban area of Natural Change and reflects the scale of nearby developments. This is therefore consistent with the prevailing neighbourhood character. It is also considered that the scale and design of the building respects the amenity of adjoining residential uses to its east and south.

A proposal to construct higher density housing and serviced apartments at this location is considered appropriate. Whilst the site is outside the Substantial Change Precinct within the Box Hill Central Activities Centre, the site is located adjacent to a motel and nearby other existing apartment style developments. The critical test of this application is the acceptability of the proposed three storey residential building and its suitability within its urban context pursuant to Clause 15.01, as well as internal and external amenity implications. The scale of the development can be supported from a strategic perspective given its location within an established residential area, in acknowledgement of its location near Box Hill Central Activities Area, being on a main road and within walking distance to services and public transport.

There is adequate stepping back of the built form to the side and rear boundaries to achieve the design objectives of the area and maintain and strengthen the garden setting of dwellings in a Garden Suburban area. It is considered, however, that additional recessing of the second floor should be provided to achieve a more sensitive transition to the adjacent built form. It is considered that an acceptable setback of the second floor from Whitehorse Road to be no less than 11 metres, which will effectively reduce the size of Apartment 201 by half. This recessing will provide better vertical articulation when viewed from the first floor directly below which is setback 6.8 metres from Whitehorse Road. Similarly it provides a better transition to the properties to the east by reducing the second floor footprint. This can be required as a condition on any approval granted. Moreover this preferred design response addresses Clause 15.01 in that the building will present a contemporary architectural response that will ameliorate the bulk and vertical scale of the building in all elevations. A range of materials and colours have been proposed which will break up the horizontal lines of the balconies and window openings in the east and west elevations. Its presentation to Whitehorse Road will, with further recessing, provide adequate transition to the lower scale garden suburban character of the surrounding residential area that is characterised by lower scale single and double storey dwellings and apartment buildings.

There are favourable location attributes of the site, and Council considers that the proposed apartment development, with modifications to the upper floor, will present an acceptable streetscape interface abutting Whitehorse Road and adjoining properties.

9.1.2 (cont)

Design and Built Form and Clause 15.01 Urban Design

The subject site is located in Area No.3 of the Whitehorse Neighbourhood Character Study. The character of this area is predominantly pre-War with a mix of Victorian, Federation and Californian Bungalows with occasional infill development from other eras. The statement of desired future character nominates as characteristics a garden character with an openness influenced by generous front and side setbacks, retention of gardens and trees, and space around new development for planting of canopy trees.

It is considered that the proposed development respects the existing neighbourhood character and adequately responds to the objectives of 'Natural Change Areas' and design guidelines of Neighbourhood Character Area 3 under Clause 22.03. This is due, in part, to the site being located in a section of Whitehorse Road which has a mixture of single and double storey dwellings and many apartment style developments (including serviced apartments) with front gardens open to the street and some setbacks provided for landscaping. This is consistent with the general description for Character Area No.3, and this is also consistent with the objectives of Clause 55.02-1 Neighbourhood Character.

The character area has an objective to maintain and enhance the garden settings of the dwellings. It seeks to avoid the removal of significant trees and provide appropriate areas for the planting of new trees with spreading canopies. The current proposal removes all established trees on the site however the landscape plan provided shows a significant canopy tree (Japanese Elm) to be planted within the front setback and landscaping along the boundaries of the site. The proposed landscaping will contribute to the garden suburban character, including that of Kingsley Gardens to the north. This is relevant as the site currently has a large open front setback that is consistent with other properties along this part of Whitehorse Road. Despite the provision of the basement ramp and hard surface areas for the pedestrian entry ramp and disabled access, landscaping can be provided.

The objective for this area is to maintain consistency of front boundary setbacks. The development is proposed to be setback 7.3 metres from the frontage at ground floor level and a minimum of 6.8 metres at first floor level. This setback is below the average setback of adjoining properties of 8.4 metres. It is considered that this setback is acceptable given the height of the ground floor on the north elevation (3.1 metres for the foyer), the articulation facing Whitehorse Road, a Road Zone Category 1 Road and landscaping opportunities in the frontage. This is also consistent with the objectives of Standard B6 which aims to ensure that developments respect the neighbourhood character and make efficient use of the site. It is considered under Clause 15.01 that the development will contribute to the streetscape and would add a visually interesting new structure within in this dynamic and growing precinct.

Character Area No. 3 also has an objective to reflect the rhythm of existing dwelling spacing. Buildings are to be setback a distance from at least one side boundary. This is achieved with a driveway running along the eastern boundary with the vegetation opportunities along this elevation which contribute to the landscape character of the area.

9.1.2 (cont)

The guidelines also seek to ensure that new buildings should reflect the building scale and forms in the streetscape. This includes reflection of the dominant building forms in the street, such as articulated roof forms visible from the street and horizontal and vertical articulation to all surfaces. The form of the building is not inconsistent with that at 766 Whitehorse Road, and the built form of the motel to the west (directly next door). Whilst the height exceeds that as detailed in Standard B7 Council has considered the visual impact of the building when viewed from the street as part of the decision guidelines and has considered that, with the further recessing of the second floor, the design response reflects a suitable building height and thus satisfies the objectives of Clause 55.03-2. The setbacks for the east and west elevations do not comply with the standards under ResCode, however given the site constraints and the narrow width of the site, the setbacks are considered acceptable. The proposed setbacks respond to the site, are consistent with other setbacks in the area and achieve the objective of respecting the existing neighbourhood character in the street. The setbacks provided allow for some planting opportunities and are not inconsistent with prevailing setbacks within the neighbourhood. Consistent with Clause 15.01 the proposed development provides sufficient recognition of the garden suburban setting of the abutting residential neighbourhood.

The size of the building is now more acceptable with the deletion of the fourth floor and, with the additional recessing of the upper level; the scale will be more sympathetic in transition to the adjoining dwellings to the east and south. It is acknowledged that the east elevation is setback from the lower levels at second and third floor level, there is good articulation of the core built form, small balconies provide visual interest, all of which contribute to providing sufficient vertical articulation. The building proposes a maximum height of 11 metres. This height has been reduced from 14.05m with the deletion of the fourth floor and, as a result of the Consultation Forum, the design height has again been reduced by 600mm. It is acknowledged that the overall scale of the remainder of the building creates an acceptable built form in the streetscape which will not dominate views consistent with the objectives of Clause 15.01.

Other issues addressed under Clause 15.01 include the opportunities for passive surveillance; the provision of pedestrian spaces within the frontage of the site; and compliance with providing adequate daylight to adjoining properties.

Flood Mitigation

The subject site has been identified as flood prone and many objectors in Zetland Road have raised concerns with the flooding in the area.

Council's Drainage Engineer has advised that the developer must provide an existing and proposed flood analysis for the site and adjacent properties. The flood analysis is to be prepared by a qualified civil engineer and be prepared in accordance with the Australian Rainfall and Runoff standards. The 100 year ARI must be adopted to assess the effects of flooding on the proposed development site and adjacent properties.

It was also advised that the developer must not divert and/or concentrate stormwater or increase flood levels onto adjoining properties. This may require the construction of civil works on this property to prevent the impacts of the development on surrounding properties. This can be included as a condition of any approval given.

9.1.2 (cont)

Landscaping

Council's arborist has noted that some information contained in the applicant's arboricultural report is incorrect and has recalculated the Tree Protection Zones for all neighbouring trees. It was noted that there will be a 19.1% incursion into the Tree Protection Zone of a Fig (6 metres) growing in 768 Whitehorse Road (west). Council's arborist has recommended that the plans will require amendment to show setback of all buildings and works a minimum of 2.5 metres from the tree. This would require alteration of the location of the stairwell and lift and it will have commensurate impacts on the overall design of the building. This can be included as a condition of any approval given.

Council's arborist also noted that there will be an encroachment into the Tree Protection Zone of an English Elm (9 metres) growing in the motel grounds to the west. All buildings and works must be setback a minimum of 2.9 metres from the tree, or the tree removed. This can be included as a condition of any approval given.

Secluded Open Space

The dwellings provide between 2.6 m² to 9.3m² secluded open space in form of balconies. All dwellings will receive adequate access to sunlight.

Accessibility and Identity

The proposal adequately provides for integration with the street (Standard B5), a dwelling entry with good legibility giving identity to the building and acceptable accessibility (Standard B25) with the provision of a disabled access ramp into the building.

Issues Raised in Objections Not Previously Addressed

- Vegetation – Council's arborist has identified that the proposed development will not have a detrimental impact on the Elder tree growing in 47 Zetland Road provided a range of general tree protection measures are included on any permit issued.
- Noise - Noise from industrial heating and air conditioning system can be controlled by permit conditions to comply with relevant EPA requirements.
- Lighting – A condition can be placed on any permit issued to baffle lighting to reduce impacts on neighbouring properties.
- Property devaluation - 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.
- Safety - Reduced safety with itinerant population – It is not considered that this is a valid ground of objection.
- Set a precedent – Every proposal is assessed on its merits and in relation to the existing neighbourhood character and adjoining amenity.
- Fencing – There is an existing 1.8 metre high timber paling fence along the east boundary that will provide sufficient screening of ground floor habitable room windows.

9.1.2
(cont)

CONCLUSION

The application proposes use and development of the land for a three storey building comprising 28 dwellings, plus basement, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirement.

The proposed development is consistent with the relevant planning controls and policies, including the State and Local Planning Policies, Res Code and provisions of the Residential 1 Zone.

The application was advertised and 21 objections were lodged on the grounds of neighbourhood character, overlooking, overshadowing, traffic, parking, tree impacts, commercial use and property devaluation.

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

9.1.3 Whitehorse Planning Scheme Amendment C123 – Introduction of Development Plan Overlay to Crossway Baptist Church land in Burwood East: 2-18 Vision Drive, 27-29 Vision Drive and 709 Highbury Road

FILE NUMBER: SF 10/173
ATTACHMENTS

SUMMARY

This report discusses Amendment C123, and recommendations of the independent panel appointed to assess all submissions and the proposed amendment. The report also discusses a proposed development plan for the site. The report recommends that Amendment C123 be adopted with changes and the development plan be approved, subject to the Ministerial approval of the Amendment.

RECOMMENDATION

That Council being the Planning Authority and having considered the Panel report:

- A** ***Adopt Whitehorse Planning Scheme Amendment C123 with changes as shown in Attachment 8.***
- B** ***Submit the adopted Amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act with the appropriate fee provided by the Crossway Baptist Church.***
- C** ***Following Ministerial approval of Amendment C123, Council approve the Crossway Development Plan for land at 2-18 Vision Drive, 27-29 Vision Drive and 709 Highbury Road Burwood East comprising Attachments 3, 4, 5, 6 and 7, subject to:***
- (i)** ***The following information being submitted by Crossway to Council's satisfaction:***
- ***A Management Plan;***
 - ***A Traffic Management Plan;***
 - ***Full details regarding proposed traffic management and traffic control works for the proposed development and the staging of these works;***
 - ***Any updates required to the Development Plan as a consequence of the additional information to be submitted; and***
- (ii)** ***A satisfactory review by Council of the Gas Risk Assessment provided by Crossway Baptist Church.***
- D** ***Advise all submitters of all Council resolutions in relation to the Panel Report for the Amendment.***

9.1.3

(cont)

MOTION

Moved by Cr Davenport, Seconded by Cr Chong

That Council being the Planning Authority and having considered the Panel report:

- A** ***Adopt Whitehorse Planning Scheme Amendment C123 with changes as shown in Attachment 8.***
- B** ***Submit the adopted Amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act with the appropriate fee provided by the Crossway Baptist Church.***
- C** ***Following Ministerial approval of Amendment C123, that a further report be prepared for Council to consider the Crossway Development Plan for land at 2-18 Vision Drive, 27-29 Vision Drive and 709 Highbury Road Burwood East comprising Attachments 3, 4, 5, 6 and 7, subject to:***
- (i)** ***The following information being submitted by Crossway to Council's satisfaction:***
- ***A Management Plan;***
 - ***A Traffic Management Plan;***
 - ***Full details regarding proposed traffic management and traffic control works for the proposed development and the staging of these works;***
 - ***Any updates required to the Development Plan as a consequence of the additional information to be submitted; and***
- (ii)** ***A satisfactory review by Council of the Gas Risk Assessment provided by Crossway Baptist Church.***
- D** ***Advise all submitters of all Council resolutions in relation to the Panel Report for the Amendment.***

LOST on the casting vote of the Mayor

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Bennett

That Council being the Planning Authority and having considered the Panel report:

- A** ***Adopt Whitehorse Planning Scheme Amendment C123 with changes as shown in Attachment 8.***
- B** ***Submit the adopted Amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act with the appropriate fee provided by the Crossway Baptist Church.***
- C** ***Following Ministerial approval of Amendment C123, Council approve the Crossway Development Plan for land at 2-18 Vision Drive, 27-29 Vision Drive and 709 Highbury Road Burwood East comprising Attachments 3, 4, 5, 6 and 7, subject to:***

9.1.3
(cont)

(i) The following information being submitted by Crossway to Council's satisfaction:

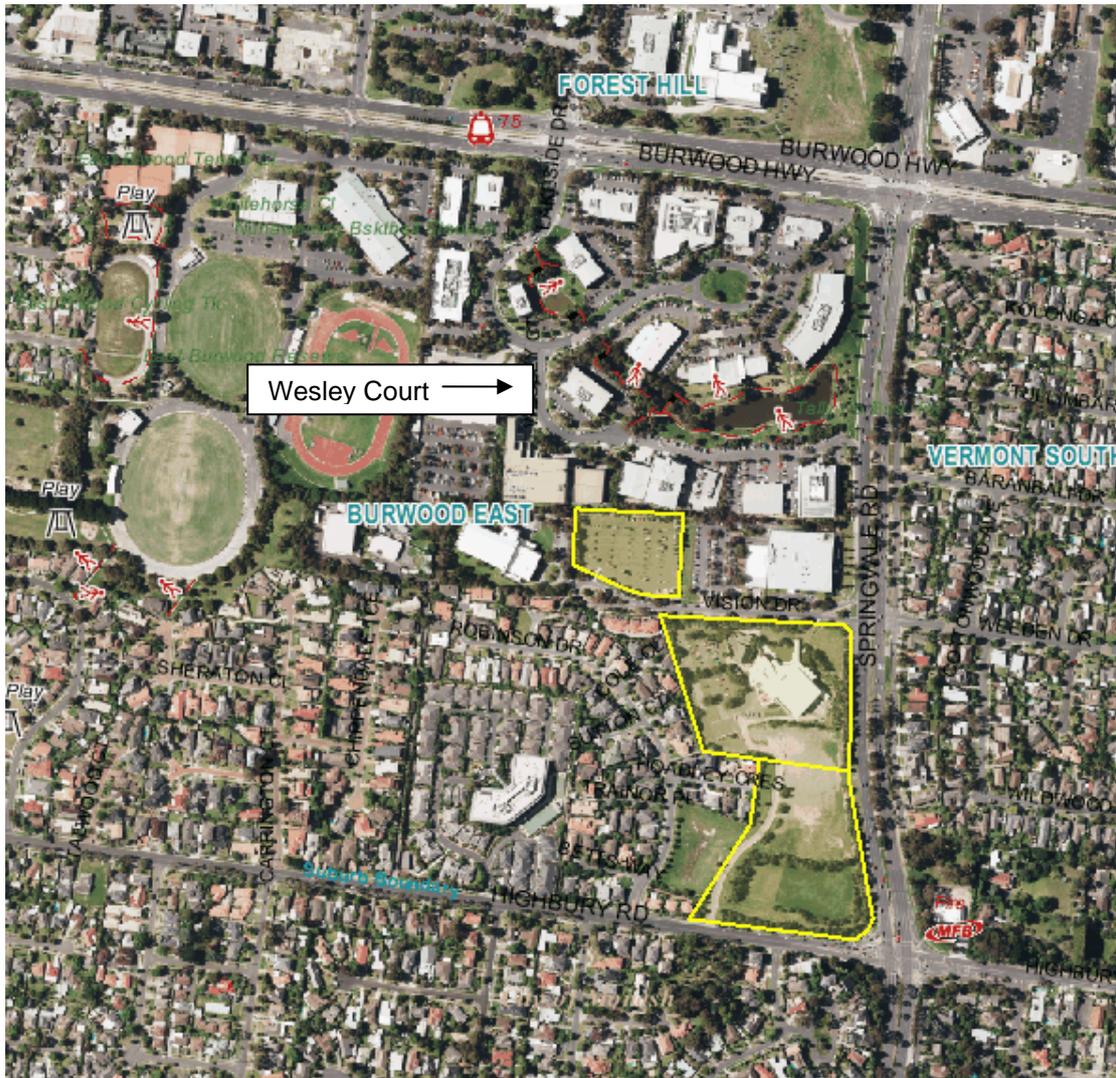
- **A Management Plan;**
- **A Traffic Management Plan;**
- **Full details regarding proposed traffic management and traffic control works for the proposed development and the staging of these works;**
- **Any updates required to the Development Plan as a consequence of the additional information to be submitted; and**

(ii) A satisfactory review by Council of the Gas Risk Assessment provided by Crossway Baptist Church.

D Advise all submitters of all Council resolutions in relation to the Panel Report for the Amendment.

CARRIED UNANIMOUSLY

9.1.3
 (cont)



LOCATION OF SITE

MELWAYS REFERENCE 62 D8

Proponent:	Crossway Baptist Church
Zoning	Business 2
Overlay	None
Relevant Clauses:	Clause 43.04 Development Plan Overlay Clause 21.03 A vision for the City of Whitehorse Clause 22.06 Activity Centres Clause 22.08 Tally Ho Activity Centre Clause 52.06 Car Parking Clause 52.29 Land Adjacent to a Road Zone
Ward:	Morack

9.1.3

(cont)

BACKGROUND

The subject site is owned and occupied by the Crossway Baptist Church. It is located on the west side of Springvale Rd generally between Vision Dve and Highbury Road and forms part of the Tally Ho Major Activity Centre. Crossway anticipates substantial growth over the next 10-12 years. It is expecting congregation numbers to increase from the current 4,000 attendees, to 10,000 attendees. Amendment C123 proposes to include the site in a Development Plan Overlay (DPO4). The Overlay will require that development of the site complies with an approved development plan (or masterplan). The Overlay requires approval of a development plan prior to the issue of planning permits for the site. The Overlay also specifies requirements as to what the plan should include. The plan must show details such as building location, outline, layout, height and form, setbacks, car parking provision, landscaping, details of how each building will be used and staging of the development. The development plan will provide certainty for both the community and the Church as to how the site will be used and developed.

The amendment also details conditions and requirements for planning permits, including landscaping, external lighting, signage, preparation of an Environmentally Sustainable Development Management Plan etc. Planning applications which comply with the development plan will be exempt from public notification requirements under the Planning and Environment Act.

A development plan has already been submitted to Council. It shows:

Five auditoriums providing for:

- 2500 seats (worship services, concerts, drama performances and conferences).
- 1000 seats (services, concerts and conferences).
- 500 seats (smaller conferences, associated kitchen facilities).
- 245 seats and 230 seats (smaller gatherings, informal discussions).

An enlarged children's centre (youth groups and crèche).

A new Life Care centre – interview rooms, group and individual counselling, welfare support and training.

Ancillary book shop and cafe.

Staff facilities including offices, board room, staff room and interview rooms.

Additional car parking provided via:

- A two level 300 space car park with associated landscaping and
- A multi level car park with 1250 spaces at 27-29 Vision Drive (to be used for both church and commercial purposes)

The multi level car park will act as a commercial car park; available for use during the week by the general public, including users of the Tally Ho Business Park. On the weekend the car park will be for the exclusive use of the church. Crossway are keen to commence development of the Life Care building and an application is currently being processed, via the usual planning permit application process.

Amendment C123 (Attachment 3 – Part 2) was placed on public exhibition, starting Thursday 26 April 2012 and finishing Monday 28 May 2012. The proposed development plan was displayed at the same time. The Amendment requires approval of the Minister; whereas the development plan requires Council approval, which would generally occur once the Amendment is approved.

9.1.3

(cont)

Thirteen submissions were received in response to exhibition. Traffic and the intersection of Springvale Road, Vision Drive and Weeden Drive was the main ground for concern. Submissions from residents supported signalisation of the intersection but VicRoads oppose it. Other grounds of concern related to noise, height, flooding potential, overlooking, affect on property values and impact of a former Waverley tip now known as Highview Park. Council determined (17 September 2012) to refer the submissions to a Panel for further consideration.

In response to the submissions, three new reports were submitted by Crossway for the Panel hearing:

- A new traffic report (Attachment 3 – Part 3) which proposed that access to the multi level car park be revised and provided from Wesley Court and Vision Drive. This option would mean that signalisation of Vision Drive/Springvale Road would not be required. Although this option has not been considered by Council, officers at the hearing gave qualified support, subject to further assessment of:
 - The Lakeside Drive/ Burwood Highway intersection to determine whether any changes are required to accommodate the increased traffic using the intersection, and
 - The feasibility and likelihood of achieving vehicle access to Wesley Court in terms of private land ownership and gradient issues.
- A Flood report (Attachment 3 – Part 4) confirming that the proposed Life Care building near the corner of Springvale and Highbury Roads would not be sited on land prone to flooding.
- A Gas report (Attachment 3 – Part 5) prepared to EPA satisfaction indicating that risk of contamination from the former Waverley tip (now known as Highview Park), is unlikely.

PANEL HEARING AND REPORT

A Directions Hearing was first held on 18 October 2012 when the hearing date was deferred at the request of Crossway, to allow time for the new traffic report to be prepared. A second Directions Hearing was held on 19 February 2013. Crossway advised that the new traffic report would be significantly different from the original report and since a number of submitters raised traffic as an issue of concern, the Panel directed that the report be provided to submitters for comment, prior to the hearing. However the Panel did not consider that additional notice was warranted, given that traffic was not a new issue and had been significant from the start.

The Panel advised submitters of the additional report (prepared by Traffix Group) on 8 March 2013. No additional submissions were received.

Further material was also received from Crossway in relation to landfill gas and also flooding. As these issues were only raised by Government agencies, the Panel did not require further notice of these to be given.

The Panel Hearing was held on 26 March 2013 at the Whitehorse Civic Centre, Nunawading. Council was represented by a senior strategic planner and did not call any expert witnesses. Panel members had visited the site before the hearing.

The Panel heard from Council, Crossway Church and VicRoads. Crossway were represented at the hearing and called traffic and urban design expert witnesses. As stated previously, the Church also submitted three new reports for traffic, flooding and landfill gas.

9.1.3 (cont)

The Panel has now submitted a written report for Council which was very supportive of the Amendment and Council's position. The most important recommendations by the Panel in relation to the Amendment are:

- Deletion of reference to signals at the intersection at Springvale Road and Vision Drive. The Panel believed the exhibited wording pre-empts signalisation as the preferred option for traffic management.
- A formal requirement that the Traffic Management Plan be prepared in consultation with VicRoads and Public Transport Victoria.
- Deletion of the 'Use' provisions relating to the car park proposed at 27-29 Vision Drive.

DISCUSSION OF PANEL REPORT

Planning Context

The Panel concluded that the amendment provides a sound framework for the Church to continue and expand. The Amendment is supported by existing planning policy and makes appropriate use of the Victoria Planning Provisions.

Traffic and Parking

The Panel considered traffic to be the point of greatest contention and therefore spent most of the hearing time discussing it.

As part of the traffic evidence, Crossway submitted 3 alternative options for access to and from the commercial car park at 2-18 Vision Drive. Their preferred option comprises three parts:

- (i) A road link from the multistorey car park in Vision Drive through to Wesley Court/ Lakeside Drive and ultimately Burwood Highway.
- (ii) Extension of the right turn lane on the Highbury Road western approach to the Springvale/Highbury Road intersection.
- (iii) Installation of pedestrian operated signals in Springvale Road.

Successful implementation of this option requires access across private land at the rear of the car park to Wesley Court.

Other traffic management options investigated were:

- Retaining the existing traffic control situation.
- Installing a pedestrian crossing in Springvale Road near Vision Drive, to be operated either manually by pedestrians, or when traffic builds in the right turn lane from Springvale Road into Vision Drive.
- Installation of traffic signals (without a pedestrian crossing), which would only operate when traffic builds in the right turn lane in Springvale Road at the Vision Drive intersection. The existing hand turn lane may need extension under this option.
- Full signalisation of the Springvale Road/ Vision Drive/ Weeden Drive intersection.

The Panel also expressed surprise that the preferred option of access involving access from the commercial multi deck car park through to Wesley Court had been developed without any support from affected abutting landowners. However, the Panel also noted that if access cannot be provided to Wesley Court, then other options proposed in the revised traffic report would still be suitable to manage future traffic and access issues.

9.1.3 (cont)

VicRoads advised that in spite of the revised traffic report, there are still a number of matters that require further investigation before it can support a specific proposal. These matters include assessment of the following:

- Whether the proposed road link to Lakeside Drive can actually be achieved given that it will use land which is not in possession of either the applicant or Council.
- Of using the road link from Lakeside Drive during weekday peak periods.
- To determine the impact of pedestrian operated traffic signals and metering during weekday peak periods, including their impact on bus operations.
- Whether right-turn movements in or out of Weeden Drive need to be banned (to increase access to Vision Drive without detrimentally impacting on the operation of Springvale Road).
- To identify the stage of development at which the access improvement works would need to be undertaken. VicRoads assumes that the works will be fully funded by Crossway.

Panel Recommendation:

- That VicRoads' interpretation of Clause 2.0 of the DPO, the first dot point under the heading '**traffic and transport**', that the amendment **requires** signalisation is not correct. The amendment only requires **consideration** of traffic signals. However, the reference to signals should be deleted from the Amendment because it is only one traffic solution and not necessarily an option preferred by either traffic experts or VicRoads.
- That it is important that Council and Crossway address the concerns of VicRoads, since they are a referral authority for planning applications involving access onto Springvale Road and also places of assembly with more than 400 seats or greater than 600 m² in floor area. Even if the amendment required signalisation at the Vision Drive/Springvale Road intersection, then it could not occur without VicRoads consent.
- That apart from the issue of signalisation at Vision Drive/ Springvale Road, the original wording of the amendment is satisfactory and should be retained, with some additional minor rewording regarding 'mitigation of the expected traffic impacts of the proposed development', as suggested by Council. The Panel determined that Crossway's suggested wording changes were largely unnecessary and could not be justified.
- That Crossway's suggestion that the Traffic Management Plan be prepared **to the satisfaction** of the Council, VicRoads and The Public Transport Authority, not be included as part of the Amendment. However VicRoads and the PTV should nevertheless be **consulted** by Council.
- That despite VicRoads suggestion, it is not necessary for the amendment to include specific reference to the revised traffic report by name, author and date, since the report may become superseded at some time in the future.
- That the paragraph relating to the proposed commercial car park under the heading 'Use' be deleted, on the basis that it is superfluous and repeats statements given elsewhere. The Panel stated that the paragraph is very similar to Clause 1.0 of the proposed DPO, and permits cannot be issued that do not achieve the 'Use' outcome sought ie a commercial car park.
- That car parking be provided at a mandatory rate of 0.3 car spaces for each auditorium seat and car parking at this rate be available at all times as a minimum and that discretion on this point in Clause 2.0 of the DPO be removed.

9.1.3

(cont)

Officer Comment:

The Panel's conclusions and recommendations regarding traffic are largely supported since they endorse Council's position. However officers disagree with the Panel's recommendation regarding deletion of the section pertaining to 'Use'. Preparation and approval of the development plan is the first step in the planning process under the proposed controls. Therefore it is appropriate that the commercial 'Use' of the car park be clearly set out as part of the plan. The planning permit will come later and although clause 1.0 of the Amendment provides for 'Use' to be a permit condition, it is considered important that the multi level car park be confirmed as a commercial car park in the development plan, in order to satisfy the requirements of the Tally Ho Urban Design Framework.

Officer Recommendation:

- That the Panel's recommendations regarding traffic and parking be adopted, including deletion of the reference to signals at the intersection of Springvale Road and Vision Drive in the Amendment.
- That Public Transport Victoria and VicRoads be included as parties to be consulted in preparing the Traffic Management Plan.
- That the section pertaining to 'Use' be retained as a development plan requirement.
- That as part of the approval process for the development plan, Crossway undertake further work on the preferred traffic management solution.

The Former Waverley Landfill

Approximately 170m south of the Crossway site is 'Highview Park', the former Waverley tip. The EPA submission to Council during exhibition raised the issue of the potential for gas to be generated by the former landfill site and migrate off site. The Panel noted that Crossway had employed expert consultants to investigate this issue further. Evidence was produced indicating that the EPA was satisfied with the methodology and assessments undertaken, but also making it clear that the ultimate planning decision would rest with Council.

Panel Recommendation:

The Panel did not make any specific recommendations on this issue. However based on investigations and the EPA's response, the Panel concluded that it does not consider the issue to be an impediment to the approval of the Amendment.

The Panel also noted that it appears from the plans that the proposed Life Care building may require some excavation for a basement, and this may provide an opportunity for further testing in order to confirm conclusions of the gas report. This is an issue which could be considered by Council at the permit stage.

Officer Comment:

Officers agree with the Panel conclusion that submitted test results indicate potential migration of landfill gas is low and should not impede approval of the Amendment.

Officer Recommendation:

That wording of the proposed amendment be altered to include the following information to be submitted as part of a development plan:

- A risk assessment analysis for potential gas leaks from the ex-Waverley tip (now known as Highview Park).

As noted previously, this report was submitted to the Panel for consideration at the hearing.

9.1.3

(cont)

Flooding

The southern part of the site adjacent to the Highbury Rd frontage is located on low lying land and the proposed Life Care building adjoins this flood prone land. Although Council is responsible for approvals on the site with respect to flooding, Melbourne Water submitted that the building may be affected by flood waters and this issue should be investigated further.

Crossway commissioned a flood report, which was reviewed by Melbourne Water. After consideration of the Report, Melbourne Water submitted that it did not object to the proposed location of the building. Council's Engineering and Environmental Services department was also satisfied with the flood report.

Panel Recommendation:

That Council's request be accepted and the Amendment include the two following dot points as requirements for the development plan:

- An assessment of land liable to flooding in a 1 in 100 year storm event, including hydraulic modelling (*be submitted*) to the satisfaction of the responsible authority.
- Minimum floor levels (*be confirmed*) to the satisfaction of the responsible authority for all buildings deemed a flood risk.

Officer Comment:

The Panel recommendation supports Council's request for amended wording.

Officer Recommendation:

- That the Panel recommendation regarding flooding be accepted.
- That two additional dot points be added to the development requirements as advocated by Council.

Design and Built Form

The Panel noted the general agreement between Council and Crossway around the issue of design and built form within the Amendment.

The Panel also noted that The Tally Ho Urban Design Framework (UDF) is not clear in relation to building height limits. Height can be interpreted as either: being limited to the height of the MYOB building (which could therefore produce a 'flat cap' response that pays no regard to landscape or topography) or an 'AHD plus 20m' approach which seemed more logical to the Panel.

The Panel noted that its role is not to review the UDF, and given that the height of proposed buildings are 'generally in accordance with' either height approach, the Panel does not have significant concerns in this area.

Panel Recommendation:

That the Amendment be reworded so as to reference height according to the Tally Ho UDF instead of the MYOB building. (This building is no longer occupied by MYOB and so the name is also irrelevant to use as a reference).

Officer Comment:

The uncertainty surrounding the height issue will be clarified as part of the Tally Ho Urban Design Guidelines which are expected to be the subject of a future report. The Panel's recommendation regarding rewording gives further recognition to the UDF and is supported for this reason.

9.1.3

(cont)

Officer recommendation:

That the Amendment be reworded to reference height limits to the Tally Ho UDF rather than the MYOB building.

Noise

Panel Recommendation:

The Panel agreed with Council's view that noise control is an appropriate issue to be included as part of a Management Plan prepared as part of a development plan. Accordingly Panel rejected Crossway's request that noise be excluded from a Management Plan.

Officer Comment:

The Panel's recommendation supports Council's submission.

Officer Recommendation:

That the Amendment retain 'noise' as an issue to be included in a Management Plan provided for as part of a development plan.

Overlooking

The Panel believes that the combination of setback, facade treatment and landscaping will minimise overlooking. The Panel also noted that a car park is arguably of less concern than a dwelling or apartments of a similar scale, given the pattern of use for a car park. *'That is, people arrive, move to a stairwell or lift and then descend to the ground, with little motivation to take in the view.'*

The Panel does not consider that the additional expense and difficulty in burying three storeys of car park is warranted at this location.

Panel Recommendation:

The Panel does not recommend a change to the Amendment concerning privacy.

Officer Comment:

The Panel's view supports Council's submission.

Officer Recommendation:

That Council accept the Panel's views regarding overlooking and there is no change to the Amendment in this respect.

Management Plan

The exhibited amendment included a requirement for the Management Plan to include: *"Methods for controlling and maintaining open space"*. Crossway suggested that 'controlling and maintaining' should be replaced with new wording referring to "managing public open space". However Council objected to this on the basis that the open space is not public open space and that 'maintaining' implies a different regime to 'managing'.

Panel Recommendation

This is a significant issue in the context of the Amendment and Panel is not satisfied that Crossway has provided a substantive case for change. Panel recommends that the exhibited wording be retained.

9.1.3 (cont)

Officer Comment:

Panel recommendation supports Council's view.

Officer Recommendation:

That exhibited wording regarding "Methods for controlling and maintaining open space" be retained as part of the Amendment.

Display of Development Plan

Panel Recommendation:

Crossway submitted that the two paragraphs relating to 'Display of the Development Plan' could be simplified into a single paragraph to make the intent easier to understand. Council officers agreed with the suggestion, provided that the new paragraph included the words 'of the plan' at the end of the paragraph. The Panel recommended the Amendment include both changes.

Officer Recommendation:

That the Amendment be reworded so that the exhibited two paragraphs under 'Display of Development Plan' in Clause 2.0 read:

'Before deciding whether to approve a development plan or a substantial amendment to an approved development plan, the Responsible Authority must first display the plan for public comment for a period of 14 days and must take account of any comments received in response to display of the plan.'

Having considered the Panel's recommendations, the proposed changes to the exhibited DPO Schedule 4 are shown in Attachment 3 – Part 8. This includes the changes outlined above as well as minor clarifications and corrections.

DISCUSSION ON DEVELOPMENT PLAN

Responsibility for approval of the Development Plan (Attachment3 - Parts 6 and 7) under the proposed DPO rests with Council. It can be approved anytime after the Amendment has been approved by the Minister. The Plan was placed on display at the same time as the Amendment, so that the community could assess both the Plan and the Amendment at the same time. It was difficult to distinguish between those submissions which related to the Amendment and those which related to the Development Plan. Thirteen submissions were received in response to exhibition.

As stated previously, a development plan submitted to Council shows elevations and building envelopes for a multi storey commercial car park at 2-18 Vision Drive (north side), expansion of existing church facilities, additional church buildings and a new two level car park on the south side of Vision Drive. In accordance with the Amendment, the commercial car park will be available for use during the week by the general public, including users of the Tally Ho Business Park. On the weekend the car park will be for the exclusive use of the church.

As noted in the discussion on the Panel Report, traffic was the main ground for concern for submitters. Other grounds of concern were noise, height, flooding potential, overlooking, affect on property values and impact of the ex- Waverley tip, now known as Highview Park.

9.1.3 (cont)

Traffic

VicRoads objected to the Development Plan because it was prepared 'without proper consideration of all access options' and **relies** on the signalisation of Vision Drive/Weeden Drive and Springvale Road.

A number of submitters also cited traffic and management of this intersection as an issue of concern. Traffic suggestions raised by submitters included:

- Closure of Vision Drive and allowing access through the Tally Ho Business Park or Highbury Road.
- A pedestrian crossing installed at or near the intersection of Springvale Road/ Vision Drive/ Weeden Drive.
- Allowing 'hook turns' near/ at the intersection of Highbury and Springvale Roads.

Response

The new traffic report submitted to the Panel explored a number of different access options, with the preferred option involving access through to Wesley Court and Lakeside Drive. However further work is required to determine whether this option is feasible. The Development Plan should not be approved until final traffic management details are provided and approved, together with details as to what stage in the development the works will be undertaken.

Flooding and Gas leak/migration from former Waverley Tip (Highview Park)

Response

Both issues have been discussed previously as part of the Panel report. No change is recommended to the Development Plan.

Noise

Response

The Amendment requires the Development Plan to include preparation of a management plan addressing a number of issues, including noise control. A management plan needs to be submitted to the satisfaction of Council before the Development Plan can be approved.

It should also be pointed out that to date, Council has no record of noise complaints being received against the church.

Height

Two submissions stated that the proposed multi storey car park is too high.

Response

The proposed car park building will be 13.6 metres (four storeys) to parapet height and provide five levels of parking. A 10 metre landscaped setback will be provided from Vision Drive.

The Tally Ho Urban Design Framework (UDF) which Council adopted in 2007 generally supports a 20 metre building height for the Tally Ho Major Activity Centre. This is equivalent to the height of the former MYOB building. (As previously mentioned, the Tally Ho Urban Design Guidelines will further clarify this relative height and the extent of its application in the activity centre). Due to topography of the site, the proposed car park building will be slightly lower (300mm lower) than the MYOB building. Given the proposed screening and wide front setback, the proposed height is considered reasonable and no change to the development plan is recommended.

9.1.3

(cont)

Overlooking

One submission expressed concern regarding potential overlooking from the proposed commercial car park into their property backing onto Vision Drive. The submission suggests that the car park be underground and established trees be planted to provide screening.

Response

The plan shows a 10 metre landscaped setback from Vision Drive, resulting in a setback over 30m between the car park and submitter's property boundary. By comparison, ResCode requires a 9 m separation between buildings to minimize overlooking. The amendment also includes requirements for screening and landscaping. It is considered that the combination of planting, screening and setbacks will satisfactorily address overlooking. The Panel concurred with this conclusion. No change to the Development Plan is recommended.

Subject to minor changes being made to the exhibited development plan such as details of provisions to limit noise emissions from the site, submission of a revised traffic report and traffic management plan including details and staging of traffic management works and following approval of the Amendment by the Minister for Planning, the development plan can be approved.

CONSULTATION

The amendment was placed on exhibition for one month in accordance with statutory requirements. 1700 letters were sent to owners and occupiers of nearby land and notice was also published in the Leader newspaper. Although the Amendment would require the development plan to be exhibited for just 14 days, the plan was actually displayed for one month and at the same time as exhibition of the amendment, with an opportunity to be heard via the Panel hearing.

FINANCIAL IMPLICATIONS

Crossway is the proponent of the Amendment and is responsible for all costs associated with the Panel hearing. They will also be required to pay a fee of \$798 to the Department of Planning and Community Development for approval of the Amendment, if Council decides to adopt it. Although there has already been some cost for Council associated with assessment of the Development Plan and further processing is still required if the amendment is approved, this will be offset by savings made due to applications which comply with the Development Plan not needing advertising.

POLICY IMPLICATIONS

The Development Plan is consistent with the Council Plan 2012-2016 key objectives:

- *Serve and strengthen our diverse community to be inclusive, vibrant and engaged.*
- *Promote, protect, enhance and respect the quality of our natural and built environments.*

It is also consistent with the Tally Ho UDF key objectives:

- *To facilitate growth and development to meet current and future needs whilst maintaining amenity and liveability;*
- *To increase the mix of uses in existing and new developments;*
- *To ensure community facilities can meet the current and future needs of the local population.*

9.1.3
(cont)

CONCLUSION

The Amendment

Amendment C123 proposes to apply a Development Plan Overlay to land owned by the Crossway Baptist Church in Burwood East.

An independent Planning Panel has considered the proposed amendment and associated submissions. The Panel's recommendations are largely supported by Council officers. The Panel has recommended that the amendment be adopted with mostly minor changes. The most important recommendation is deletion of reference to signalisation of the Springvale Road/ Vision Drive intersection.

The Council report has assessed these recommendations and it is now submitted that they are considered consistent with Council's submission made to the Panel, the Planning and Environment Act 1987, State Planning Policy, Local Planning Policy and the objectives of the Amendment.

The Development Plan Overlay as recommended by Council officers in light of the Panel Report is contained in Attachment 3 – Part 8 with changes shown.

The Development Plan

The Gas Risk Assessment Report has now been submitted and the Development Plan complies with the Amendment as recommended by both Panel and Council officers, subject to resolution of management issues including traffic. The Development Plan can be approved by Council after the Minister has approved the Amendment. It is proposed that the development plan be approved under delegation.

9.1.4 Clayton South Regional Landfill budget for 2013/2014

FILE NUMBER: 13/62939

SUMMARY

The purpose of this report is to present the draft 2013/2014 budget for Clayton South Regional Landfill for Council approval. As part-owner of the regional landfill, the City of Whitehorse and other owner Councils are required to approve the budget.

COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Bennett

That Council:

- 1. Approve the 2013/2014 Clayton South Regional Landfill budget.**
- 2. Advise the Clayton South User Group of Council's resolution to approve the Clayton South Regional Landfill budget for 2013/2014.**

CARRIED UNANIMOUSLY

BACKGROUND

The Clayton South Regional Landfill is jointly owned by the Cities of Whitehorse, Boroondara, Glen Eira, Monash and Stonnington.

Approximately 11,000 tonnes of domestic garbage per annum equivalent to that generated from the area west of Middleborough Road is taken to this site by agreement entered into by the former City of Box Hill. The remaining City of Whitehorse municipal waste goes predominantly to two landfill sites under a metropolitan landfill services contract with the Metropolitan Waste Management Group, Sita Environmental Solutions landfill at Hallam and Wyndham Council landfill at Werribee.

The City of Whitehorse owns 14.12% of the Clayton South Regional Landfill and is represented on the Clayton South User Group that oversees the landfill management. A total of approximately 100,000 tonnes of municipal waste is disposed of by the member Councils at the Clayton South Regional Landfill site each year.

The Clayton South Regional Landfill also has a Transfer Centre that is open to the general public and allows some incoming waste components to be recycled.

The landfill must operate in accordance with EPA licence requirements, including the capture of methane gas from the previously filled landfill area and the active landfill cells. The landfill has a network of horizontal gas capture pipes and vertical wells to intercept and capture the methane gas that is largely generated from the rotting garbage. The captured methane is converted to energy and fed back into the electricity grid.

In 2010/2011, the EPA revised its best practice guidelines for operating and rehabilitating municipal landfills. As a result, there are higher performance standards that need to be satisfied and stricter requirements for monitoring, managing and reporting on environmental factors. For landfills such as Clayton South, where part of the landfill was established under older, lesser standards, major works were required to bring the landfill into line with current best practice standards.

9.1.4
 (cont)

In the past 2 years, there have been significant efforts made to manage odour, landfill gas capture, and dealing with high levels of groundwater/leachate in the tipping cells that have impacted the ability to capture landfill gas. The User Group and the landfill manager have been actively working with the EPA to implement a range of measures to address these problems that have adversely affected all landfills in the Clayton region.

In 2011/2012, the EPA issued 2 Pollution Abatement Notices (PANs) requiring extensive remedial works to be carried out to capture landfill gas, lower leachate levels, reduce landfill gas emissions, and meet strict operating and reporting standards. As a result of the extensive works carried out and improvements to monitoring and management systems, the requirements of the 2 PANs have been satisfied. The details of the compliance with the PAN requirements were reported to the EPA. It is expected that a revised Pollution Abatement Notice will be issued by the EPA in 2013 to ensure that high standards are maintained and that works to reduce landfill gas emissions from the older filled area of the site continue.

In 2012/2013, the governance arrangements of the Clayton South Regional Landfill were reviewed with subsequent recommendations that include changes to the Steering (management) Committee and reporting arrangements. In addition to the increased responsibilities and complexities associated with managing the landfill site, Clayton South Regional landfill is reaching a critical stage that requires careful planning and decision making for the period prior to and after the closure of the site. Provision for the recommended changes has been included in the 2013/2014 Clayton South Regional Landfill budget and will not require separate funding input from the owner Councils.

The Clayton South User Group has prepared a budget to cover all operational, capital and regulatory requirements for 2013/2014, and has presented the budget to Council for approval.

The draft Clayton South Regional Landfill 2013/2014 budget has been previously circulated to Councillors.

DISCUSSION

The draft 2013/14 Clayton South Regional Landfill budget shows an operating surplus of \$275,226. The capital works expenditure is budgeted to be \$2,753,000 which consists of a \$2,500,000 capital provision to finalise the capping on the older filled northern cell as required to meet the stricter EPA emission standards. There are sufficient reserve funds available from previous surpluses to fund the capital expenditure for 2013/1014 and maintain a positive cash balance throughout the year and for the next 4 years.

The net cash outflow for 2013/14 is budgeted to be \$779,272.

The proposed 2013/2014 budget compared to the current financial year is as follows:

Budget summary:	Proposed 2013/2014	2012/13 (projected)
Income	\$14,184,871	\$15,028,180
Operating Expenditure	\$13,909,645	\$12,939,604
Net operating surplus/(deficit)	\$ 275,226	\$ 2,088,576
Capital	\$2,753,000	\$ 531,571
Net cash inflow (outflow)	(\$779,272)	\$3,213,954

9.1.4 (cont)

The lower income anticipated for 2013/2014 is a result of the reduction in commercial tonnes of waste coming into the site. In 2012/2013 in a one-off arrangement, additional commercial waste was tipped at Clayton Regional Landfill for a month while the neighbouring private landfill was not operating. The increased expenditure in 2013/2014 is a result of CPI increases affecting contract rates, a 10% increase in the landfill levy, additional staff at the site's Transfer Centre and an increase in auditing and EPA compliance costs.

The key items of operational expenditure in 2013/2014 are:

- \$7,793,800 for payment of the EPA landfill levy,
- \$ 1,052,250 for the daily operations of placing and covering the incoming waste,
- \$1,229,520 to operate the Transfer Centre, and
- \$ 950,000 for water treatment of leachate and disposal to sewer

The key items of capital expenditure in 2013/2014 are:

- \$2,500,000 to finalise the capping of filled landfill areas
- \$ 250,000 to upgrade gas collection systems.

Provision has been made for ongoing environmental monitoring, particularly of methane gas levels, and for further works as needed to improve the capture of methane gas. Provision has also been made to import suitable clay material and begin to cap off some of the previously landfilled cells to prevent methane escape and progressively finalise those areas of the site that will no longer receive incoming material.

The main source of income is the gate fee paid by member Councils (\$4,986,750) and Transfer Centre users (\$1,833,298). The income from Transfer Centre users is based on the 2012/2013 gate fees plus 4%.

The budget is in line with long-term cash flow projections and ensures sufficient reserves (opening cash) and cash flow to manage for the entire year without the need for special payments from member Councils.

Based on current filling rates and available airspace, the Clayton South Regional Landfill has approximately 3 to 4 years of filling remaining, subject to a secondary consent to extend the life of the Planning Permit from Kingston City Council. There is no certainty that an extension to the life of the Planning Permit will be granted in which case contingency arrangements would need to be put in place to accelerate the filling of the remaining airspace to enable final capping to take place.

The User Group will soon be developing a business plan to consider options for future use of the site. Council has landfill disposal contract arrangements with other landfills that will ensure the availability of landfill even if Clayton South Regional Landfill should close earlier than expected.

The downsizing of the rubbish bins to the new standard 80 litre bin will significantly reduce the tonnage of rubbish that needs to go to landfill in 2013/2014.

CONSULTATION

The member Councils are consulted on key issues and represented on the Clayton South User Group/steering committee.

9.1.4
(cont)

FINANCIAL IMPLICATIONS

A summary of the income and expenditure for 2013/2014 is outlined in the Discussion section above.

There is no financial contribution required from Council to meet operating costs within the budget period under consideration. Council pays a gate fee for each tonne of waste it disposes at the landfill, and provision of \$2,005,500 has been made in Council's draft 2013/2014 operational budget to cover the disposal of the kerbside waste that goes to Clayton South Regional Landfill.

The Clayton South User Group is also required to set aside funds each year into a reserve to cover future site rehabilitation and maintenance after the active landfill ceases. Landfill owners remain responsible for site care after the site ceases to accept waste at closure. The current financial year's operating surplus will be added to accumulated reserve funds to ensure that there is sufficient provision for the remaining years of operational and capital works, as well as post-closure monitoring obligations.

POLICY IMPLICATIONS

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

9.1.5 Road Management Plan Review

FILE NUMBER: SF06/431

SUMMARY

The purpose of this report is to present to Council the results of a review of Council's Road Management Plan as required by the Road Management (General) Regulations 2005. It is recommended that the findings and conclusions of the review be adopted and that amendment of the Road Management Plan proceeds.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Stennett

That:

- 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 2005 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 outlined in this report.***
- 2. As a result of the review, Council proceed to amend its Road Management Plan, in accordance with the findings and conclusions of the review, including also any other amendments that may result from the further public consultation process to be undertaken by Council, or from comments and recommendations made by Council departments or other stakeholders, or a combination of all of these.***
- 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.***

CARRIED UNANIMOUSLY

BACKGROUND

Council at its meeting on 11 June 2013 received a report on the requirements of the Road Management (General) Regulations 2005 and that the Chief Executive Officer acting under delegated authority pursuant to section 98(1) of the Local Government Act 1989 directed that the review of the current Road Management Plan must, as a statutory requirement, be completed by 30 June 2013.

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 the current Road Management Plan on 14 December 2009 after reviewing its original Road Management Plan.

The Roads Register has, since its first adoption by Council, had five revisions that have been approved by the Manager Engineering and Environmental Services under delegation, dated 20 January 2005, 3 February 2006, 14 October 2006, 17 November 2006 and 19 February 2010 respectively.

9.1.5 (cont)

The Road Management Plan provides Council with a legal "Policy Defence" in civil liability against claims of negligence 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 and maintain its roads in the context of available budgetary and other resources.

Council's insurers undertake an annual risk assessment and audit of Council operations in relation to Public and Professional Liability and its compliance with Council's Road Management Plan 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.

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 2005, the Chief Executive Officer acting under delegated authority, authorised commencement of the review of Council's Road Management Plan on 13 May 2013.

The required public notice of the proposed review was published in the Victoria Government Gazette and The Age newspaper on the 16 May 2013 in accordance with the requirements of regulation 302(2) of the regulations, inviting submissions in respect to the review. A non statutory copy of the formal public notice was also given for community information in the Whitehorse Leader on the 22 May 2013.

No submissions were received by Council on the review by the required date, being 13 June 2013, or after.

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 adoption. The report outlines the results of the review and provides recommendations to Council on amendments to the Road Management Plan.

Following the review, Council may, under a separate statutory process, amend its Road Management Plan.

DISCUSSION

In accordance with the Road Management Act and 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 (this Council report) summarising the findings and conclusions of the review and make the report available for public inspection where the Road Management Plan may be inspected and obtained.
- Secondly, Council may then amend its 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 report. The proposed detailed amendments of the Road Management Plan will be presented to Council in a further report and will then require giving public notice and consideration of submissions.

9.1.5 (cont)

REPORT OF FINDINGS AND CONCLUSIONS OF REVIEW

The results of the review of the Road Management Plan and the recommended changes are as follows:

- Consideration should be given to including inspection and maintenance standards for roads which may be included on Council's road register which are the subject of a Special Charge Maintenance Scheme.
- Consideration should be given to including inspection and maintenance standards for roads which may be included on Council's road register which are constructed by a Special Charge Scheme to retain the natural streetscape elements.
- Consideration should be given to reviewing and specifying the inspection and maintenance standards for constructed laneways which are included on Council's road register.
- Revised references to Council's updated Risk Management Policy & Strategy, Council Plan and other updated documents as required.
- References to the standards of construction need to be amended to reflect any new and updated standard drawings since the original plan was adopted.
- Consideration should be given to the inclusion of indicative future Capital Works programs.
- Consideration should be given to including inspection and maintenance standards for drainage pipes and pits on roads which are on the Roads Register.

This report and review meets the requirements of the Road Management (General) Regulations 2005 to review Councils Road Management Plan by 30 June 2013.

Subject to acceptance of this review a further report will be provided to Council recommending detailed changes to the Road Management Plan which would then require the commencement of a separate statutory process including giving public notice and consideration of public submissions.

It is recommended that Council adopts the findings and conclusions of the review of the Road Management Plan as set out above.

CONSULTATION

The review of the Road Management Plan has included giving public notice of the review and inviting submissions. No public submissions were received. 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 standards of safety, asset management, levels of service and minimising risks. Budget implications were taken into account as part of the review.

POLICY IMPLICATIONS

The review has concluded that amendments are required to the Road Management Plan.

9.2 CORPORATE REPORTS

PROCEDURAL MOTION

Moved by Cr Stennett, Seconded by Cr Daw

That items 9.2.5 and 9.2.6 be considered first under Corporate Reports with 9.2.6 to be the first item to be considered.

CARRIED UNANIMOUSLY

9.2.1 2013/14 Annual Internal Audit Program

SUMMARY

Whitehorse's 2013/14 internal audit program has been developed by PricewaterhouseCoopers in consultation with and the Whitehorse Audit Advisory Committee. The Audit Advisory Committee charter requires approval of the annual program by Council.

COUNCIL RESOLUTION

Moved by Cr Chong, Seconded by Cr Davenport

That Council:

- 1. Note the Audit Advisory Committee's endorsement of the 2013/14 annual internal audit program.***
- 2. Approve the 2013/14 annual internal audit program.***

CARRIED UNANIMOUSLY

BACKGROUND

Whitehorse City Council's internal audit program is an independent, objective assurance function designed to add value and improve Council operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

The internal audit program provides Council with a means to improve internal controls and business processes with a commitment to integrity and accountability through the provision of independent advice.

Whitehorse City Council's Audit Advisory Committee (AAC) Charter requires that an annual internal audit plan be approved by Council each year. The role of the AAC is to review and monitor the annual program including receiving of audit scopes and final reports. The Chair of the AAC reports to Council on audit activities on a six monthly basis.

DISCUSSION

The Annual Internal Audit Plan was developed by PwC in consultation with the Chief Executive Officer, General Managers, selected managers and the Audit Advisory Committee.

The reviews proposed have been nominated with consideration of the following key principles:

- To target areas of greatest importance or concern, and/or where the potential for improvement, or risks of failure or loss are greatest.
- To provide a rolling program of internal audit activity that is aligned to Council's risk areas as noted in the risk register.
- To take into account the nature and timing of previous internal audit activity.
- To take into account other review activity such as VAGO's financial and performance audits, Office of Local Government Investigations and Compliance Inspectorate reports, and reports from Ombudsman Victoria relevant to Local Government.
- To ensure an appropriate balance between compliance and process / performance improvement.

9.2.1
(cont)

With these principles in mind the following areas of focus have been included in the annual plan:

1. Employee Exit Processes
2. Fuel cards – management and controls
3. Cash Handling
4. Household waste management new services – Administration processes and controls
5. Whitehorse Asset Management System

9.2.2 Revision of Council's Procurement Policy

FILE NUMBER: SF08/2
ATTACHMENT

SUMMARY

This report presents a reviewed Procurement Policy (June 2013) for consideration and adoption by Council.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Ellis

That Council adopts the Procurement Policy dated June 2013, as presented in Attachment 4.

CARRIED

A division was called

Division

For	Against
Cr Bennett	Cr Davenport
Cr Carr	
Cr Chong	
Cr Daw	
Cr Ellis	
Cr Harris	
Cr Massoud	
Cr Munroe	
Cr Stennet	

On the results of the Division the motion was declared CARRIED

BACKGROUND

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.

Council adopted the current Procurement Policy on 28 May 2012. A review of this policy has been undertaken and a revised policy is attached (see Attachment 4).

DISCUSSION

It is recognised that effective procurement arrangements are essential to ensure that Council obtains the best value for money, to make certain that it does not assume contractual or other liabilities at law which have not been planned for, nor funded, and to ensure fair dealing with suppliers, while meeting other important Council objectives such as sustainable purchasing and local economic development.

Council's Procurement Policy encompasses these goals and provides a framework for public accountability in all procurement activities undertaken by Council.

9.2.2
(cont)

The revised Procurement Policy (the Policy) reflects minor changes in policies, procedures and practices that have occurred over the last 12 months and ensures that Council's procurement activities continue to meet best practice in the Local Government industry.

CONSULTATION

The revised Policy has been developed in consultation with Managers, Coordinators and key purchasing officers.

Upon adoption, the revised 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 environmental benefits.

POLICY IMPLICATIONS

The Procurement Policy dated June 2013 will replace the current Procurement Policy dated May 2012 in Council's Corporate Policy Manual.

9.2.3 Contract Extension – Provision of Office Supplies

FILE NUMBER: SF10/510

SUMMARY

To consider an offer from MAV Procurement to continue using Lyreco Pty Ltd as its preferred supplier of office supplies and associated products and services for a period of 1 year.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Massoud

That Council:

- 1. Accept an offer from MAV Procurement to continue using Lyreco Pty Ltd (ABN 44 088 164 872), of 250 Ingles Street, Port Melbourne Victoria 3207 as its preferred supplier of office supplies and associated products and services for a period of 1 year, expiring 30 March 2014, on a Schedule of Rates basis.***
- 2. Authorise the Chief Executive Officer to award a further 1-year extension of this contract, subject to a review of the Contractor's performance and Council's business needs.***

CARRIED UNANIMOUSLY

BACKGROUND

At its meeting on 24 January 2011, Council appointed Lyreco as its preferred supplier of office supplies and associated products and services following a public tender process conducted by MAV Procurement (MAV). The original 3-year term of the contract (MAV Procurement Contract No.ST4412, Council Contract 09011) expired on 1 April 2013. A provision was made in the contract to allow a further two 1-year extensions. This report considers the first of these two optional extensions.

DISCUSSION

The contract for office supplies and associated products and services covers the supply of general stationery, printer and IT consumables, photocopy paper, kitchen consumables, janitorial products and promotional products.

The tender for the contract was conducted by MAV on behalf of 28 Councils and libraries. The contract has delivered an optimum outcome as a result of aggregated purchasing power that Council would not have been able to match by tendering on its own.

MAV is a signatory to the Master Agreement with Lyreco for the contract and has advised that the Agreement has been extended with mutual consent by a period of 1 year until 30 March 2014. Subsequently, MAV has put forth an offer to Council to continue using Lyreco Pty Ltd as its preferred supplier of office supplies and associated products and services over this term.

Lyreco Pty Ltd has delivered an excellent standard of service to date, with its performance having been closely monitored by Council's Procurement Department.

Acceptance of MAV's offer will provide continuity of services and negate the need for Council to conduct its own tender process for similar goods and services.

9.2.3

(cont)

CONSULTATION

No consultation has been conducted regarding the extension of this contract.

FINANCIAL IMPLICATIONS

The pricing under MAV's contract is structured on a fixed margin for selected goods and services which provides Council with price certainty. In the 2011/2012 financial year, Council purchased goods and services from Lyreco Pty Ltd with a total value of \$74,424, including GST. The annual level of expenditure has reduced by an estimated \$25,000 per annum as a result of the implementation of a restricted Lyreco product catalogue for Council staff. The current level of expenditure is likely to remain relatively consistent over the extended term of the contract.

Attendance:

Cr Ellis left the Chambers at 8.46pm and returned at 8.48pm.

9.2.4 Naming of Four Separate Laneways

- Rear of 477-499 Middleborough Rd Box Hill North
- Abutting 4 & 6 Doulton Rd & 500 & 502 Middleborough Rd Blackburn
- Rear 769 Canterbury Rd & adjacent to 2 Arthur St Surrey Hills
- Rear of 643 – 645 Whitehorse Rd & adjacent to 2 & 2A Barloa Rd Mont Albert

FILE NUMBERS: SF13/238;240;241;242
ATTACHMENT

SUMMARY

Council is required to assign a name to four currently unnamed laneways in the municipality in order to assign property addresses.

COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Chong

That:

1. ***The laneway:***
 - a) ***at the rear of 477-499 Middleborough Road Box Hill North as shown on the attached plan, be named Eadon Lane.***
 - b) ***abutting 4 & 6 Doulton Road and 500 & 502 Middleborough Road Blackburn as shown on the attached plan, be named Woorwarren Lane.***
 - c) ***at the rear of 769 Canterbury Road and adjacent to 2 Arthur Street Surrey Hills as shown on the attached plan, be named Tevelton Lane.***
 - d) ***at the rear of 643 – 645 Whitehorse Road and adjacent to 2 & 2A Barloa Road Mont Albert as shown on the attached plan, be named Gurrnoong Lane.***
2. ***The Registrar of Geographic Names be advised of Council's Resolution.***
3. ***Abutting owners, all appropriate authorities, be advised accordingly once advice has been received from the Office of the Registrar of Geographic Names that the laneway names have been formally gazetted.***
4. ***Appropriate street signage be erected once advice has been received from the Office of the Registrar of Geographic Names that the laneway names have been formally gazetted.***

CARRIED

(Cr Daw abstained from voting on this item.)

BACKGROUND

Location 1 - rear of 477-499 Middleborough Rd Box Hill North

A currently unnamed laneway at the rear of 477-499 Middleborough Road Box Hill North requires a name to be assigned, so that a new development at the rear of 481 Middleborough Road can be addressed.

9.2.4

(cont)

Location 2 – abutting 4 & 6 Doulton Road and 500 & 502 Middleborough Road Blackburn

A currently unnamed laneway abutting 4 & 6 Doulton Road and 500 & 502 Middleborough Road Blackburn requires a name to be assigned so that a development at the rear of 4 Doulton Road can be addressed to its road frontage.

Location 3 - rear of 769 Canterbury Rd Surrey Hills

A currently unnamed laneway at the rear of 769 Canterbury Road Surrey Hills requires a name to be assigned, so that a development at the rear of 771 Canterbury Road can be addressed.

Location 4 - rear of 643-645 Whitehorse Rd Mont Albert

A currently unnamed laneway at the rear of 643-645 Whitehorse Road Mont Albert and adjacent to 2 & 2A Barloa Road Mont Albert requires a name to be assigned, so that an existing property at the rear of 1 Inglisby Road can be assigned an address.

DISCUSSION

Schedule 10 (5)(1) of the Local Government Act provides that Council may, among other things, name roads and in exercising that power must have regard to the Guidelines associated with the Geographic Place Names Act 1998 and advise the Registrar of Geographic Names at the end of the process. The guidelines provide that Council, in naming a road consider, amongst other things, the following:

- consideration to the use of Indigenous names;
- a name should have some sense of connection to the areas in which they are applied;
- names should be easy to pronounce, spell and write; and
- duplication of names is not allowed within the municipality or within a five kilometer area. (Duplicates are considered to be two, or more, names within close proximity and those which are identical or have similar spelling or pronunciation.)

POLICY IMPLICATIONS

In June 2011 Council adopted the Whitehorse Reconciliation Action Plan 2011-2015. One of the action items of the Whitehorse Reconciliation Action Plan 2011-2015 is:

Council respects and acknowledges the relationship that Aboriginal people have with their traditional land. We will work with local Aboriginal people and groups to raise awareness of the local Aboriginal history and cultural traditions of local Aboriginal people:

- *by naming of parks/reserves/streets/significant landmarks in traditional language.*

CONSULTATION

Council has consulted with the Box Hill and Whitehorse Historical Societies, the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Incorporated, the Office of the Registrar of Geographic Names and all adjoining property owners.

9.2.4

(cont)

Council also undertook a public consultation process via advertisement in the Whitehorse Leader on 13 February 2013 and on Council's website, inviting suggestions and comments from members of the community in relation to the naming of these unnamed laneways. A number of suggested names were submitted during the public consultation process which closed on 15 March 2013. Council staff checked all names for compliance against the Naming Principles of the Guidelines of Geographic Names 2010 and some names unfortunately failed to comply with the requirements and as such are not able to be considered for use.

Councillors will note that of those names submitted, the following comply with the Naming Principles of the Guidelines for Geographic Names 2010:

Indigenous Names - Laneways 1 to 4

Gurrnoong
Woorwarren

Location 1 – Laneway at the rear of 477-499 Middleborough Road Box Hill North

Eadon Lane

Location 2 – Laneway abutting 4 & 6 Doulton Road and 500 & 502 Middleborough Road Blackburn

Eadon Lane

Location 3 – Laneway at the rear of 769 Canterbury Road and adjacent to 2 Arthur Street Surrey Hills

Tevelton Lane

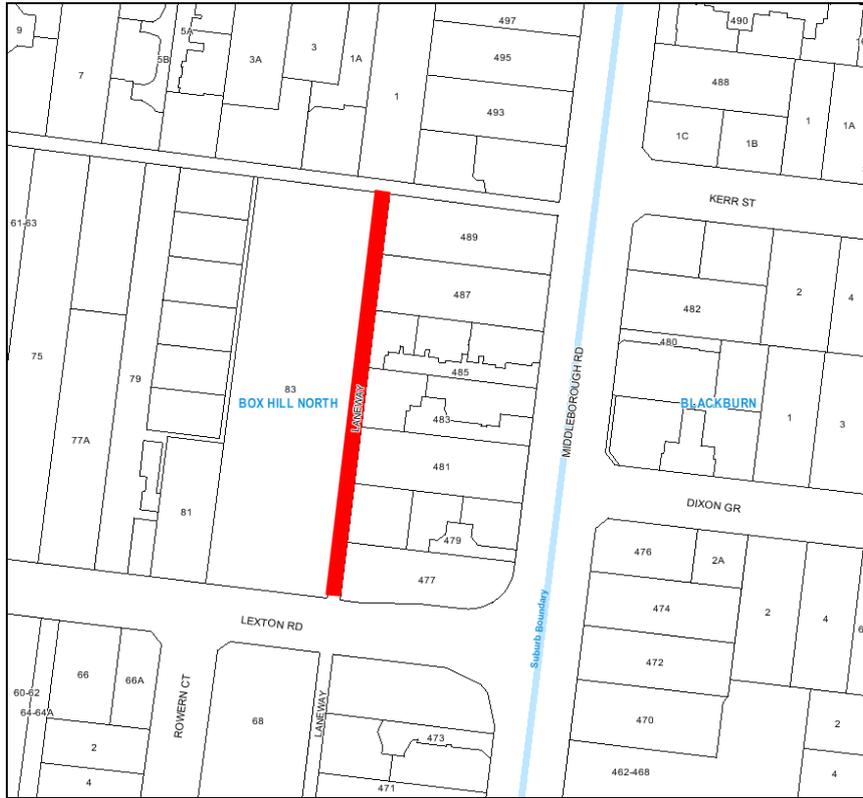
Location 4 – Laneway at the rear of 643-645 Whitehorse Road Mont Albert and adjacent to 2 & 2 A Barloa Road, Mont Albert

Secluded Lane

FINANCIAL IMPLICATIONS

Approximate cost for Council of \$450 for installation of street signage at the four locations.

Location 1
Laneway at the rear of 477 to 499 Middleborough Road, Box Hill North



Location 2
Laneway abutting 4 & 6 Doulton Road, and 500 & 502 Middleborough Road, Blackburn.



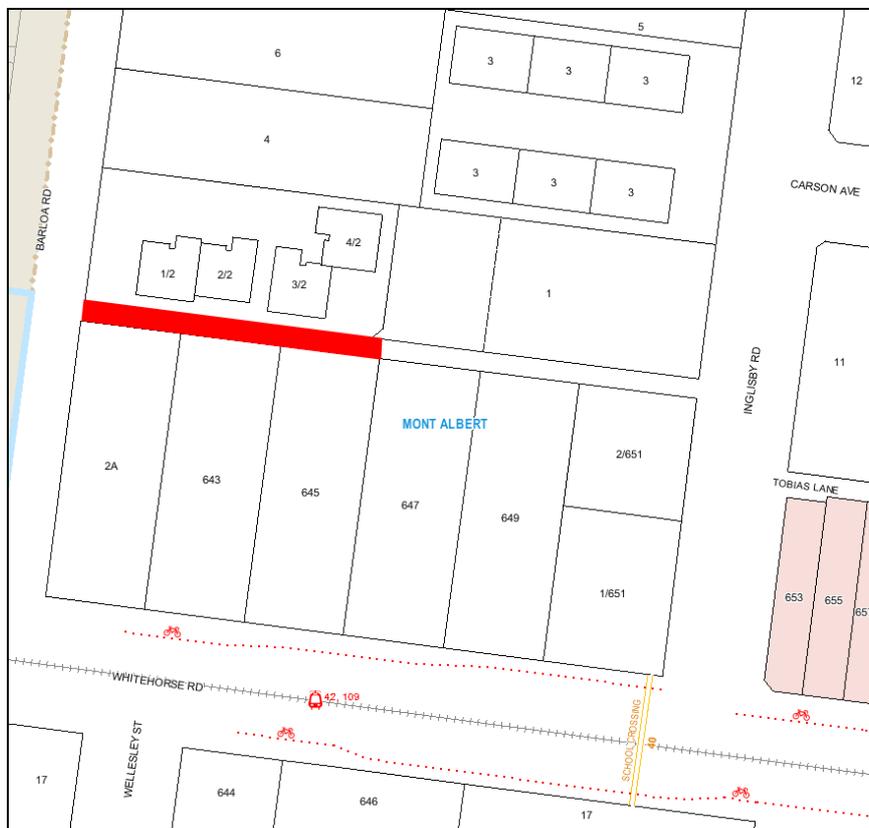
Location 3

Laneway at the rear of 769 Canterbury Road and adjacent 2 Arthur Street, Surrey Hills



Location 4

Laneway at the rear of 643 to 645 Whitehorse Road, Mont Albert and adjacent 2 & 2A Barloa Road, Mont Albert



Attendance:

Cr Davenport left the Chambers at 8.00pm and returned at 8.01pm

9.2.5 Adoption of the 2013/14 Annual Budget and Strategic Resource Plan

ATTACHMENTS

This report recommends that Council adopt the Proposed Budget 2013/14 and Strategic Resource Plan, as attached, in accordance with Sections 126, 127 and 130 of the Local Government Act 1989.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Harris

That Council:

1. Having:

- (a) considered all written submissions;***
- (b) heard the presentations of submissions;***
- (c) received the report of the Special Committee (minutes attached Attachment 5 - Appendix A) of its meeting held on 11 June 2013;***
- (d) considered officer comments (as attached Attachment 5 - Appendix B),***

now adopt the Proposed Budget 2013/14 and Strategic Resource Plan, as contained in the annexed Budget document (Attachment 5 - Appendix C), in accordance with section 130 of the Local Government Act 1989.

- 2. *Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.***
- 3. *Authorise the Chief Executive Officer to give public notice of Council's decision in accordance with section 130 (2) of the Local Government Act 1989 and submit a copy of the budget to the Minister in accordance with section 130 (4) of the Local Government Act 1989.***

CARRIED

A division was called

Division

For	Against
Cr Carr	Cr Bennett
Cr Chong	Cr Davenport
Cr Daw	
Cr Ellis	
Cr Harris	
Cr Massoud	
Cr Munroe	
Cr Stennett	

On the results of the Division the motion was declared CARRIED

9.2.5

(cont)

BACKGROUND

The Proposed Budget 2013/14 was presented to the Ordinary Council meeting on 29 April 2013 and public notice advertised in accordance with Section 129(1) and (3) of the *Local Government Act 1989* in the Age newspaper on Wednesday, 1 May 2013.

The Proposed Budget was available for public inspection for 28 days after publication of the notice, in accordance with Regulation 9 of the *Local Government (Finance & Reporting) Regulations 2004*.

Submissions regarding the proposed budget were required to be received by 5.00pm on Wednesday, 29 May 2013 for consideration by Council at its Special Committee meeting on Tuesday 11 June 2013. The details of submissions received are contained in Attachment 5 – Appendix A of this report.

DISCUSSION

This is the thirteenth consecutive year that Whitehorse City Council will have a balanced budget. The Budget is in line with Council's long-term financial plan, providing a responsible solution to the current demands facing the organisation.

The Budget 2013/14 ensures that Council continues to provide essential services and facilities to the to the community with a total of \$102 million allocated to core services ranging from family and youth services, home and community care, the maintenance of community facilities, parks, gardens, playgrounds, infrastructure, waste and recycling collection, and building and planning services. In addition, the Capital Works program is focusing on major projects and continuing to maintain our existing assets to a high standard.

Significantly, the Budget maintains a sustainable platform for recurrent expenditure and fosters a continuing commitment to a comprehensive capital works program.

The key features of the Budget 2013/14 are:

A \$153 million budget delivering \$102 million for Core Services including:

- \$15.39 million Home and Community Care
- \$13.02 million Sustainability, Waste and Recycling
- \$12.35 million Health and Family Services
- \$ 9.57 million Leisure Facilities
- \$ 8.51 million ParksWide (maintenance of sports fields, parks and gardens)
- \$ 7.02 million City Works (depot operations, maintenance of footpaths, drains and roads)
- \$ 5.69 million Recycling and Waste Centre
- \$ 4.93 million Compliance (Community Laws, parking, school crossings, risk, insurance and emergency management)
- \$ 4.86 million Planning and Building Services
- \$ 4.44 million Arts and Cultural Services
- \$ 4.41 million Libraries
- \$ 3.98 million Engineering
- \$ 3.46 million Capital Works Management and Facilities Maintenance
- \$ 2.25 million Community Development
- \$ 0.93 million Parks, Planning and Recreation
- \$ 0.81 million Business and Economic Development

9.2.5 (cont)

A strong Capital Works Program of \$38 million including the following key projects:

- \$18.07 million to upgrade buildings throughout the city (including \$13.05 million for the completion of Aqualink Box Hill major redevelopment)
- \$ 6.90 million for improvements to roads, footpaths and traffic management
- \$ 3.37 million for improvements to parks, sports fields and playgrounds
- \$ 1.64 million for urban improvements
- \$ 1.58 million for drainage improvements
- \$ 0.30 million for Council's street tree planting program in line with the Street Tree Policy

KEY PRESSURES AND CHALLENGES

- Introduction of the new state government fire services property levy (FSPL) from 1 July 2013, which is required to be billed on Council rates notices and collected by Council on behalf of the state government to fund the operations of the MFB.
- A further \$4.80 (or 9.9%) increase in the state government landfill levy to a cost of \$53.20 per tonne in 2013/14.
- The federal government carbon price charged to Council by major waste service providers and landfill operators, which will vary based on the landfill operator's ability to mitigate their carbon emissions.
- Change in demographics as a result of an ageing and increasingly culturally diverse population.
- Additional compliance costs associated with more stringent legislative requirements and growing emergency management obligations arising from the 2009 Victorian Bushfires Royal Commission.
- Community expectations for Council to be a leader in environmental sustainability.
- The cost of maintaining Council's infrastructure and assets to continue to support services that are appropriate, accessible, responsive and sustainable to the community.
- The planned replenishment of reserves after the drawdown of funds to meet Council's defined benefits superannuation shortfall obligation during 2012/13.

To continue to provide quality services and facilities that meet the growing needs of the community, Council is proposing a general rate revenue increase of 5.8% less the one-off net cost saving resulting from changes to MFB funding, giving an increase of 3.9%. This maintains Council's Long-Term Financial Plan which sets the annual rate increase at 5.8%, while returning the one-off net cost saving to ratepayers for 2013/14.

With the proposed increase, Whitehorse will continue to have one of the lowest levels of rates in metropolitan Victoria, while maintaining high quality services, maintaining ageing infrastructure and cost shifting from government.

CONSULTATION

The proposed budget has been carefully prepared following community consultation throughout the year and is guided by priorities outlined in key strategic documents including the Draft Council Plan 2013-2017, Strategic Resource Plan and other major plans and strategies. Consultation is a major area of focus for the Whitehorse City Council. Council is continually attempting to expand the methods of consultation particularly when formulating its annual budget. Consultation on the Proposed Budget 2013/14 included:

9.2.5

(cont)

- Annual Residents' Survey including Budget specific questions mailed to 1,200 residences in November.
- Council Plan consultation, which has been used to develop the priorities for the Proposed Budget 2013/14. The consultation included the following:
 - two face-to-face workshops held in February at Box Hill and Nunawading,
 - a pictorial-based priority setting activity using a drawing station for young children which attracted over 100 participants at the October 2012 Spring Festival,
 - a picture survey, which was included as an insert in the Whitehorse Leader on 30 January 2013, mailed out to approximately 1,000 residences and distributed through the Whitehorse Community Health Service, and
 - an online consultation and discussion forum on the *Your Say Whitehorse* website.
- Councillor Budget Reference Group which met monthly from December.
- Review of Budget submissions received in the previous year for consideration in 2013/14.
- More than 50 other Council consultations held throughout the year impacting on the development of the Proposed Budget 2013/14.

Council is required under Sections 126 and 127 of the *Local Government Act 1989* to seek written public comment on the Proposed Budget. Council is required to give public notice that the proposed document will be made available for inspection for 28 days and that Council will receive submissions made under Section 223 in respect of the budget. A person who has made a written submission may also request to be heard by a Committee of Council appointed to consider and hear submissions.

Advertisements providing formal notice of the adoption of the Proposed Budget for consultation were placed in *The Age* on Wednesday 1 May 2013 and the *Whitehorse Leader* on the Wednesday 8 May 2013.

Council heard submissions at a Special Committee meeting on Tuesday 11 June 2013 at 8.00pm in the Civic Centre, Nunawading. Closing date for written submissions was Wednesday 29 May 2013.

Copies of the Proposed Budget 2013/14 document were made available at the Council's Service Centres (Nunawading, Forest Hill & Box Hill), at the four library branches and on Council's web site.

Public submissions – Proposed Budget 2013/14

Council has received 14 formal submissions/comments on the Proposed Budget 2013/14 and there were 5 people that requested to speak in support of their submission at the Special Committee meeting.

9.2.5
(cont)

Submissions were received from the following:

	Name	Location	Issues Raised
1	Mr G Blackman President Burwood Terrace Residents' Association	Burwood East	Differential rate for retirement villages
2	Mr L Chew	Forest Hill	Facilities in park next to Aqualink Nunawading
3	Mr and Mrs D Lord	Burwood	Ring and book hard rubbish collection
4	Mr K Weeks	Blackburn	Elgar Park
5	Mr G Mc Callum Mitcham Football Club	Mitcham	Nets for Walker Park football ground
6	Bicycle Network	Whitehorse	Cycling - priorities
7	Mr R Cave	Vermont South	Cycling – Highbury Road
8	Mr C Trueman	Blackburn	Cycling - infrastructure
9	Lucknow Street Parents Advisory Committee	Mitcham	Childcare fee increase
10	Wattle Park Children's Services Centre Parents Advisory Committee	Burwood	Childcare fee increase
11	Blackburn Children's Services Centre Parents Advisory Committee	Blackburn	Childcare fee increase
12	Mr R Lloyd	Blackburn	Rate increase / efficiency
13	Mr J Tyson	Burwood	Rate increase / fees and charges
14	Mr C Carter	Burwood	Lundgren Chain Reserve play space / continuous improvement

The full text of the submissions are included in the minutes in Attachment 5 - Appendix A.

The following people spoke to their submissions:

Name

Mr Graham Blackman
President Burwood Terrace Residents' Association

Mr Chris Trueman

Ms Jennifer Robertson
President Blackburn Children's Services Centre Parents Advisory Committee

Mr Roy Lloyd

Mr Colin Carter

9.2.6 Adoption of Council Vision 2013-2023 and Council Plan 2013-2017

ATTACHMENTS

Council is required under the Local Government Act 1989 to develop a four-year Council Plan within six months of a general election or by 30 June. A draft Council Vision and Council Plan have been developed taking into consideration feedback from a broad consultation process that included Councillors, community and staff. Council has also considered submissions following the statutory public notice period for inspection of the draft Council Plan.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Daw

That Council:

- 1. Adopt the draft Council Vision 2013-2023 as the overarching strategic document which sets out key strategic directions for Council for the next ten years;**
- 2. Having:**
 - (a) considered all written submissions;**
 - (b) heard the presentations of submissions;**
 - (c) received the report of the Special Committee (minutes attached as Attachment 6 - Appendix A) of its meeting held on 11 June 2013;**
 - (d) considered officer comments in the Summary of Submissions table (Attachment 6 - Appendix B); and**
 - (e) noted the amendment (inclusion of the Whitehorse Bicycle Strategy 2007 and the Whitehorse Community Road Safety Strategy) to the draft Council Plan Section 2.3.17(Attachment 6 - Appendix C),**

now adopt the draft Council Plan 2013-2017 for the purposes of Section 125 and 126 of the Local Government Act 1989, as its key document that sets out the strategic objectives that Council aspires to achieve for the Whitehorse community over the next four years;

- 3. Acknowledge that the Strategic Resources Plan contained in the Council Plan 2013-2017 does not commit Council's resources until the consideration of the Annual Budget each year;**
- 4. Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.**
- 5. Authorise the General Manager Corporate Services to submit a copy of the Council Plan to the Minister in accordance with section 125 (5) of the Local Government Act 1989.**

CARRIED

9.2.6

(cont)

A division was called

Division

For	Against
Cr Carr	Cr Bennett
Cr Chong	
Cr Davenport	
Cr Daw	
Cr Ellis	
Cr Harris	
Cr Massoud	
Cr Munroe	
Cr Stennett	

On the results of the Division the motion was declared CARRIED

BACKGROUND

Council is required under Section 125 of the Local Government Act 1989 to prepare and forward to the Minister, a four-year Council Plan within six months of a general election or by 30 June. The Plan must include the strategic objectives of Council, strategies to achieve these objectives over the next four years, strategic indicators and under Section 126 of the Act, a Strategic Resource Plan that identifies the resources required to achieve these objectives.

The development of the draft Council Plan has included an opportunity to review the Council Vision for the next ten years. The draft documents have been prepared based on the feedback and input from consultations with Councillors, community and staff.

The draft Council Vision 2013-2023 (Attachment 6 - Appendix D) and draft Council Plan 2013-2017 were presented to the Ordinary Council meeting on 29 April 2013 and public notice advertised in accordance with Section 223 of the Act, in the Age newspaper on Wednesday 1 May 2013 and the Whitehorse Leader on Wednesday 8 May 2013.

The draft Council Vision 2013-2023 and draft Council Plan 2013-2017 were available for public inspection for 28 days after publication of the notice, in accordance with Section 125(11) of the Act.

Submissions regarding the draft Council Vision 2013-2023 and draft Council Plan 2013-2017 were required to be received by 5.00pm on Wednesday 29 May 2013 for consideration by Council at its Special Committee meeting on Tuesday 11 June 2013.

DISCUSSION

The draft Council Vision 2013-2023 and draft Council Plan 2013-2017, represent the outcomes of a broad range of consultation and engagement processes that have been undertaken, and reinforces Council's commitment to working in partnership to achieve the aspirations and priorities that have been identified by Councillors, community and staff.

The draft Council Plan 2013-2017 links to the draft Council Vision 2013-2023 through five strategic directions.

9.2.6

(cont)

The strategic directions are broad statements about what is needed to achieve the Vision and aspirations of Council and the community over the next ten years. The Vision and strategic directions are:

Our Vision:

We aspire to be a healthy, vibrant, prosperous and sustainable community supported by strong leadership and community partnerships.

The City of Whitehorse will be:

- One of the most liveable and sustainable municipalities in Melbourne;
- Recognised for the quality of its open space and natural environment;
- A community rich in culture and diversity that is inclusive, healthy and vibrant;
- A well governed city that has a healthy and strong relationship with the community; and
- A municipality with a prosperous and well supported local economy.

Strategic Directions:

1. Support a healthy, vibrant, inclusive and diverse community;
2. Maintain and enhance our built environment to ensure a liveable and sustainable city;
3. Protect and enhance our open space and natural environments;
4. Strategic leadership and open and accessible government; and
5. Support a healthy local economy.

Values

The Council Plan 2013-2017 recognises that a commitment to a core set of values is integral to the achievement the Vision for Whitehorse. They include:

- *Consultation and Communication*
Ensuring that members of our community are both sufficiently informed and able to contribute to Council's decision-making processes.
- *Democracy and Leadership*
Recognising and valuing community participation in Council's decision-making as well as Council's role in providing leadership to the community.
- *Equity and Social Justice*
Respecting and celebrating our social diversity to promote an inclusive community.
- *Integrity*
Making decisions and acting in ways that reflect our values.
- *Openness and Accountability*
Being transparent in its decision-making, Council welcomes public scrutiny and community feedback.
- *Sustainability*
Making decisions about our social, economic, built and natural environments that will benefit both present and future generations.
- *Wellbeing*
Commitment to supporting the community in all areas of health and well being.

9.2.6 (cont)

Strategic Objectives

The draft Council Plan for 2013-2017 has five strategic objectives and 43 strategies to be implemented over the next four years. The *Strategic Objectives* are:

1. Appropriate multi-purpose programs, services, facilities and initiatives that promote and deliver wellbeing and inclusive connected communities;
2. Maintain, develop and enhance our built environment;
3. Increase in the amount of quality open space and improvement in the sustainability of our natural environment;
4. Strong leadership and governance in partnership with the community and supported through regional collaboration and cooperation; and
5. A dynamic local economic environment that is regionally connected.

The draft Council Plan also incorporates a Strategic Resource Plan that identifies the resources required over the next four years. The Strategic Resource Plan includes a financial allocation plan based on Council's Long Term Financial Plan; Human Resource Strategy; Revenue Strategy; Borrowing Strategy; and Asset Management Strategy. The plan also contains a set of standard financial statements as required by legislation.

CONSULTATION

The ongoing development of integrated planning processes is a priority for Whitehorse City Council. In the development of this Plan, Council combined the consultation and engagement process of Council's draft 4 year Council Plan, 10 year Vision and the Community Health and Wellbeing Plan. The integrated process was broadened to include a range of opportunities for residents, community groups and business to provide input into the strategic direction of Whitehorse.

The first stage of the consultation process for the development of a Council Vision, Council Plan and the Health and Wellbeing Plan was the identification of priorities through consultations with Councillors, community and staff over a number of months. The objectives and strategies were then formed through a strategic planning process that considered current issues in our community, feedback from other recent in-depth consultation processes that have occurred whilst developing a range of Council plans and policies, as well as a commitment by Council to work towards our and the community's aspirations.

It should be noted that the Municipal Health and Wellbeing Plan (2013-2017) has a different timeframe for completion and the development of this plan will continue until October 2013.

A range of creative and innovative consultative mechanisms were employed to engage the community including the use of *Your Say Whitehorse* an internet technology based engagement tool utilised for the first time, face to face workshops and a paper based picture survey.

9.2.6 (cont)

A summary of consultations undertaken include:

Strategy, policy and plan development

Council's commitment to ongoing community engagement to assist its planning processes includes considerable data drawn from a range of reviews, strategies and plans that have had significant community input. These included:

- Whitehorse Volunteering & Civic Participation Strategy.
- Whitehorse Community Health & Wellbeing Plan.
- Whitehorse Positive Ageing Strategy.
- Whitehorse Reconciliation Policy & Action Plan.
- Whitehorse Diversity Policy & Action Plan.
- Whitehorse Disability Policy & Action Plan.
- Whitehorse Municipal Early Years Plan.
- Whitehorse Youth Plan.
- Whitehorse Arts Strategy.
- Whitehorse Recreation Strategy.
- Energy Action Plan.
- Climate Change Plan.
- Whitehorse Sustainability Strategy.
- Water Action Plan.
- Peak Oil Plan.
- Waste Management Plan.
- Whitehorse Integrated Transport Strategy.
- Whitehorse Housing & Neighbourhood Character Review
- Whitehorse Open Space Strategy
- Whitehorse Municipal Strategic Statement

Councillor induction

Councillors' induction weekend in November 2012 which included a strategic planning approach to the next four years and then ten years.

Staff workshops

Staff consultations using the "World Cafe" methodology; a group conversational technique that encourages participation and were conducted to explore what staff considered from a community perspective, what mattered for the next 10 years, and specific projects and activities for the next four years.

Online

Launch of an online feedback platform (*Your Say Whitehorse*). The consultation website; *Your Say Whitehorse* attracted 439 visitors with 100 participating in the survey on Council priorities.

Community workshops, survey and Spring Festival

A number of other community engagement processes were conducted which included surveys, face to face activities and community workshops.

In January 2013 Council surveyed residents to identify their recommended priority areas for Whitehorse. Over 2000 surveys were completed via either postal or online methods.

9.2.6

(cont)

In addition, two public community meetings were held in Box Hill and Nunawading in February 2013. These were conducted by an independent facilitator with considerable experience in community engagement; Susan Benedyka from the Regional Development Company. The meetings used the *World Café* approach. Seventy participants along with Councillors were in attendance at both sessions with Councillors theming the raw data and providing summarised feedback of the key messages.

At the October 2012 Spring Festival, Council conducted a pictorial based priority setting activity using a drawing station for young children which attracted over 100 participants.

In addition to a strategic planning session during the Councillors' induction weekend, three further workshops with Councillors were undertaken to guide and inform the development of the draft Council Vision and draft Council Plan.

Formal Consultation

The second stage of the consultation process was an invitation to the community to provide feedback on the draft Plan. The formal process is a requirement under Section 223 of the *Local Government Act 1989*.

Advertisements providing formal notice of the adoption of the draft Vision 2013-2023 and draft Council Plan 2013-2017 for consultation were placed in *The Age* on Wednesday 1 May 2013 and the *Whitehorse Leader* on Wednesday 8 May 2013. The closing date for submissions was Wednesday 29 May 2013.

Copies of the draft Council Vision 2013-2023 and draft Council Plan 2013-2017 were made available at the Council's Service Centres (Nunawading, Forest Hill & Box Hill), at the four library branches and were also placed on Council's web site.

Public submissions

Council received 3 responses in relation draft Council Vision and draft Council Plan.

Council heard submissions at a Special Committee meeting on Tuesday 11 June 2013 at 8.00pm in the Civic Centre, Nunawading.

In summary, responses were received from the following:

- 1) Russell Sully, Nunawading
 - a) Mr Sully would like to see Council become more proactive in developing a connected network, of well marked bike lanes across the City and become a lead "bike friendly municipality".
- 2) Whitehorse Ratepayers and Residents Association Inc. (WRARA)
 - a) Identified a number of issues in the Vision and Council Plan they include: consultation, openness and transparency, continuous improvement, Council's responsibilities in relation to the local economic environment, high density living, duplication of underutilised facilities, Councils' role in health and services and Strategic Indicators.

Mr Colin Carter represented the Whitehorse Ratepayers and Residents Association and spoke in support of their submission at the Special Committee meeting.

9.2.6
(cont)

3) Mr Roy Lloyd, Blackburn

Identified a number of issues in the draft Council Plan they include: rate increase, employee and materials costs. Mr Lloyd also congratulated Council on a number of excellent objectives in the council Plan and Budget.

Mr Roy Lloyd spoke in support of his submission at the Special Committee meeting and tabled an amended version.

The full text of the feedback and submissions from Mr Sully, WRARA and Mr Lloyd is included as attachments to Attachment 6 - Appendix A. Mr Lloyd's submission was also considered in the proposed Budget 2013/14 submission process. A summary of the submissions and Council officer responses is contained in Attachment 6 - Appendix B.

FINANCIAL IMPLICATIONS

The Council Plan 2013-2017 identifies proposed broad strategies that will guide Council's actions over the next four years and in so doing, inform the development of the next four Council budgets. It aims to ensure that Council remains financially sustainable over the next four years and for the longer term.

The plan ensures consolidation of Council's steady progress towards achieving all sustainability measures set by the Victorian Auditor-General. Council will achieve an underlying operating surplus in all years while placing higher priority on the capital works renewal by increasing the maintenance on existing infrastructure assets. The plan also demonstrates prudent drawing down of cash reserves and responsible use of debt to fund major capital projects.

Planning for an underlying surplus is responsible to maintain uninterrupted service delivery to our community and to provide essential funding for capital works including major community facilities development. It should be noted that this long-term financial position is predicated on an annual rate income increase of 5.8% over the remainder of the Long-Term Financial Plan. A prudent and fiscally responsible policy position has been taken by Council to ensure that Whitehorse is able to deliver quality services and capital works that will meet the needs of its diverse community for many years to come.

Attendance:

Cr Massoud having disclosed a conflict of interest (residential amenity) in Item 9.2.7 – Delegated Decisions - No 7 for 24 Deanswood Ave Forest Hill as it is her place of residence. She left the Chamber at 8.51pm and returned at 8.52pm.

9.2.7 Delegated Decisions – April 2013

FILE NUMBER: SF 13/7

The following activity was undertaken by officers under delegated authority during April 2013.

COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Ellis

That the report of decisions made by officers under Instruments of Delegation for the month of April 2013 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for April 2012	Number for April 2013
Planning and Environment Act 1987 Telecommunications Act 1997 Subdivision Act 1988 Gaming Control Act 1991	• Delegated decisions	100	116
	• Strategic Planning Decisions	1	Nil
		Nil	Nil
		30	15
		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	44	41
Liquor Control Reform Act 1998	Objections and prosecutions	1	Nil
Food Act 1984	Food Act orders	1	6
Public Health & Wellbeing Act 2008	Improvement/prohibition notices	Nil	2
Local Government Act 1989	Temporary road closures	Nil	4
Other delegations	CEO signed contracts between \$100,000 - \$350,000	1	1
	Property Sales and leases	Nil	5
	Documents to which Council seal affixed	Nil	Nil
	Vendor Payments	1316	1277
	Parking Amendments	10	6
	Parking Infringements written off (not able to be collected)	207	345

Details of each delegation are outlined on the following pages.

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS APRIL 2013

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

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
3	09-4-2013	Application Lapsed	13 Collins St, Box Hill	Elgar	Buildings and works to construct hand rail trellis fence to existing deck	Special Building Overlay
564	08-4-2013	Application Lapsed	19 Irving Ave, Box Hill	Elgar	Construction of an 8 storey building containing 51 dwellings	Multiple Dwellings
811	16-4-2013	Application Lapsed	838 Canterbury Rd, Box Hill South	Riversdale	Use and construction of three double storey dwellings	Multiple Dwellings
12	19-4-2013	Delegate Approval - S72 Amendment	26 Harrow St, Box Hill	Elgar	Construction of four (4) double storey dwellings (amendment to the plans)	Permit Amendment
39	16-4-2013	Delegate Approval - S72 Amendment	16 Box Hill Cres, Mont Albert North	Elgar	Development of three (3) dwellings	Permit Amendment
75	05-4-2013	Delegate Approval - S72 Amendment	1/38-40 McClares Rd, Vermont	Morack	Amendment to Planning Permit WH/2009/75 (issued for construction of eleven dwellings)	Permit Amendment
194	12-4-2013	Delegate Approval - S72 Amendment	1 Halley St, Blackburn	Central	Amendment to Planning Permit WH/2009/194 (issued for construction of two double storey dwellings)	Permit Amendment
215	15-4-2013	Delegate Approval - S72 Amendment	163-165 Central Rd, Nunawading	Springfield	Amendment to plans for existing aged care facility	Permit Amendment
429	08-4-2013	Delegate Approval - S72 Amendment	20 Wridgway Ave, Burwood	Riversdale	Buildings and works to existing Place of Worship, use and development of the site as a Place of Assembly	Permit Amendment
487	22-4-2013	Delegate Approval - S72 Amendment	449 Middleborough Rd, Box Hill North	Elgar	Construction of a double storey dwelling	Permit Amendment
498	03-4-2013	Delegate Approval - S72 Amendment	25 Nara Rd, Mitcham	Springfield	Amendment to plans to include a store room below the family room	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
534	29-4-2013	Delegate Approval - S72 Amendment	19 Theodore St, Surrey Hills	Elgar	Amendment to Planning Permit WH/2012/534 (issued for the construction of two double storey dwellings)	Permit Amendment
547	30-4-2013	Delegate Approval - S72 Amendment	20 Acacia St, Box Hill	Elgar	Amendment to Planning Permit WH/2011/547 (Issued for alterations and additions to the existing dwelling)	Permit Amendment
560	05-4-2013	Delegate Approval - S72 Amendment	11 Barrina St, Blackburn South	Central	Amendment to Planning Permit WH/2011/560 (issued for construction of two new double storey dwellings)	Permit Amendment
654	03-4-2013	Delegate Approval - S72 Amendment	14 Warnes Rd, Mitcham	Springfield	Amendment of Planning Permit WH/2007/654 (issued for development of two dwellings comprising one new double storey dwelling)	Permit Amendment
723	26-4-2013	Delegate Approval - S72 Amendment	166 Springfield Rd, Blackburn	Central	Amendment to Planning Permit WH/2011/723 (issued for the construction of two double storey dwellings)	Permit Amendment
993	26-4-2013	Delegate Approval - S72 Amendment	2 Laburnum St, Blackburn	Central	Amendment to WH/2011/993 (issued for development of land for ten dwelling)	Permit Amendment
66	05-4-2013	Delegate NOD Issued	52 Springfield Rd, Box Hill North	Elgar	Construction of six double storey dwellings	Multiple Dwellings
143	05-4-2013	Delegate NOD Issued	12 Little St, Box Hill South	Riversdale	Construction of one (1) double storey dwelling	Multiple Dwellings
432	05-4-2013	Delegate NOD Issued	109 Main St, Blackburn	Central	Construction of three (3) double storey dwellings	Multiple Dwellings
457	19-4-2013	Delegate NOD Issued	82 Broughton Rd, Surrey Hills	Riversdale	Construction of one double storey dwelling and one triple storey dwelling	Multiple Dwellings
522	22-4-2013	Delegate NOD Issued	2 Mardion Drv, Nunawading	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
542	03-4-2013	Delegate NOD Issued	49 Nicholson St, Nunawading	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
548	05-4-2013	Delegate NOD Issued	9 Clifton St, Box Hill South	Riversdale	Construction of a single storey dwelling	Multiple Dwellings
583	26-4-2013	Delegate NOD Issued	12 Valda Ave, Mont Albert North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
631	05-4-2013	Delegate NOD Issued	48 Heathfield Rise, Box Hill North	Elgar	Construction of a double storey dwelling	Multiple Dwellings
674	29-4-2013	Delegate NOD Issued	22-24 Station St, Mitcham	Springfield	Display of signage (Business identification)	Business
683	19-4-2013	Delegate NOD Issued	6-8 Wellington Rd, Box Hill	Elgar	Development for a nine storey building containing 82 dwellings	Multiple Dwellings
721	04-4-2013	Delegate NOD Issued	10 Camelia St, Box Hill	Elgar	Construction of three double storey and three single storey dwellings	Multiple Dwellings
846	26-4-2013	Delegate NOD Issued	39 Alandale Rd, Blackburn	Central	Removal of one protected tree	Special Landscape Area
901	22-4-2013	Delegate NOD Issued	161-163 Springvale Rd, Nunawading	Springfield	Construction of a 6 storey building containing 49 dwellings, 3 retail premises	Business
903	08-4-2013	Delegate NOD Issued	442 Station St, Box Hill	Elgar	Construction of a three storey apartment building containing 15 dwellings and a food and drink premises (cafe)	Multiple Dwellings
975	26-4-2013	Delegate NOD Issued	33 McClares Rd, Vermont	Morack	Construction of four dwellings	Multiple Dwellings
1004	03-4-2013	Delegate NOD Issued	3/180-184 Whitehorse Rd, Blackburn	Central	Change of use to Education Centre (tertiary institution) and display of advertising signage	Business
1034	10-4-2013	Delegate NOD Issued	10 Kay Crt, Vermont	Morack	Construction of two double storey dwellings	Multiple Dwellings
7	22-4-2013	Delegate Permit Issued	24 Deanswood Rd, Forest Hill	Central	Removal of one (1) tree and buildings and works to construct a deck	Special Landscape Area
33	05-4-2013	Delegate Permit Issued	25-39 Cook Rd, Mitcham	Springfield	Use the land for industry (research and development) and develop the land for the construction of a first floor addition to the existing warehouse	Industrial
40	30-4-2013	Delegate Permit Issued	16 St Georges Ave, Mont Albert	Elgar	Two (2) lot subdivision	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
43	26-4-2013	Delegate Permit Issued	9 Glenice Ave, Blackburn South	Riversdale	Tree removal	Vegetation Protection Overlay
46	26-4-2013	Delegate Permit Issued	327 Warrigal Rd, Burwood	Riversdale	Develop the land for the construction of buildings and works to modify the front facade of the existing building	Business
47	26-4-2013	Delegate Permit Issued	14/17 Kingsley Cres, Mont Albert	Elgar	Develop the land for the construction of an extension to the existing dwelling	Residential (Other)
48	03-4-2013	Delegate Permit Issued	259 Middleborough Rd, Box Hill South	Riversdale	Building and works to display a free standing floodlit business identification sky sign	Industrial
51	29-4-2013	Delegate Permit Issued	15 Terra Cotta Drv, Blackburn	Central	Develop the land for the construction of buildings and works	Industrial
52	12-4-2013	Delegate Permit Issued	22 Browns Rd, Nunawading	Springfield	Two (2) lot subdivision	Subdivision
68	26-4-2013	Delegate Permit Issued	5 Warrigal Rd, Surrey Hills	Riversdale	Use of land for medical centre	Residential (Other)
93	26-4-2013	Delegate Permit Issued	352 Mitcham Rd, Mitcham	Springfield	Three (3) lot subdivision	Subdivision
103	03-4-2013	Delegate Permit Issued	42 Diosma Cres, Nunawading	Springfield	Three (3) lot subdivision	Subdivision
109	30-4-2013	Delegate Permit Issued	10 Halley St, Blackburn	Central	Removal of one (1) tree	Special Landscape Area
113	11-4-2013	Delegate Permit Issued	17 Victoria Cres, Mont Albert	Elgar	Demolish a building and buildings and works to the existing dwelling	Heritage
116	03-4-2013	Delegate Permit Issued	23 Francesca St, Mont Albert North	Elgar	4 lot subdivision	Subdivision
117	03-4-2013	Delegate Permit Issued	8 Delany Ave, Burwood	Riversdale	4 lot subdivision	Subdivision
118	03-4-2013	Delegate Permit Issued	63 Tyne St, Box Hill North	Elgar	3 lot subdivision	Subdivision
119	12-4-2013	Delegate Permit Issued	632 Elgar Rd, Box Hill North	Elgar	2 lot subdivision	Subdivision
125	22-4-2013	Delegate Permit Issued	118-126 Burwood Hwy, Burwood	Riversdale	Buildings and works for the construction of a mezzanine storage area	Business
139	18-4-2013	Delegate Permit Issued	13 Russell St, Surrey Hills	Riversdale	2 lot subdivision	Subdivision
146	12-4-2013	Delegate Permit Issued	2 Carramar Crt, Vermont	Morack	Two (2) lot subdivision	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
147	23-4-2013	Delegate Permit Issued	4 Watts St, Box Hill	Elgar	Development of a six storey building plus basement carpark	Business
150	26-4-2013	Delegate Permit Issued	220 Hawthorn Rd, Vermont South	Morack	Two (2) lot subdivision	Subdivision
163	22-4-2013	Delegate Permit Issued	13 Inglis St, Box Hill North	Elgar	Construction of one double storey dwelling	Multiple Dwellings
165	26-4-2013	Delegate Permit Issued	23 Gunyah Rd, Blackburn North	Central	3 lots subdivision	Subdivision
167	12-4-2013	Delegate Permit Issued	43 Lemon Grv, Nunawading	Springfield	2 lot subdivision	Subdivision
169	12-4-2013	Delegate Permit Issued	18 Loraine Ave, Box Hill North	Elgar	Two (2) lot subdivision	Subdivision
170	12-4-2013	Delegate Permit Issued	8 Olympiad Cres, Box Hill North	Elgar	Two (2) lot subdivision	Subdivision
175	18-4-2013	Delegate Permit Issued	27 Grace St, Mont Albert	Elgar	Remove vegetation in a Vegetation Protection Overlay	Vegetation Protection Overlay
177	24-4-2013	Delegate Permit Issued	11 Stuart Cres, Nunawading	Springfield	Construction of Three Double Storey Dwellings	Multiple Dwellings
191	12-4-2013	Delegate Permit Issued	15 Davey St, Box Hill	Elgar	Two (2) lot subdivision	Subdivision
198	26-4-2013	Delegate Permit Issued	110 Parer St, Burwood	Riversdale	2 lots subdivision	Subdivision
199	26-4-2013	Delegate Permit Issued	7 Shawlands Ave, Blackburn South	Central	2 lots subdivision	Subdivision
227	29-4-2013	Delegate Permit Issued	925 Whitehorse Rd, Box Hill	Elgar	Display of temporary business identification signage	Business
253	30-4-2013	Delegate Permit Issued	41-47 Joseph St, Blackburn North	Central	Buildings and works to construct a canopy and path	Industrial
316	23-4-2013	Delegate Permit Issued	11 Cromwell Crt, Blackburn	Springfield	Construction of a double storey dwelling and associated removal of two trees	Special Landscape Area
318	23-4-2013	Delegate Permit Issued	433 Station St, Box Hill	Elgar	Construction of three double storey dwellings	Multiple Dwellings
324	24-4-2013	Delegate Permit Issued	16 Tiller St, Burwood East	Riversdale	Development of the land for five double storey dwellings	Multiple Dwellings
325	11-4-2013	Delegate Permit Issued	37 Deep Creek Rd, Mitcham	Springfield	Construction of four double storey dwellings on a lot	Multiple Dwellings
344	04-4-2013	Delegate Permit Issued	57 Relowe Cres, Mont Albert North	Elgar	Construction of two double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
378	29-4-2013	Delegate Permit Issued	119 Woodhouse Grv, Box Hill North	Elgar	Construction of a double storey dwelling at the rear of the existing dwelling and subdivision into two (2) lots	Multiple Dwellings
483	22-4-2013	Delegate Permit Issued	192 Elgar Rd, Box Hill South	Riversdale	Buildings and works to construct a three storey building, use of the land as a dental laboratory	Business
488	26-4-2013	Delegate Permit Issued	354 Elgar Rd, Box Hill	Elgar	Use the land for the sale and consumption of liquor(Vary liquor licence for a Cricket Club - Restricted Licence)	Liquor Licence
500	22-4-2013	Delegate Permit Issued	718 Canterbury Rd, Surrey Hills	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
517	19-4-2013	Delegate Permit Issued	290-292 Middleborough Rd, Blackburn South	Central	Use and development of the land as office	Business
523	22-4-2013	Delegate Permit Issued	2 Walsham Rd, Blackburn	Central	Buildings and works to construct a new dwelling and associated paving and swimming pool, and removal of 28 trees	Special Landscape Area
536	24-4-2013	Delegate Permit Issued	408 Middleborough Rd, Blackburn	Central	Construction of three double storey dwellings	Multiple Dwellings
584	22-4-2013	Delegate Permit Issued	4-24 Eastbridge Crt, Nunawading	Springfield	Alterations to landscaping area for the creation of car parking space	Residential (Other)
588	30-4-2013	Delegate Permit Issued	45 Laurel Grv, North Blackburn	Central	Buildings and works within 4 metres of a protected tree to construct a carport	Residential (Other)
596	08-4-2013	Delegate Permit Issued	22 Wimmera St, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
615	30-4-2013	Delegate Permit Issued	46 Maple St, Blackburn	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
622	09-4-2013	Delegate Permit Issued	155-221 Warrigal Rd, Burwood	Riversdale	Buildings and works to convert existing storage area below Unit 108 into a store room and two garages	Residential (Other)
626	29-4-2013	Delegate Permit Issued	160 Blackburn Rd, Blackburn South	Central	Construction of a double storey dwelling	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
634	12-4-2013	Delegate Permit Issued	8-10 Wooddale Grv, Mitcham	Springfield	Construction of four double storey and two single storey dwellings	Multiple Dwellings
642	05-4-2013	Delegate Permit Issued	706 Station St, Box Hill	Elgar	Use of land to sell and consume liquor with a restaurant and cafe licence	Liquor Licence
653	24-4-2013	Delegate Permit Issued	125 Lake Rd, Blackburn	Springfield	Buildings and works to construct a double storey dwelling	Residential (Other)
716	26-4-2013	Delegate Permit Issued	40 Maude St, Box Hill North	Elgar	Construction of of two double storey dwellings	Multiple Dwellings
756	18-4-2013	Delegate Permit Issued	1011-1023 Whitehorse Rd, Box Hill	Elgar	Use of the land on level 4 for a place of assembly (Masonic Lodge) and buildings and works for a new roof platform	Business
758	12-4-2013	Delegate Permit Issued	1 Canterbury Rd, Blackburn	Central	Use and Develop the land for an extension to the existing veterinary centre	Business
760	15-4-2013	Delegate Permit Issued	6 Black St, Mont Albert	Elgar	Part demolition and construct an extension to the rear of the existing dwelling	Heritage
778	19-4-2013	Delegate Permit Issued	1/134 Canterbury Rd, Blackburn South	Central	Construction of an awning above an existing shopfront	Business
779	08-4-2013	Delegate Permit Issued	380 Springvale Rd, Forest Hill	Morack	Display of one (1) internally illuminated sign	Residential (Other)
794	03-4-2013	Delegate Permit Issued	2-18 Vision Drv, Burwood East	Morack	Construction and display of a 30m2 flood lit major promotion sign on the north-west corner of the intersection of Springvale Road and Highbury Road	Advertising Sign
797	30-4-2013	Delegate Permit Issued	74 Canterbury Rd, Blackburn South	Central	Development of the land for two double storey dwellings	Multiple Dwellings
803	30-4-2013	Delegate Permit Issued	23 Consort Ave, Vermont South	Morack	Development of the land for one two-storey dwelling	Multiple Dwellings
839	23-4-2013	Delegate Permit Issued	922 Station St, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
849	22-4-2013	Delegate Permit Issued	3 Hill St, Blackburn	Central	Buildings and works for the construction of a carport	Special Landscape Area

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
851	11-4-2013	Delegate Permit Issued	316A Station St, Box Hill South	Riversdale	Use of the land for a Veterinary Centre (Oncology Consulting Suites)	Business
1041	23-4-2013	Delegate Permit Issued	38 Lexton Rd, Box Hill North	Elgar	Use of land as a place of assembly (including place of worship), buildings and works	Industrial
127	22-4-2013	Delegate Refusal Issued	9 Patricia St, Box Hill	Elgar	Construction of three single storey dwellings	Multiple Dwellings
582	29-4-2013	Delegate Refusal Issued	4 Bent St, Blackburn	Central	Construction of a double storey dwelling	Multiple Dwellings
649	11-4-2013	Delegate Refusal Issued	447 Station St, Box Hill	Elgar	Demolition of the existing dwelling, construction of four new double storey dwellings	Multiple Dwellings
784	05-4-2013	Delegate Refusal Issued	1 Simla St, Mitcham	Springfield	Construction of three storey building containing 10 dwellings	Multiple Dwellings
908	26-4-2013	Delegate Refusal Issued	10 Theodore St, Surrey Hills	Elgar	Variation of description contained in instrument 1808552	Subdivision
962	08-4-2013	Delegate Refusal Issued	48 Whitehorse Rd, Blackburn	Central	Development and Use of a Medical Centre	Residential (Other)
459	15-4-2013	Failure - To Be Confirmed	31 Shady Grv, Nunawading	Springfield	Construction of three double storey dwellings	Multiple Dwellings
216	30-4-2013	No Permit Required	1033 Whitehorse Rd, Box Hill	Elgar	Erection and display of business identification signage in a postal agency	Business
2	09-4-2013	Withdrawn	288 Whitehorse Rd, Nunawading	Springfield	Display 19 internally illuminated signs at the Brandsmart centre	Business
61	04-4-2013	Withdrawn	2A Alern Crt, Nunawading	Springfield	Buildings and works for the construction of a fence	Single Dwelling < 300m2
148	15-4-2013	Withdrawn	493 Mitcham Rd, Mitcham	Springfield	Three (3) lot subdivision	Subdivision
639	18-4-2013	Withdrawn	951 Whitehorse Rd, Box Hill	Elgar	Use of premises as internet cafe	Permit Amendment

BUILDING DISPENSATIONS/APPLICATIONS APRIL 2013

Address	Date	Ward	Result
61 Orchard Grove, BLACKBURN SOUTH	09-4-2013	Central	Approved R409
114 Springfield Road, BLACKBURN	08-4-2013	Central	Approved R427
13 Ronley Street, BLACKBURN	29-4-2013	Central	Approved R417
154 Surrey Road, BLACKBURN	23-4-2013	Central	Approved R424, R427
2 Coppel Court, BLACKBURN SOUTH	15-4-2013	Central	Approved R427
21 Beverley Crescent, BLACKBURN	15-4-2013	Central	Approved R427
394-398 Middleborough Road, BLACKBURN	23-4-2013	Central	Approved R604
5 Bordeaux Avenue, BLACKBURN	08-4-2013	Central	Approved R409
9 Kingsley Crescent, MONT ALBERT	22-4-2013	Elgar	Approved R414
11 Hood Street, MONT ALBERT	15-4-2013	Elgar	Approved R414, R409
11 Stanhope Street, MONT ALBERT	30-4-2013	Elgar	Approved R424
2 Springfield Road, BOX HILL NORTH	15-4-2013	Elgar	Approved R431
47 Woodhouse Grove, BOX HILL NORTH	30-4-2013	Elgar	Approved R424
5 Box Hill Crescent, MONT ALBERT NORTH	23-4-2013	Elgar	Approved R409
6 St Georges Avenue, MONT ALBERT	29-4-2013	Elgar	Approved R424
814-818 Whitehorse Road, BOX HILL	12-4-2013	Elgar	Approved R604
913 Whitehorse Road, BOX HILL	03-4-2013	Elgar	Approved R604
11 Garden Street, BOX HILL NORTH	15-4-2013	Elgar	Refused R426
12 Ashmore Road, FOREST HILL	11-4-2013	Morack	Approved R409
151 Jolimont Road, VERMONT	23-4-2013	Morack	Approved R426
19 Lunar Crescent, VERMONT	22-4-2013	Morack	Approved R409
5 Jolimont Road, FOREST HILL	08-4-2013	Morack	Withdrawn R420
10 Duncan Street, BOX HILL SOUTH	30-4-2013	Riversdale	Approved R415
10 Verona Street, BOX HILL SOUTH	22-4-2013	Riversdale	Approved R409
18 Elgar Road, BURWOOD	16-4-2013	Riversdale	Approved R409
12 Duncan Street, BOX HILL SOUTH	29-4-2013	Riversdale	Approved R415
147 Holland Road, BLACKBURN SOUTH	24-4-2013	Riversdale	Approved R415
32 David Street, BOX HILL SOUTH	15-4-2013	Riversdale	Approved R414
35 Daniel Street, BURWOOD	08-4-2013	Riversdale	Approved R415
714 Canterbury Road, SURREY HILLS	11-4-2013	Riversdale	Approved R424
43 Stott Street, BOX HILL SOUTH	30-4-2013	Riversdale	Refused R424
119 Mount Pleasant Road, NUNAWADING	22-4-2013	Springfield	Approved R409
12 Susanne Avenue, NUNAWADING	11-4-2013	Springfield	Approved R409
15 Alexander Street, MITCHAM	22-4-2013	Springfield	Approved R409
18 Glen Road, MITCHAM	15-4-2013	Springfield	Approved R409
26 Denis Street, VERMONT	15-4-2013	Springfield	Approved R409
4 Lucknow Court, MITCHAM	15-4-2013	Springfield	Approved R415
403 Springfield Road, NUNAWADING	22-4-2013	Springfield	Approved R424
43 Alwyn Street, MITCHAM	24-4-2013	Springfield	Approved R409

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – APRIL 2013
Under the Planning and Environment Act 1987

Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION APRIL 2013

Contract	Service
Contract 12037	Drainage Rehabilitation Works at Various Locations

REGISTER OF PROPERTY DOCUMENTS EXECUTED APRIL 2013

Property Address	Document Type	Document Detail	Signed by
64 Jolimont Road, Forest Hill	Lease - Residential	Landlord (1 year expires 23/2/14)	Signed by Tony Peak, witnessed by Ian Chew
14-18 Station Street, Mitcham	Lease - Office space and 2 carspaces	Lessee (3 years expires 1/4/2016)	Signed by Noelene Duff, witnessed by Jo George
5-15 Brunswick Road, Mitcham	Notice of Acquisition received from VicRoads in accordance with the Land Acquisition and Compensation Act 1986	Formal request to VicRoads for 'without prejudice' advance of compensation	Signed by Tony Peak
65 Wattle Valley Road, Mitcham	Lease - Residential	Landlord (1 year expires 20/4/14)	Signed by Tony Peak, witnessed by Ian Chew
Part 2-4 Bruce Street, Box Hill	Sublease - Substation	Head lessor (3 months expires 1/7/2013)	Signed by Tony Peak, witnessed by Indra Deui Soyas

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – APRIL 2013

Nil this month

PARKING RESTRICTIONS APPROVED BY DELEGATION APRIL 2013

Address: Paisley Street, Box Hill North, from Elgar Road to 25 west of Elgar
Previously: Unrestricted
Now: No Stopping
Spaces: 3

Address: Cook Road, Mitcham from Whitehorse Road to Edgerton Road
Previously: No Parking
Now: No stopping
Spaces: 20

Address: Mahoneys Road, Forest Hill from 69 Mahoneys to 69 Mahoneys Road
Previously: 1/4 Dis 9am to 9pm Mon-Sat
Now: 1/2 Dis 9am to 9pm Mon-Sat
Spaces: 2

Address: Mahoneys Road, Forest Hill from 63 Mahoneys to 63 Mahoneys Road
Previously: Dis 9am to 9pm Mon-Sat
Now: 1/2P 9am to 9pm Mon-Sat
Spaces: 2

Address: Mahoneys Road, Forest Hill from 39 Mahoneys to 39 Mahoneys Road
Previously: 1/2P 9am to 9pm Mon-Sat
Now: 1P Dis 9am to 9pm Mon-Sat
Spaces: 2

Address: Lake Road, Blackburn from opposite 4 Lake Road to opposite 4 Lake Road
Previously: No Stopping
Now: Unrestricted
Spaces: 2

VENDOR PAYMENT SUMMARY – SUMS PAID DURING APRIL 2013

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
02.04.13	55,701.10	36	EFT
04.04.13	14,044.91	20	EFC
04.04.13	241,248.90	58	CHQ
04.04.13	88.45	1	CHQ
04.04.13	822,881.19	37	EFT
08.04.13	15,837.66	2	EFT
11.04.13	15,786.66	13	EFC
11.04.13	47,367.09	71	CHQ
11.04.13	1,834,993.03	323	EFT
12.04.13	6,154.50	1	EFT
16.04.13	60,773.95	35	EFT
16.04.13	601.40	1	CHQ
18.04.13	123,967.66	81	CHQ
18.04.13	12,531.70	31	EFC
18.04.13	2,414,587.00	26	EFT
19.04.13	15,655.12	7	EFT
19.04.13	3,862.50	1	EFT
26.04.13	7,077.45	12	EFC
26.04.13	115,194.95	86	CHQ
26.04.13	3,394,907.40	408	EFT
30.04.13	60,810.97	36	EFT
Monthly Leases	39,398.18		DD
GROSS	9,303,471.77	1,286	
CANCELLED PAYMENTS	(7,937.55)	9	
NETT	9,295,534.22	1,277	

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

10.1 Reports by Delegates

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

- 10.1.1 Whitehorse Manningham Regional Library Corp.**
Cr Ellis reported on her attendance at the Whitehorse Manningham Regional Library Corp. meeting held recently.
- 10.1.2 Eastern Region Affordable Housing Alliance**
Cr Ellis reported on her attendance at the Eastern Region Affordable Housing Alliance meeting held recently.
- 10.1.3 Whitehorse Centre Feasibility Study Working Group**
Cr Ellis reported on her attendance at the Whitehorse Centre Feasibility Study Working Group meeting held 6 June 2013.
- 10.1.4 Eastern Transport Coalition**
Cr Stennett reported on his attendance at the Eastern Transport Coalition meeting held 20 June 2013.
- 10.1.5 MAV Planning Committee**
Cr Daw reported on his attendance at the MAV Planning Committee meeting held recently.
- 10.1.6 Whitehorse Business Group**
Cr Daw reported on his attendance at the Whitehorse Business Group meeting held recently.
- 10.1.7 Whitehorse Centre Feasibility Study Working Group**
Cr Daw reported on his attendance at the Whitehorse Centre Feasibility Study Working Group meeting held 6 June 2013.
- 10.1.8 Transition Whitehorse Community Steering Committee**
Cr Bennett reported on his attendance at the Transition Whitehorse Community Steering Committee meeting held recently.
- 10.1.9 MAV Emergency Management Committee**
Cr Carr reported on her attendance at the MAV Emergency Management Committee meeting held 7 June 2013.
- 10.1.10 MAV Professional Development Reference Group**
Cr Carr reported on her attendance at the MAV Professional Development Reference Group meeting held on 21 June 2013.
- 10.1.11 Whitehorse Centre Feasibility Study Working Group**
Cr Carr reported on her attendance at the Whitehorse Centre Feasibility Study Working Group meeting held 6 June 2013.
- 10.1.12 Box Hill Central Activities Area (CAA) Reference Group**
Cr Chong reported on his attendance at the Box Hill Central Activities Area (CAA) Reference Group meeting held on 24 June 2013.

10.1.13 Whitehorse Centre Feasibility Study Working Group

Cr Harris reported on her attendance at the Whitehorse Centre Feasibility Study Working Group meeting held 6 June 2013.

10.1.14 Box Hill Central Activities Area (CAA) Reference Group

Cr Harris reported on her attendance at the Box Hill Central Activities Area (CAA) Reference Group meeting held on 24 June 2013.

10.1.15 SPAG Meeting (Waste Management Group)

Cr Harris reported on her attendance at the SPAG Meeting of the Waste Management Group held 21 May 2013. Drafted updated version of the Terms of Reference for consideration at the Waste Forum, main change was lining up appointment of committee with the timing of changeover of Council's mayors etc. Discussed possible site visits and agreed a survey would go out to members for input regarding dates and venues. Next meeting is 16 July.

10.1.16 Metropolitan Waste Forum

Cr Harris reported on her attendance at the Metropolitan Waste Forum meeting held on 13 June 2013. The Ministerial Advisory Committee on governance in waste management has completed its task, and their recommendations have been given to the government. A draft is due out in August/September, for community consultation.

The Bulla composting facility will be the biggest in Victoria. Fully enclosed, it can take up to 85,000 tons. A tender is being organised for later this year for the eastern region of five councils to commence a similar facility.

We had a presentation on disposal of waste and the figures were staggering. 30 metro Councils contribute 73% of the 3.3million tons of yearly waste, with some 50% of that recycled. It was recommended that we get waste infrastructure and disposal in our planning schemes.

The south east landfills (Clayton) are likely to close in the next five years, and the best options are multiple council contracts for resource recovery centres and the removal of organics, and reducing the amount going to landfill as much as possible. .

10.1.17 MAV Professional Development Group

Cr Harris reported on her attendance at the MAV Professional Development Group meeting held 21 June 2013.

There was an update on the Councillor Development Weekend in July, which I'll be sorry to miss. I have requested that time be set aside for a photo shoot with Tony Jones. We also had updates on a number of programmes and courses that the MAV are running, including the Diploma of Local Government and the October Conference. The Urban Development Institute of Australia are proposing to run a 2 day workshop for Councillors to 'better inform Councillors about the development industry and challenges faced by developers'. At the next meeting we are looking at the mayors programme and how to improve it, so would welcome feedback from those who have undertaken it.

10.1.18 Eastern Region Group Mayors and CEO Forum

Cr Munroe (with CEO) reported on his attendance at the Eastern Regional Group Mayors and CEO Forum held on 24 May 2013

DPCD representatives outlined the LG Sector reporting to be introduced.

MAV's Rob Spence, Alison Lyon and Bill McArthur reported on Constitutional Recognition, State Budget and Metropolitan Planning Proposal.

10.1.19 Metropolitan Transport Forum

Cr Munroe reported on his attendance at the Metropolitan Transport Forum meeting held 5 June 2013.

Keynote speaker - Gary Liddle, CEO of VicRoads

Talked about the movement of people and not cars perse.

Congestion reduced across network with 5 to 10% reduction in traffic levels.

Wrong Way Go Back Campaign, \$20,000. MTF is 23 councils representing 3 million Melbourne residents.

10.1.20 Whitehorse Centre Feasibility Study Working Group

Cr Munroe reported on his attendance at the Whitehorse Centre Feasibility Study Working Group meeting held 6 June 2013.

User consultation to commence.

10.1.21 Box Hill Central Activities Area (CAA) Reference Group

Cr Munroe reported on his attendance at the Box Hill Central Activities Area (CAA) Reference Group meeting held on 24 June 2013.

COUNCIL RESOLUTION

Moved by Cr Chong, Seconded by Cr Harris

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendations from the Special Committee of Council Meeting of 11 June 2013

10.2.1 Proposed design of the Mitcham Station Precinct – Mitcham & Rooks Road Rail Crossing Removal Project

Moved by Cr Daw, Seconded by Cr Stennett

That Council, as a result of the proposed design of the Mitcham Station precinct as part of the Mitcham and Rooks Road Rail Crossing removal project and Council's serious safety and amenity concerns:

1. Write to VicRoads:

- a. Expressing its serious concern about the potential for vehicle rat running through the local streets in the Walker Estate to the south of the proposed location of the Mitcham Station being Agra Street, Meerut Street, Delhi Street, Benares Street and Simla Street and also other streets to the north of the station.***
- b. Advising that it is Council's formal position that vehicle access to the Mitcham Station precinct from the local roads in the Walker Estate to the south as indicated in a. above, should as a maximum only be for local residents from those areas and that buses should not use these streets or other local streets as a temporary diversion route during construction and after the project is completed.***
- c. Requesting that VicRoads urgently advise Council as to how it intends to address the problems outlined in a. and b. above and to consult with Council and the community to address these problems. Potential solutions to be considered could include turn bans at streets intersecting Calcutta Street, physical traffic treatments, intersection treatments, road closures and contractual provisions prohibiting use of the streets by buses.***
- d. Requesting that VicRoads response to a, b and c above include methods of preventing the problems from occurring including the preclusion of the ability of drivers to conduct illegal behavior/practices.***
- e. Referring to Council's resolution on the 10 December 2012 which requested VicRoads to undertake a traffic, parking and transport impact assessment and network operating plan and requesting that it urgently provides to Council and the community, a draft Carparking Management Plan for the Mitcham Precinct which addresses impacts to car parking during construction and after the project is completed.***

- f. Expressing its serious concern about pedestrian and cyclist safety in crossing Mitcham Road and the increased congestion and potential for rat running that will be caused by the currently proposed at grade signalised pedestrian crossing at the Mitcham Road/Brunswick Street/Calcutta Street intersection.*
 - g. Requesting VicRoads to provide shared pedestrian and cyclist underpasses under Mitcham Road either side of the lowered railway lines to provide safe and accessible pedestrian and cyclist access to the new train station.*
 - h. Requesting that VicRoads consult with Council and the community in addressing the issues raised in this resolution.*
- 2. Request an urgent response from VicRoads to the issues raised in this resolution and also write to the Alliance and the Minister for Public Transport and Roads seeking their intervention and support of Council's position.*
 - 3. Write to the Department of Transport, Planning and Local Infrastructure requesting it to require through contractual arrangements and penalties, the prohibition of buses using Agra Street, Meerut Street, Delhi Street, Benares Street and Simla Street during and after the construction of the Mitcham Road and Rooks Road Rail Crossing Removal Project.*

CARRIED

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Daw

That the recommendations from the Special Committee of Council Meeting of 11 June 2013 Item 10.2.1 (inclusive) be received and adopted.

CARRIED

10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor attendance following disclosure
20-5-13 5.36pm – 6.07pm	Mitcham Road & Rooks Road Rail Separation Rail Crossing Removal Project	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Daw Cr Massoud Cr Stennett	N Duff P Warner J Reid A Ghastine I Goodes S Freud T Peak	Nil	
20-5-13 6.30pm – 6.58pm	Councillor Informal Briefing Session Item 9.1.1 - 9 Alern Court Nunawading - Alternate recommendation Item 9.1.2 - 1 Malabar Road, Blackburn – Alternate Recommendation	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Daw Cr Harris OAM Cr Massoud Cr Stennett	N Duff P Warner P Smith J Reid A Ghastine S Freud	Nil	
3-6-13 5.00pm – 6.00pm	Best Practice in Urban Planning	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Daw Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Reid P McAleer	Nil	
3-6-13 6.40pm – 9.45pm	Strategic Planning Session MAV Metropolitan East Region Representative Infrastructure Presentation Finance Report Capital Works Update Procurement Policy Fire Services Levy	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Daw Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Reid P Smith P Warner A De Fazio M Giglio I Bruns D Comazzetto T Peak D Bradshaw	Nil	
11-6-13 5.10pm – 6.00pm	Seventh-Day Adventist Meeting Seventh-day Adventist Church	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Davenport Cr Daw Cr Ellis Cr Harris OAM Cr Massoud Cr Stennett	N Duff P Warner P Smith J Reid P McAleer A De Fazio C Sherwin J Green	Nil	

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor attendance following disclosure
11-6-13 6.30pm – 11.50pm	<p>Councillor Briefing Session</p> <p>Proposed Design of the Mitcham Station Precinct</p> <p>Crossway Baptist Church Land in East Burwood</p> <p>Clayton South Regional Landfill budget for 2013/2014</p> <p>Draft Council Agenda 24 June 2013</p> <p>Council Budget & Council Plan Submissions</p> <p>VLGA membership</p> <p>Development Reserve</p>	<p>Cr Munroe (Chair)</p> <p>Cr Bennett</p> <p>Cr Carr</p> <p>Cr Davenport</p> <p>Cr Daw</p> <p>Cr Ellis</p> <p>Cr Harris OAM</p> <p>Cr Massoud</p> <p>Cr Stennett</p>	<p>N Duff</p> <p>P Warner</p> <p>P Smith</p> <p>J Reid</p> <p>T Wilkinson</p> <p>A De Fazio</p> <p>J Russell</p> <p>S Freud</p> <p>J Green</p> <p>I Goodes</p> <p>I Barnes</p> <p>A Egan</p> <p>P McAleer</p> <p>P Nievandt</p> <p>M Giglio</p>	Nil	

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Massoud

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Australian Local Governance Association National Congress**
Cr Daw reported on his attendance at the Australian Local Governance Association National Congress held 16-19 June 2013.
- 11.2 Australian Local Governance Association National Congress**
Cr Davenport reported on his attendance at the Australian Local Governance Association National Congress held 16-19 June 2013.
- 11.3 Australian Local Governance Association National Congress**
Cr Ellis reported on her attendance at the Australian Local Governance Association National Congress held 16-19 June 2013.
- 11.4 Australian Local Governance Association National Congress**
Cr Massoud reported on her attendance at the Australian Local Governance Association National Congress held 16-19 June 2013.
- 11.5 Australian Local Governance Association State Conference**
Cr Carr reported on her attendance at the Australian Local Governance Association State Conference held 24-25 May 2013.
- 11.6 Healesville Freeway Open Day**
Cr Carr reported on her attendance at the Healesville Open day held 26 May 2013.
- 11.7 Australian Local Governance Association National Congress**
Cr Carr reported on her attendance at the Australian Local Governance Association National Congress held 16-19 June 2013.
- 11.8 Australian Local Governance Association National Congress & ICLEI Breakfast**
Cr Chong reported on his attendance at the Australian Local Governance Association National Congress held 16-19 June 2013.
- 11.9 Australian Local Governance Association State Conference**
Cr Harris reported on her attendance at the Australian Local Governance Association State Conference held 24-25 May 2013.

A weekend conference aimed at women in local government. The conference was opened by the Minister for Local Government. Federal Member for Murray, Sharman Stone, gave local government's campaign her emphatic support. Other speakers included the mother of two boys who were accidentally killed by carbon monoxide poisoning with a faulty gas heater. At the AGM, she moved a motion that the organisation donate \$1,000 to ALGA for the referendum campaign. There were no elections as they are held every second year.

- 11.10 Australian Local Governance Association National Congress**
Cr Harris reported on her attendance at the Australian Local Governance Association National Congress held 16-19 June 2013.

Constitutional matters were discussed at length over this conference, with passionate support from Senator Barnaby Joyce, who urged councils to run grass roots campaigns in their own areas. Local government financing, and different options for raising much needed funding was presented, but basically local governments need a bigger share of the taxes that are raised by the federal government. Local Government Minister Anthony Albanese, announced a new round of direct funding to local government – but this is dependant really on the yes vote getting up in the referendum.

Prof Will Steffen spoke on the effects climate change will have on local government; increased deaths due to heat waves, storm surges and high tides will be devastating for coastal communities, and current stormwater systems will need to be upgraded with increased and more frequent heavy storms

The ALGWA national board's breakfast was again well attended, and a brief history of some of the women involved in the life of Canberra was given. The keynote speaker on the last day was Peter Fitzsimons.

Rupert Myer, chairman of the Arts Council, concluded the day with a talk on the importance of art and culture to society, and encouraged local government to fund and organise programs that feature this.

11.11 Australian Local Governance Association National Congress

Cr Munroe reported on his attendance at the Australian Local Governance Association National Congress held 16-19 June 2013.

4th Australian Council of Local Government (ACLG) 2013 dinner at Parliament House. The Prime Minister, Treasurer and Minister for Local Government were in attendance with Mayors from across the country.

The Congress was in large part consumed with the September 14 referendum question on financial recognition of Local government.

A detailed written report will be prepared for Council on the ALGA Congress in the next week.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Daw

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

CARRIED UNANIMOUSLY

12 CONFIDENTIAL REPORTS

Nil

13 CLOSE MEETING

Meeting closed at 9.39pm

Confirmed this 15th day of July 2013

CHAIRPERSON