



City of Whitehorse

MINUTES

Ordinary Council Meeting

**Held in the
Council Chamber
Whitehorse Civic Centre**

379 Whitehorse Road Nunawading

on

Monday 15 August 2016

at 7.00pm

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

Ms Noelene Duff
Chief Executive Officer

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Meeting opened at 7.02pm

Present: Cr Daw (Mayor), Cr Bennett, Cr Carr, Cr Chong AM, Cr Davenport,
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 Whitehorse City Council acknowledges the Wurundjeri people as the traditional custodians of the land we are meeting on. We pay our respects to their Elders past and present."

2 WELCOME AND APOLOGIES

The Mayor welcomed all

Cr Munroe has sought an apology for tonight's Ordinary Council Meeting 15 August 2016.

Cr Harris has sought an apology for the Ordinary Council Meeting held on the 19 September 2016.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Massoud.

That the apology from Cr Munroe be received for tonight's Ordinary Council Meeting 15 August 2016 and that the apology from Cr Harris be received for the Ordinary Council Meeting to be held on 19 September 2016 and that leave of absence be granted.

CARRIED UNANIMOUSLY

3 DISCLOSURE OF CONFLICT OF INTERESTS

Councillor Denise Massoud disclosed an indirect conflict of interest in Item 9.1.8 Tender Evaluation Report - Panel of Providers for Approved Energy Efficient Street Lighting Hardware (Luminaires and PE Cells) as her husband's business has an account with one of the panels hardware providers.

Chief Executive Officer declared a direct conflict of interest in Item 12.2 CEO Annual Performance Review for 2015/16.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 18 July 2016, Confidential Minutes of Ordinary Council Meeting 18 July 2016 and Special Confidential Council Meeting – Council Owned Land 25 July 2016.

RECOMMENDATION

Moved by Cr Bennett, Seconded by Cr Ellis.

That the minutes of the Ordinary Council Meeting 18 July 2016, Confidential Minutes of Ordinary Council Meeting 18 July 2016 and Special Confidential Council Meeting – Council Owned Land 25 July 2016 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

5.1 Mr Tony Tsaousis, Mont Albert North

Submitted two questions in relation to Item 9.1.3 15 Mitchell Road, Mont Albert North

5.2 Mr Blair Barker

Submitted a question in relation to Item 12.2 CEO Annual Performance Review for 2015/16.

The Chief Executive Officer Ms Noelene Duff responded to the questions on behalf of Council.

6 NOTICES OF MOTION

Nil

7 PETITIONS

Nil

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 74 Main Street, Blackburn (LOT 3 LP 17854) – Development of land for the construction of two (2) double storey dwellings and removal of vegetation

FILE NUMBER: WH/2015/583
ATTACHMENT

SUMMARY

This application was advertised, and a total of twelve (12) objections were received from twelve (12) objector properties. The objections raised issues with neighbourhood character, bulk and massing, landscaping and vegetation, amenity impacts and accuracy of application documents. A Consultation Forum was held on Wednesday 11 May 2016 chaired by Councillor Munroe, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions..

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Harris

That Council:

- A. Being the Responsible Authority, having caused Application WH/2015/583 for 74 Main Street, Blackburn (LOT 3 LP 17854) 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 land for the construction of two (2) double storey dwellings and removal of vegetation is acceptable and should be supported, subject to conditions.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 74 Main Street, BLACKBURN (LOT 3 LP 17854) for the development of land for the construction of two (2) double storey dwellings and removal of vegetation, 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) The layout at ground floor revised to achieve a minimum 5 metre clear separation between the eastern wall of the garage of Dwelling 2 and the western wall of Dwelling 1, with any consequential internal modifications to these dwellings. These changes must not result in changes to any other setback.**
 - b) The internal dimensions of the revised double garage to Dwelling 2, in accordance with the requirements of Condition 1(a), must comply with the requirements of Clause 52.06 (Car Parking).**
 - c) The location of the proposed driveway, along the southern boundary, to be modified to provide a clear minimum 1 metre landscaping strip on both sides of the driveway.**

9.1.1
(cont)

- d) *Boundary fencing for Dwelling 1 secluded private open space adjacent to the driveway be relocated to have 0.5 metre recess behind the south-west corner of the laundry wall.***
- e) *Bedroom 1 of Dwelling 2 to be provided with a 1 metre recess from the lower level in the east elevation, with no changes to any other setback.***
- f) *The extent of hard surfaces to the proposed driveway and turning bay to be reduced, while still achieving, the minimum requirements for vehicles to exit the garage of Dwelling 2 in a safe and efficient manner in a forward direction.***
- g) *The parapets and detail cornices along the eastern elevation of Dwelling 1 to be deleted, and replaced with eaves and associated pitched roof.***
- h) *Deletion of the first floor balcony forward of the eastern wall setback of Dwelling 1.***
- i) *Provision of secure storage space with a minimum capacity of 6m³ for Dwelling 2.***
- j) *Details of cladding finish, colours and presentation of the 1.0 metre high front fence.***
- k) *The cladding finishes for elevations of Dwelling 1 and Dwelling 2 revised to incorporate a mix of brick and render finishes.***
- l) *The colour of the roofs to Dwelling 1 and Dwelling 2 utilise a light colour to the satisfaction of the Responsible Authority.***
- m) *Notation on site and elevation plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.***
- n) *Tree 3 (Corymbia citriodora), Tree 4 (Corymbia citriodora) and Tree 22 (Acer negundo) be removed.***
- o) *The 1 metre high front fence to be revised to provide sightline triangles, in accordance with the requirements under Clause 52.06-8 Design standard 1 (Accessways).***
- p) *The locations of Tree Protection Zones described in condition 5, with all nominated trees to be retained clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.***

9.1.1
(cont)

- q) **A Landscape Plan in accordance with Condition 3, including the following:**
- i. **Provision of a minimum of seven (7) additional upper canopy trees, indigenous to Whitehorse, within the subject site. The location of the trees must accord with the following requirements:**
- **Two (2) upper canopy trees indigenous to Whitehorse, capable of growing in excess of 15 metres, within the front setback of Dwelling 1.**
 - **One (1) upper canopy tree indigenous to Whitehorse, capable of growing in excess of 15 metres, within the SPOS of Dwelling 1.**
 - **One (1) upper canopy tree indigenous to Whitehorse, capable of growing in excess of 15 metres, within the SPOS of Dwelling 2.**
 - **One (1) canopy tree indigenous to Whitehorse, capable of growing in excess of 8 metres within the SPOS of Dwelling 1.**
 - **One (1) canopy tree indigenous to Whitehorse, capable of growing in excess of 8 metres within the SPOS of Dwelling 2.**
 - **One (1) canopy tree indigenous to Whitehorse capable of growing in excess of 6 metres, within the 5 metre separation between Dwelling 1 and Dwelling 2.**

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

Once approved these plans become the endorsed plans 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) **A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
- b) **Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.**
- c) **Planting within and around the perimeter of the site comprising trees and shrubs capable of:**
- **providing a complete garden scheme,**
 - **softening the building bulk,**
 - **providing some upper canopy for landscape perspective,**
 - **minimizing the potential of any overlooking between habitable rooms of adjacent dwellings.**
- d) **A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**

9.1.1
(cont)

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

Landscaping in accordance with this approved plan and schedule 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/Street Tree (Melaleuca styphelioides) – 5.2 metre radius from the centre of the tree base.*
 - ii. *Tree 2/Street Tree (Lophostmon confertus) – 5.2 metre radius from the centre of the tree base.*
 - iii. *Tree 12 (Corymbia citriodora) – 7.6 metre radius from the centre of the tree base.*
 - iv. *Tree 16 (Melaleuca linariifolia) – 6.0 metre radius from the centre of the tree base.*
 - v. *Tree 23 (Brachychiton acerifolius) – 4.6 metre radius from the centre of the tree base.*
 - vi. *Tree 26 (Quercus palustris) – 9.6 metre radius from the centre base of the tree.*
 - vii. *Tree 29 (Jacaranda mimosifolia) – 2.4 metre radius from the centre base of the tree.*
 - 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.*

9.1.1
(cont)

- 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.*
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) *The driveway where within the TPZ of Tree 12 and 16 must be constructed at the existing soil grade using porous materials that allow water to penetrate through surface and into the soil profile. No roots are to be cut or damaged during any part of the construction process (including site demolition and landscape works).*
 - b) *The existing driveway where within the TPZ of Tree 16 must be removed by hand or small machinery only. The once cleared TPZ area must be maintained in accordance with TPZ conditions.*
 - c) *Any tree pruning required for the management of Tree 3 must conform to Australian Standard AS4373-2009 Pruning of Amenity Trees and pruning work must be completed by a suitably qualified arborist Arborist (AQF Level 3, minimum).*
 - d) *All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within the 4.6m TPZ of Tree 23, 4.0m TPZ of Tree 24 and 2.4m TPZ of Tree 29.*
 - e) *For Tree 23, 24, 26 and 29 no roots are to be cut or damaged during any part of the construction process.*
7. *The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
8. *All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*
9. *All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.*
10. *Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.*

9.1.1
(cont)

11. ***Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.***
12. ***Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
13. ***“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.”***
14. ***No buildings and works shall be constructed over any easement without the written consent of the relevant Authorities.***
15. ***The existing street trees (Tree 1 and Tree 2) shall not be removed or damaged except with the written consent of the Responsible Authority, with erection of tree protection fencing prior to any demolition, and commencement of new buildings and works.***
16. ***This permit for development 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 in accordance with Section 69 of the Planning and Environment Act 1987.

Permit Note:

Asset Engineering:

1. ***Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria “Environmental Guidelines for Major Construction Sites”. The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.***
2. ***The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.***
3. ***All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.***

9.1.1
(cont)

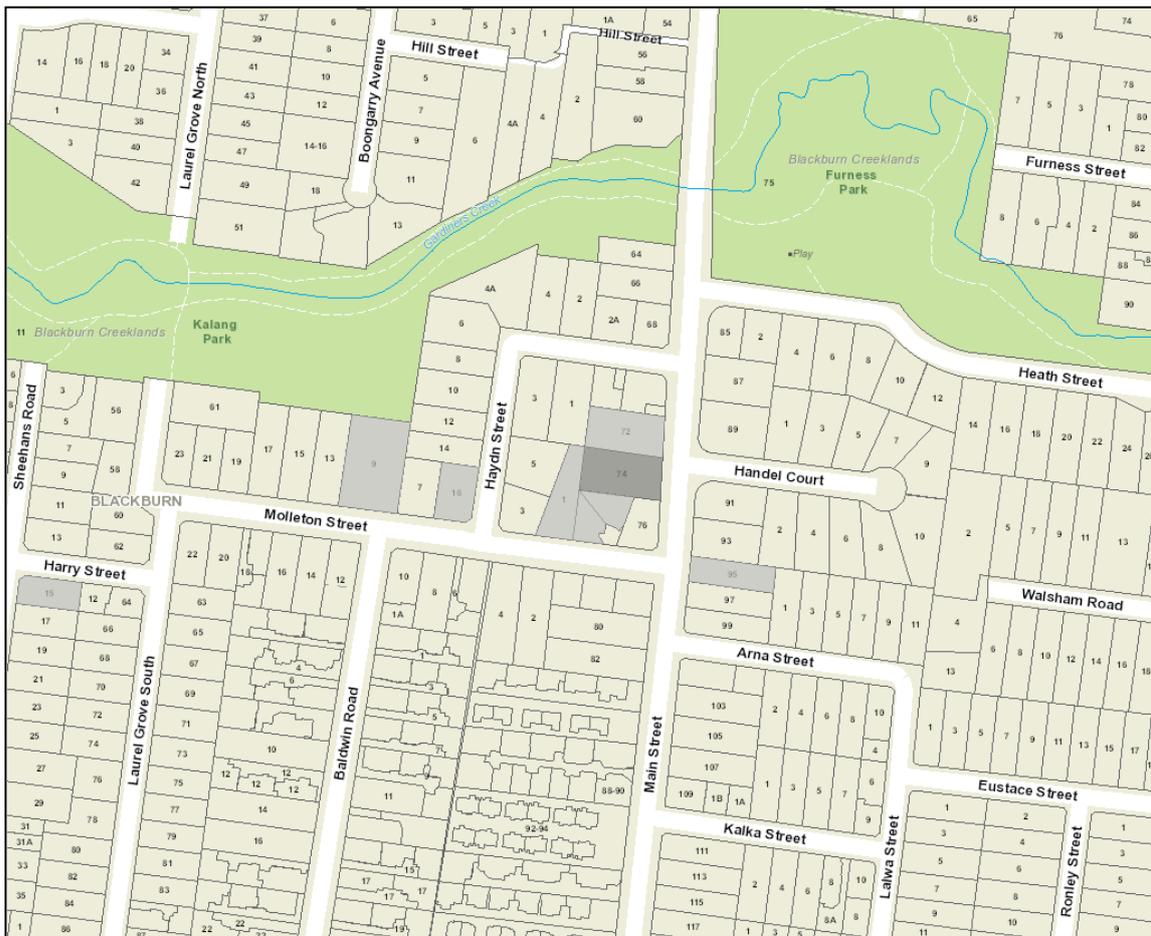
4. *The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.*
 5. *Report and Consent - Building over the Easement must be approved prior to approval of the building permit.*
 6. *The applicant must be aware that the legal point of discharge is external to the site and a stormwater pipe must be constructed to an appropriate stormwater pit.*
 7. *No excavation and/or fill will be permitted within the easement.*
 8. *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.*
 9. *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans*
 10. *No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.*
 11. *No trees are permitted to be planted within the easement.*
- 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

9.1.1
 (cont)

MELWAYS REFERENCE 47 J12

Applicant:	Lea Design
Zoning:	Neighbourhood Residential Zone – Schedule 1
Overlays:	Significant Landscape Overlay – Schedule 2
Relevant Clauses:	Clause 11 Settlement Clause 12 Environment and Landscape Values Clause 15 Built Environment and Heritage Clause 16 Housing Clause 21.05 Environment Clause 21.06 Housing Clause 22.03 Residential Development Clause 22.04 Tree Conservation Clause 32.09 Neighbourhood Residential Zone Clause 42.03 Significant Landscape Overlay - Schedule 2 Clause 52.06 Car Parking Clause 55 Two or More Dwellings on a Lot or Residential Buildings Clause 65 Decision Guidelines
Ward:	Central



	Subject site		8 Objector Properties (4 outside of map)	↑ North
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9.1.1 (cont)

BACKGROUND

The Site and Surrounds

The subject site is located on the western side of Main Street in Blackburn, approximately 400 metres north from the intersection with Canterbury Road. The site currently contains a single storey dwelling and a number of medium to upper canopy trees which are spread across the land.

The land is largely rectangular in shape with an angled frontage of 24.38 metres in width, varying depths of 46.29 metres (northern boundary) to 48.09 metres (southern boundary) and an overall site area of approximately 1147m². A 1.83 metre wide drainage easement is located along the western (rear) boundary.

The surrounds are largely residential in nature with the presence of a number of public reserves to the north including Furness Park and Kalang Park, whilst the surrounding areas generally comprises of single and double storey dwellings. There is a strong landscape character in the area with mature vegetation in the front and around buildings on most lots.

Immediately north of the subject site is a single storey dwelling located at 72 Main Street, whilst immediately south of the subject site are two single storey brick dwellings (76 Main Street and 2/1A Molleton Street, respectively) and one double storey dwelling (1/1A Molleton Street).

Planning Controls

In accordance with Clause 32.09-5 (Neighbourhood Residential Zone) of the Whitehorse Planning Scheme, a Planning Permit is required to construct two or more dwellings.

In accordance with Clause 42.03 (Significant Landscape Overlay – Schedule 2) of the Whitehorse Planning Scheme, a Planning Permit is required to remove, destroy or lop a tree with a single trunk circumference greater than 0.5 metre, at a height of one metre above ground level. A planning permit is also required as:

- The proposed building is setback at a minimum 9 metres which is less than the as-of-right requirements of 11 metres for a double storey dwelling,
- The site coverage for the buildings at ground level is 35% which exceeds the as-of-right requirements of 33% at ground floor level.
- The extent of hard surfaces and impervious areas are 18% which exceeds the as-of-right requirements of 17%. It is noted that hard surfaces in service yards has also not been declared and would add to the impervious area totals.
- The total area of all buildings and hard surfaced and impervious areas is 53% which is greater than the as-of-right requirements of 50%.

PROPOSAL

The proposal involves the construction of two (2) double storey dwellings and associated removal of existing vegetation on the subject site. The two dwellings are detached with a 3 metre separation at ground level, and a 7 metre upper level separation. It is also proposed to construct a new 1 metre high front fence.

Both dwellings indicate cladding finishes of render at ground and upper level, incorporating parapet walls with cornice details at ground floor and pitched roofs with eaves at first floor.

Dwelling 1

Dwelling 1, fronting Main Street, is proposed to be setback a minimum of 9.2 metres to 10 metres from the frontage, and will be accessed via a proposed crossover to the northern aspect of the site, leading to a double garage that is recessed approximately 1.2 metres from the front façade of the building.

9.1.1 (cont)

At ground level, Dwelling 1 comprises of a study, guest bedroom with associated walk in robe and bathroom, laundry, open plan living/kitchen/dining area with approximately 6m³ of storage. The footprint, at ground level, is setback a minimum of 1.2 metres to 5 metres from the northern boundary, and a minimum of 6 metres to 8.4 metres from the southern boundary.

At the first floor, the dwelling comprises of four (4) bedrooms with a mix of walk-in-robos and standard robes, three (3) ensuites, family room, and a balcony facing on to Main Street. The upper floor is generally recessed from ground level providing setbacks a minimum of 5 metres to 6 metres from the northern boundary, 11 metres from the eastern (front) boundary and a minimum of 7 metres to 9.27 metres from the southern boundary.

Dwelling 2

Dwelling 2, located behind Dwelling 1, follows a similar internal layout and configuration at ground floor to that of Dwelling 1, however, the front entrance is proposed to face the southern (side) boundary and is to be accessed via the existing crossover with associated driveway reconstruction. Dwelling 2 is setback 5 metres from the southern (side) boundary, a minimum of 4 metres to 5 metres from the western (rear) boundary, and a minimum of 5 metres to 7.4 metres from the northern (side) boundary.

At first floor, the dwelling also follows a similar layout to that of Dwelling 1, in that it comprises of four (4) bedrooms with a mix of walk-in-robos and standard robes, two (2) ensuites and a family area. The upper level to Dwelling 2 is recessed from the ground floor providing setbacks of 6 metres to 10 metres from the southern boundary, 5.6 metres to 7 metres from the western boundary and 6 metres to 10 metres from the northern boundary.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting one (1) public notice to the Main Street frontage. Following the advertising period 12 objections from 12 objector properties were received.

The issues raised are summarised as follows:

- Neighbourhood Character Area
 - The design is inconsistent with the neighbourhood character and the Significant Landscape Overlay (SLO).
 - Poor design response.
 - The design will provide no contribution to the neighbourhood character area.
 - The significant landscape overlay guidelines should not be treated any lighter because it is on the “edge” of the SLO area.
- Bulk and Massing
 - The design is bulky and excessive and will be the dominant element within the streetscape.
 - Oversized footprint and an overdevelopment of land.
 - The proposal exceeds the allowable site coverage requirements for both the ground and upper levels.
 - Visual impacts.
- Landscaping and vegetation
 - There is inability to grow new trees.
 - The plan does not allow for sufficient unencumbered land for vegetation coverage.
 - The design does not meet the required distance from trees.
 - The proposal dominates the landscape.
 - Unnecessary and unacceptable removal of significant vegetation which has flow on impacts to wildlife

9.1.1 (cont)

- Amenity Impacts
 - Risk of damaging trees that are proposed to be retained during construction.
 - Privacy and overlooking
- Application documentation:
 - Accuracy of arborist report submitted is questioned.

Consultation Forum

A Consultation Forum was held on 11 May 2016, chaired by Councillor Munroe. The Planning Officer, applicants and applicant representative and 10 objectors attended the meeting.

At the forum, the issues raised in the objections were discussed.

No consensus was reached.

Section 57A amendment

Subsequent to the advertising period and Consultation Forum a Section 57A amendment was lodged on 7 July 2016 to address issues raised by referrals and objections raised where possible. Some changes were made, listed below:

- Reduction in the extent of paving within the front setback to Dwelling 1.
- Reduction in the extent of timber decking within the SPOS to Dwelling 1 and Dwelling 2.
- Increase of the separation between Dwelling 1 and Dwelling 2, at ground level, to 3 metres (previously 1.9 metres).
- Provision of a 1.0 metre high front fence.
- Minor internal changes to the ground floor layout of Dwelling 1 and Dwelling 2.
- Modification to the layout at upper floor to Dwelling 1 and 2 which increased the setbacks to all side boundaries, with associated changes to further improve the extent of articulation to the built form.

It was considered that the proposed changes would not result in any new material detriment and therefore, the amended plans have not been re-advertised.

Referrals

Internal

Planning Arborist

The submitted arborist report has been reviewed by Council's Planning Arborist, who agrees with the information provided and supports the removal of the trees listed, subject to specific tree protection measures for trees to be retained on-site and adjoining properties.

Asset Engineering

The proposal has been reviewed by Council's Asset Engineering Unit, who noted that a report and consent for floor levels would be required as the land is liable to flooding, however, raised no objection to the proposal, subject to the inclusion of standard permit conditions.

It is noted that Council records indicate that a report and consent for building flood levels was completed on 9 March 2016 and the required floor level changes were incorporated into the publicly advertised plans dated 16 March 2016.

9.1.1 (cont)

ParksWide

The proposal has been reviewed by Council's ParksWide Department, who raised no objection to the proposal and recommended that the existing street trees are to be retained and protected by way of temporary fencing during construction.

DISCUSSION

Consistency with State and Local Planning Policies

The proposal has been fully assessed against the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF), including Council's Tree Conservation Policy (Clause 22.04), the decision guidelines under Clause 42.03 (Significant Landscape Overlay – Schedule 2) and Clause 55 (Two or more dwellings on a lot).

The proposal is consistent with the relevant State and Local Planning Policies which aim to encourage the development of well-designed, medium density housing that respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

It is considered that the proposed development achieves an acceptable balance between the purpose of the Neighbourhood Residential Zone, which aims to ensure new development is limited and respectful of preferred neighbourhood character area, and the objectives under the Bush Environment character area. It is the objective of the Bush Environment areas to ensure dwellings occupy a relatively low proportion of the site, and are capable of accommodating substantial vegetation and tree planting opportunities, whilst ensuring that new buildings retain a subservient presence to the treed character of the area.

Clause 21.05-5 (Housing) recommends that lot sizes within areas affected by the Significant Landscape Overlay should generally be a minimum of 650m². The subject site is approximately 1147m², yielding a lot density of approximately 1:573.5m². The immediate area is characterized by a mix of lot sizes some ranging between 375m² to 627m². The resultant lot sizes for this development should sit well within this context. These properties are 1A Haydn Street, 2A Haydn Street, 68 Main Street, 70 Main Street, 76 Main Street, 85 Main Street, 1/1A and 2/1A Molleton Street.

It is considered that the proposed development is largely respectful of the existing character area, capable of achieving the 1 tree per 150m² ratio and providing an appropriate amount of landscaping opportunities within the development, as encouraged by the objectives of the preferred Bush Environment character area.

Significant Landscape Overlay - Schedule 2

The proposal has been fully assessed and is consistent with the objectives and relevant decision guidelines under the Significant Landscape Overlay – Schedule 2 (SLO2) as follows:

- *Whether the proposed building is set back a reasonable distance from the property boundaries to provide for landscaping.*

The proposed development provides an acceptable level of setbacks at ground level from all boundaries for new tree planting opportunities and substantial landscaping.

9.1.1 (cont)

In particular, Dwelling 1 proposes a minimum of 9 – 10 metre setback from the frontage, whilst providing a number of open areas within the SPOS. Similarly, Dwelling 2 is to be setback a minimum 5 metres from northern and southern boundaries and a minimum of 4 metres from the western (rear) boundaries. It is also noted that the proposed development does not result in any walls-on-boundaries, providing greater opportunities for further landscaping and will continue to enable the rhythm and spacing between buildings as envisaged under the Bush Environment character area.

- *Whether the proposed building or works retain an inconspicuous profile and do not dominate the landscape.*

It is considered that the proposed development will retain an inconspicuous profile and will not dominate the landscape.

The proposal achieves site coverage of approximately 35% (in lieu of the as-of-right 33% under the SLO2), coupled with the extent of setbacks, discussed above, will provide for an acceptable level of tree planting and landscaping opportunities throughout the subject site as expected within the SLO2 areas.

The upper floor separation between Dwelling 1 and 2 is proposed to be a minimum of 7 – 8.5 metres and provides for an acceptable level of north-south view lines when viewed from the SPOS of adjoining properties, which further reduces any perceived visual bulk impacts. Furthermore, the upper levels have been well-recessed from the ground floor footprints and do not have any overhanging elements or sheer walls. In addition, the buildings are articulated at all elevations thus providing for visual interest. Dwelling 2 is well set back at first floor level between 5.6 – 8.9 metres from the western (rear) boundary, whilst Dwelling 1 has been setback, at first floor, a minimum of 11 metres from the eastern (front) boundary, which will reduce any perception of building bulk.

- *Whether a reasonable proportion of the lot is free of buildings and available for tree planting, landscaping and open space use.*

The proposal achieves an overall coverage of 53%, comprising of 35% from the proposed buildings and an estimated 18% from impervious areas and hard surface areas.

It is considered the extent of hard surfaces (such as decking and paving in service yards) within the SPOS of the dwellings can be further reduced to provide increased unencumbered land for future canopy tree planting. Therefore, it is recommended that the extent of paving for the proposed southern driveway is excessive and reduces the ability for a reasonable level of landscape buffer planting along the boundaries to enhance the rhythm and spacing between buildings.

Furthermore, it is also recommended that the location of the proposed driveway, along the southern boundary, be modified to provide a clear minimum 1 metre landscaping strip on both sides of the driveway, with associated changes to the proposed boundary fencing in the south-west corner of Dwelling 1. This will ensure that a reasonable level of consistent buffer planting is provided along the southern boundary.

In addition, the extent of hard surfaces to the proposed driveway and turning bay is recommended to be modified to achieve the minimum requirements for vehicles to exit the garage of Dwelling 2 in a safe and efficient manner in a forward direction.

9.1.1 (cont)

Subject to the above changes, it is considered that the proposal generally occupies an acceptable proportion of the lot to enable additional upper canopy tree planting and an appropriate level of open space for future occupants.

- *The impact of the proposed development on the conservation of trees.*
- *The impact of the proposed development on natural ground levels and drainage patterns which may have a detrimental impact on the health and viability of surrounding trees.*
- *The species of vegetation, its age, health and growth characteristics.*
- *The location of the vegetation on the land and its contribution to the lot garden area, neighbourhood and streetscape character.*

The proposal involves the removal of Trees 5, 10, 17, 18, 20, 21, 22, 24, 25, 27, 28, 30, 31 and 33 and, to retain Trees 3 and 4.

The proposal has been assessed by Council's Planning Arborist who raised no objection to the removal of listed trees with these trees considered to be not worthy of retention. In addition, it is considered that Tree 3 and 4 should also be removed as both trees have significant health and structural problems.

The submitted plans indicate that it is proposed to provide permeable paving which is to be installed at grade for both the north and south driveways. This is supported by Council's Planning Arborist who also noted that the proposed development will not result in unacceptable impacts to each of the trees on the adjoining properties, subject to conditions.

- *The potential to achieve an average density of one tree reaching a height of over 15 metres to each 150 square metres of site area.*

The subject site is approximately 1147m² and therefore requires a minimum of seven (7) upper canopy trees within the subject site to satisfy the tree density ratio. It is considered that the proposed site layout can achieve this requirement.

The submitted plans indicate a 3 metre separation at ground level, which appears to be provided as a service yard and cannot accommodate mid canopy trees. It is recommended in any approval granted, the ground floor separation between Dwelling 1 and Dwelling 2 be increased to a minimum of 5 metres with associated internal changes with no changes to any other setback.

Subject to further changes by permit conditions, the proposed development is capable of providing a minimum of seven (7) trees, 4 of which will be capable of reaching up to 15 metres, 2 will be capable of reaching 8 metres at maturity and 1 will be capable of reaching 6 metres at maturity. This will provide an opportunity to significantly contribute to local tree canopy and the leafy character of the area.

- *The availability of sufficient unencumbered land to provide for replacement planting.*

The proposed development results in an overall site coverage of 53%, comprising of 35% from buildings, and 18% from hard surfaces and impervious areas.

The extent of site coverage is considered to be acceptable, in that it will provide for appropriate areas throughout the site for tree planting and a mix of other types of vegetation.

The extent of hard surfaces will be softened by the provision of landscaping buffers on both sides of the southern driveway. Moreover, the proposed development is capable of achieving substantial planting within the front setback, which will maintain the garden setting of the Bush Environment character area.

9.1.1 (cont)

In this context, it is considered that there is acceptable and sufficient level of unencumbered land to provide for replacement planting.

Design and Built Form

The provision of high parapets with mock-heritage detail cornices to Dwelling 1, on the eastern elevation, is considered to be an element that is not in keeping with the built form character the area. In addition, the upper floor balcony to Dwelling 1 contributes to unacceptable visual bulk and mass to the streetscape. It is recommended that the detail cornices and upper floor balcony on the eastern elevation to Dwelling 1 be deleted, and replaced with eaves and pitched roof.

The development proposes a significant amount of render, contrary to the Bush Environment design detail objectives, which encourages the use of a variation of materials and finishes that complements the landscape area. It is further recommended that the materiality of the proposed development is to be revised to incorporate a mix of brick and render finishes. This will ensure that the development is respectful of the colours and materials commonly seen within the immediate area.

The material schedule has not specified the colour to the roofs of Dwelling 1 and Dwelling 2. It is also recommended that in any approval issued, the colour of the roof is to utilise a light colour to the satisfaction of the Responsible Authority. This will ensure that the roof colour is respectful of the prevailing neighbourhood character area.

The proposed setbacks at ground and upper level are generous, subject to amendment to the eastern elevation of Dwelling 1 and upper level of Dwelling 2. The proposed development minimises the extent of sheer walls and provides an appropriate level of recession, articulation for visual interest and good spacing between buildings and boundaries.

Car Parking and Access

The proposed 1.0 metre high front fence does not accord with the visual obstruction requirements under Clause 52.06-8 (Car Parking) Design standard 1: Accessways.

It is recommended that a condition for any approval include the 1 metre high front fence to be revised to provide sightline triangles, in accordance with the requirements under Clause 52.06-8 Design standard 1 (Accessways).

Objectors Concerns not Previously Addressed

- *Amenity Impacts*

The proposal has been fully assessed, satisfies the relevant ResCode standard and will not result in any unacceptable off-site amenity impacts in terms of overlooking and overshadowing.

- *Accuracy of arborist report submitted is questioned*

The submitted arborist report has been reviewed by Council's Planning Arborist who raised no objection to the proposed development and agrees with the data supplied in the arborist report.

CONCLUSION

The development of land for the construction of two (2) double storey dwellings and removal of vegetation achieves a satisfactory level of compliance with the State and Local Planning Policies, the Neighbourhood Residential Zone, Significant Landscape Overlay – Schedule 2 and Clause 55.

9.1.1
(cont)

The proposal will increase housing supply within a residential area, while ensuring that impacts to the streetscape, adjoining properties and the protected treed environment are positive. To further improve the outcome of the development, the proposal will require a number of further changes by way of permit condition.

A total of twelve (12) objections were received as a result of public notice and all of the issues raised have been reviewed in this report.

It is considered that the application should be approved.

ATTACHMENT

- 1 Architectural Plans

9.1.2 49 Main Street, Blackburn – Buildings and works associated with the construction of one (1) double storey dwelling

FILE NUMBER: WH/2016/82
ATTACHMENT

SUMMARY

The original application was advertised, and a total of 33 submissions, comprising 32 objections and one letter of support were received. The objections raised issues with neighborhood character, building form and height, site coverage, permeability, tree regeneration, landscaping and off site amenity impacts. A Consultation Forum was held on Tuesday, 28 June 2016, chaired by Councillor Munroe, at which the issues were explored however little resolution was reached between the parties. A Section 57A amendment was received 6 June 2016 and a further amendment received 11 July 2016. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Carr

That Council:

- A. Being the Responsible Authority, having caused Application WH/2016/82 for 49 Main Street, BLACKBURN (LOT 12 LP 3212) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for buildings and works associated with the construction of one (1) double storey dwelling is acceptable and should be supported.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 49 Main Street, BLACKBURN (LOT 12 LP 3212) for the Buildings and works associated with the construction of one (1) double storey dwelling, subject to the following conditions:**
 - 1. Before the development starts, or any trees or vegetation removed, amended plans (two copies in A1 size and an electronic copy in PDF format) must 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, prepared by A Better Design, sheer number 1 to 3, job number A02006, dated July 2016, but modified to show:**
 - a) Provision of a detailed colour and materials schedule showing muted tones that blend in with the bush environment setting.**
 - b) Notation of tree protection measures at Condition 4 and 5 of this permit.**
 - c) An amended landscape plan in accordance with Condition 3 to include an annotation that all trees to be planted at a minimum height of 1.5 metres.**

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.**

9.1.2

(cont)

- 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 consistent with the Bush Environment area,**
 - **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.**

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. Prior to commencement of any building 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 (Eucalyptus sideroxylon) – 8.16 metres radius from the centre of the tree base.**
 - b) **Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:**
 - i. **Erection of solid chain mesh fencing, or a similar type of fencing, at a minimum height of 1.8 metres, supported on, and held in place with concrete feet.**
 - ii. **Signage placed around the outer edge perimeter of the fencing, identifying the area as a TPZ. The signage should be visible from within the development site, and the lettering and wording are to comply with Australian Standard 1319.**

9.1.2

(cont)

- iii. Mulch is to be placed over the entire soil surface within a TPZ, to a depth of 100mm, and supplementary watering is to be applied during dry weather.*
 - iv. No excavations, constructions works, activities, grade changes, surface treatments or storage of materials of any kind are permitted within a TPZ unless otherwise approved by this permit or further approved in writing by the Responsible Authority.*
 - v. All supports and bracing are to be outside a TPZ and any excavation for supports or bracing is to avoid damaging tree roots.*
 - vi. No trenching is allowed within the TPZ for installation of utility services, unless the Responsible Authority has approved tree sensitive installation methods, such as horizontal soil boring.*
 - vii. Where construction is approved within a TPZ, fencing and mulch are to be placed up to, and along the line of, the approved proposal. Fencing may only be repositioned by an authorised person, and only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 5. During construction of any buildings or works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
- a) The verandah where within the TPZ of Tree 1 (Eucalyptus sideroxylon) must be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change within the TPZ. The postholes are to be hand dug and no roots are to be cut or damaged. A Geotechnical Engineer must assess the soil type and provide the results to a Structural Engineer so that appropriate footings and foundations can be designed so they are not affected by soil movement.*
 - b) No drainage systems for the dwelling are permitted to traverse the TPZ of Tree 1.*
 - c) The driveway where within the TPZ of Tree 1 (Eucalyptus sideroxylon) must be constructed at the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. No roots are to be cut or damaged during any part of the construction process.*
 - d) To facilitate access to the site during construction, rumble boards must be laid on the ground where the new driveway traverses the TPZ of Trees 1 TPZ fencing may then be positioned along the edge of the driveway.*
 - e) All buildings and works for the construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within the 8.1 metre TPZ of Tree 1.*
- 6. 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.**
- 7. The subject site must be drained to the satisfaction of the Responsible Authority.**

9.1.2

(cont)

8. *Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.*
9. *The street tree must not be removed, lopped or destroyed at any time during the demolition and construction process, unless with the further written consent of the Responsible Authority.*
10. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two (2) years from the date of issue of this permit,*
 - b) *The development is not completed within four (4) years from the date of this permit.*

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

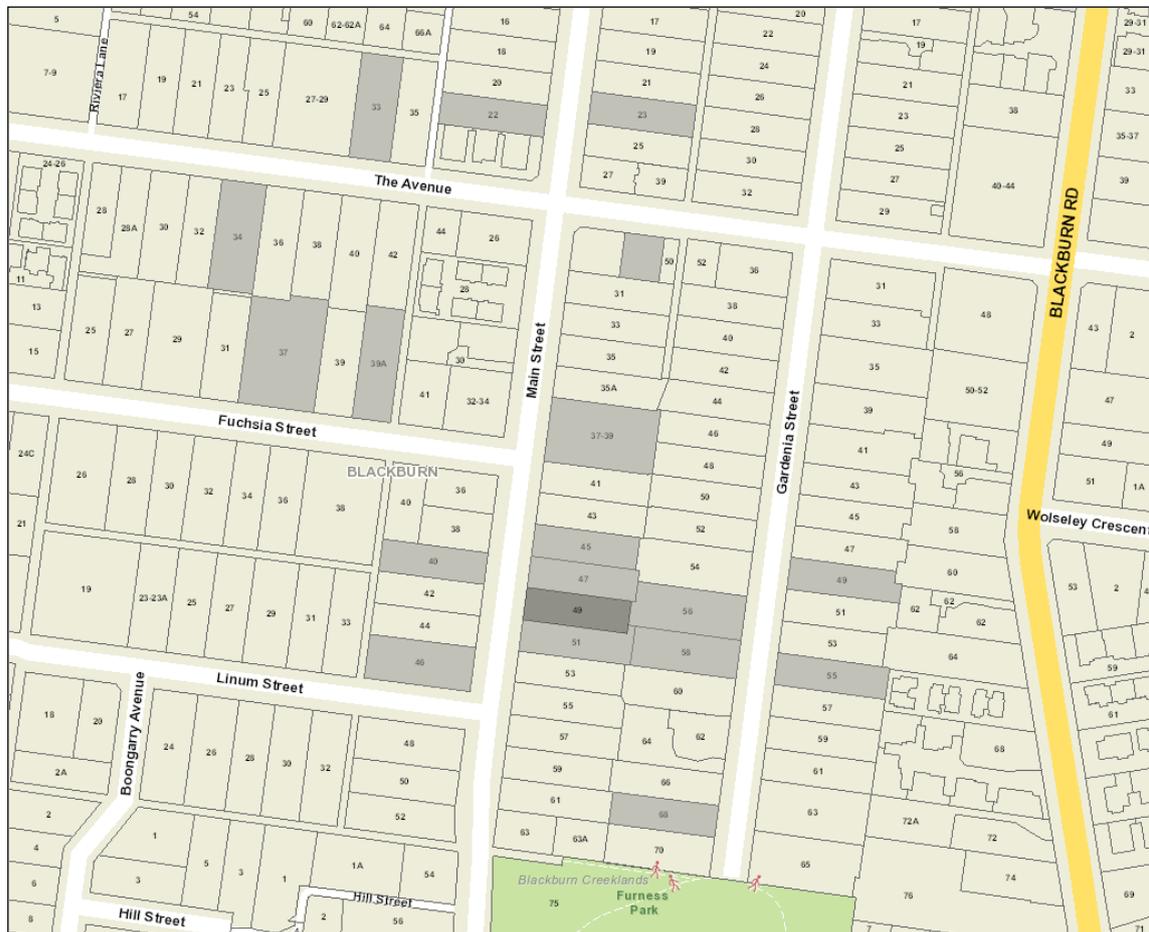
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

CARRIED UNANIMOUSLY

9.1.2
 (cont)

MELWAYS REFERENCE 47 K11

Applicant:	A Better Design	
Zoning:	Clause 32.09	Neighbourhood Residential Zone, Schedule 1
Overlays:	Clause 42.03	Significant Landscape Overlay, Schedule 2
Relevant Clauses:	Clause 11	Settlement
	Clause 12	Environment and Landscape Values
	Clause 15	Built Environment and Heritage
	Clause 21.05	Environment
	Clause 21.06	Housing
	Clause 22.03	Residential Development
	Clause 22.04	Tree Conservation
	Clause 32.09	Neighbourhood Residential Zone
	Clause 65	Decision Guidelines
Ward:	Central	



Subject site



31 Submitter Properties
 (13 outside of map)



North

9.1.2

(cont)

BACKGROUND

History

There are no previous planning applications for this site.

It is noted that concerns were initially raised by Council officers and plans were amended under Section 57A of the Planning and Environment Act 1987 after notice had been carried out with a further amendment received 11 July 2016. Changes made to the plans include a reduction in site coverage and paved areas with increased setbacks to the southeast corner of the subject site for the accommodation of an additional canopy tree and landscaping. The proposal also provides improved locations for overall tree regeneration.

The Site and Surrounds

The subject site is located on the eastern side of Main Street in Blackburn, approximately 160 metres south of the intersection with The Avenue and approximately 100 metres north of Furness Park.

The site is rectangular in shape with a 15.24 metre frontage to Main Street, a depth of 50.29 metres and overall site area of 766 square metres. The site gently slopes from east to west. The site contains a single storey weatherboard dwelling with a prominent and high retention value Red Flowering Ironbark (*Eucalyptus sideroxylon 'rosea'*) located within the front setback approximately 2.1 metres from the front boundary. Apart from this tree, the site contains very little vegetation.

Abutting land uses are exclusively residential and include a mix of single and double storey dwellings. Adjoining to the north is a single storey weatherboard Californian bungalow, setback 11.95 metres from its frontage and 2.63 metres from the common boundary. Adjoining to the south is a single storey brick dwelling setback 9 metres from its frontage. It has a garage attached to the common boundary and is otherwise setback 3.1 metres. To the east, is a single storey dwelling fronting Gardenia Street.

There are some multi-unit developments on Main Street. The area is typified by detached dwellings in a vegetated setting with canopy trees often located within front setbacks.

Planning Controls

Pursuant to Clause 42.03-2 (Significant Landscape Overlay, Schedule 2), a planning permit is required for the proposed buildings and works:

- Proposes a setback for a double storey dwelling that is less than 11 metres.
- Are not setback from the side boundaries at least 1.5 metres plus half the building wall height if the building wall height is more than 3.6 metres; and
- exceed 33% of the building site coverage at ground level.
- The total area of all buildings and hard surfaced and impervious areas (including tennis courts and swimming pools) are greater than 50 per cent of the site area.

9.1.2

(cont)

PROPOSAL

The application proposes the development of a double storey dwelling. The following description is based on amended plans, prepared by *A Better Design*, received 11 July 2016. The key features of the proposed dwelling include:

- A front setback of 10.2 metres to the garage (with the verandah setback 9 metres). The double garage is attached to the north boundary, with the ground floor side setbacks to both boundaries varying between 2.0 and 3.2 metres. The upper floor proposes varied front setbacks of between 11 and 12.2 metres with side setbacks varying between 2.2 and 3.2 metres.
- A garage/workshop with cellar below, open plan kitchen and meals area, family room, separate lounge room / theatre and study. An outdoor alfresco area is located to the north, accessed via the kitchen and family area.
- The upper level comprising a master bedroom, three bedrooms and rumpus room.
- An outdoor swimming pool and pool pavilion within the rear yard.
- The existing *Eucalyptus sideroxylon* within the front setback is proposed to be retained with all proposed buildings and works setback greater than 4 metres. A landscape plan, prepared by Habitat Landscape Design, shows the planting of a *Corymbia citriodora*, within the front setback adjacent to the south boundary and two *Tristaniopsis laurina* trees adjacent to the driveway along the north boundary. Within the rear yard are three *Corymbia citriodora* and a *Lagerstroemia* in the south-east corner. In addition to these new trees, 131 new small to medium shrubs and ground covers will be planted with an additional 32 feature trees, shade trees and large shrubs proposed.

CONSULTATION

Public Notice

The initial application (plans received 9 February 2016) was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Main Street frontage. Following the advertising period a total of 33 submissions, including 32 objections and one letter of support were received.

The issues raised are summarised as follows:

Site coverage, permeability and building height

- The proposed site coverage exceeds the 40% under the Neighbourhood Residential Zone, Schedule 1 and 33% under the Significant Landscape Overlay, Schedule 2.
- The building setback of 9 metres from the frontage does not meet the SLO2 requirements.
- This is not a limited change response.
- The proposed building height of 8.95 metres exceeds the 8 metre maximum height under the NRZ1
- The extent of terrace and pool area further contributes to the excessive extent of hard surface.

9.1.2

(cont)

Neighbourhood character and building form

- The proposed dwelling does not retain an inconspicuous profile in the landscape.
- The proposed dwelling will be a dominating element on the street and surrounding area.
- Trees will not be a dominating element of the site.
- The garage wall should not be constructed on the northern boundary.
- Hard surfaces should be reduced.
- This will set a precedent for inappropriate development.
- The proposal is an overdevelopment of the site.

Tree Regeneration and landscaping

- There is insufficient land set aside for the planting of four (4) additional trees capable of reaching a height of 15 metres at maturity as required under the SLO2.
- Concern on the impact to the tree to be retained due to limited front setback.
- Concern on impact to the creek and lake environs which act in part as the wildlife corridor.
- The proposed tree planting is considered a token effort.

Off-site amenity impact

- Overshadowing impact to adjoining properties.

Section 57A amendment

Subsequent to the advertising period and prior to the Consultation Forum a Section 57A amendment was lodged on 6 June 2016, with a further set of amended plans received on 11 July 2016. The changes made are listed below:

- The crossover and driveway has been reduced in width to reduce the extent of hard paved surfaces within the front setback. Whereas previously, the driveway had a setback of 400mm to the north boundary, the setback now extends to 1.3 metres.
- The setback of the dwelling to the south boundary at ground level has increased from 1.5 metres to between 2.2 and 2.5 metres.
- The alfresco area has increased the setback to the north boundary from 1.5 metres to 2 metres.
- The upper level has increased setbacks and increased articulation. This includes an increased setback of the master bedroom (west elevation) from 11.7 metres to 12.2 metres and an increase in setbacks along the south elevation from 2.2 metres to between 2.7 and 3.2 metres.
- The hard paved surfaces around the pool pavilion area reduced and replaced with 'waterpave' porous paving.
- The preparation of a Landscape Plan as described above.

9.1.2

(cont)

The site analysis has changed as follows:

	Original Plans	Decision Plans	Changes
Ground floor area	185.38 sqm	170.13 sqm	- 15.25 sqm
Upper floor area	172.31 sqm	160.98	- 11.33 sqm
Verandah area	16.3 sqm	15.10 sqm	- 1.2 sqm
Alfresco area	37.12 sqm	33.93 sqm	- 3.19 sqm
Garage area	51.69 sqm	51.56 sqm	- 0.13 sqm
Pool pavilion area	14.17 sqm	14.17 sqm	No change
Building site coverage	39%	37%	- 2%
Hard Paved Surface	155.71sqm	115.54sqm	- 40.17 sqm
Hard paving coverage	20%	15%	- 5%
Total building and hard paved surface	460.57 sqm	400.56	- 60.01 sqm
Total building and paved coverage	59%	52%	- 7%

These plans were not readvertised as the amendments were considered to be improvements to the proposal and would not result in further material detriment. The 'Original Plans' as detailed above were discussed at the planning consultation meeting.

Consultation Forum

A Consultation Forum was held on 28 June 2016, chaired by Councillor Munroe. Ten objectors attended the meeting.

The topics in relation to site coverage, neighbourhood character, impact to the treed environment, dwelling height, construction on boundary and planting of canopy trees were explored. No agreements were made in the forum between the permit applicant and submitters.

DISCUSSION

Consistency with State and Local Planning Policies

The proposal has been assessed against the SPPF and LPPF, including Council's Tree Conservation Policy (Clause 22.04) and the relevant decision guidelines of the SLO2.

It is noted that the objective of Clause 12 – Environmental & Landscape Values is to assist the protection and conservation of native vegetation and habitats for native plants and animals and to control pest plants and animals. Clause 21.05 of the LPPF relates to 'Environment' and aims to, amongst other things, protect and enhance areas with special natural, environmental, cultural or historical significance.

Clause 22.04 relates to Tree Conservation including regeneration and it is policy that all existing and new trees have sufficient space and separation from buildings and impervious surfaces to successfully obtain their optimum height and avoid any damage to property in the future.

9.1.2

(cont)

The subject site is located in a Limited Change, Bush Environment Area. This area is distinctive as being an area for the lowest scale of intended residential growth in Whitehorse, with the preservation of its significant landscape character being the highest priority. Clause 22.03 relates to Residential Development and describes the preferred character of Bush Environment areas as areas where streetscapes will be dominated by vegetation, with buildings surrounded by bush like native and indigenous gardens, including large indigenous trees in the private and public domains. Buildings and hard surfaces will occupy a low proportion of the site, and be sited to reflect prevailing front, rear and side setbacks. Rear setbacks will accommodate substantial vegetation including large canopy trees.

The site is located in an SLO2 (Blackburn Area 2) that is recognised as having special significance attributed to the quality of the environment, which includes vegetation notable for its height, density, maturity and high proportion of Australian native trees. This in turn contributes to the significance of the area as a valuable bird and wildlife habitat.

It is considered that the proposed new dwelling sufficiently satisfies the objectives and decision guidelines for the Significant Landscape Overlay Schedule 2 (SLO2), as detailed below.

Significant Landscape Overlay, Schedule 2

The application has been assessed against the decision guidelines of Clause 42.03 as it relates to the SLO2. It is considered that the proposal will adequately blend with the surrounding built and landscaped environment. The relevant decision guidelines of the SLO2 are responded to as follows:

1. *Whether the proposed building is set back a reasonable distance from the property boundaries to provide for landscaping.*

The dwelling is setback from the property frontage between 10.23 metres (garage) and 11 metres (study) with the verandah setback 9 metres. The building line of the dwelling is setback a greater distance than the adjoining dwelling to the south at 9 metres and is generally consistent with the setback of the adjoining dwelling to the north at 11.95 metres. The upper level is well recessed from the ground floor below along its west elevation to ensure it is not dominant to the streetscape and adjacent dwellings.

The generous front setback allows for the retention of a significant tree. The amended plans reduce the width of the driveway to increase areas available for landscaping including generous spacing on the northern side of the driveway to soften the effect of hard paved surfaces.

Whilst the garage is attached to the north boundary, this is consistent with other examples of boundary development within the streetscape including the adjoining dwelling to the south (with its garage adjacent to the north boundary). The amended plans have increased setbacks to side boundaries to ensure the spacing around the dwelling is consistent with setbacks within the area. The setbacks now provide ample space to allow for landscaping to assist with softening the built form.

The ground floor is setback approximately 16 metres from the rear boundary and whilst the pool is located within this area, there is sufficient space made available to the north-east that allows for the provision of three new trees as shown on the landscape plan.

The proposed setbacks and generous rear yard allow new landscaping to establish a well-vegetated garden consistent with the objectives of the Significant Landscape Overlay and the preferred character of the Bush Environment Area.

9.1.2

(cont)

2. *Whether the proposed building or works retain an inconspicuous profile and do not dominate the landscape.*

Given the large front setback and provision of side and rear setbacks which can accommodate a range of substantial planting including upper canopy trees, it is not considered that the proposed dwelling would dominate the landscape. Further, the increased setbacks along the south boundary, varying between 2.2 and 3.2 metres, would allow views down the length of this side to planting in the rear of the site and beyond.

Given the slope of the land, the maximum building height is restricted to 9 metres. The proposed dwelling achieves an overall height of 8.8 metres. A double storey scale is not uncommon within the streetscape and the wider Bush Environment setting. The upper level is appropriately recessed from the ground floor below to ensure it does not dominate the streetscape. Furthermore, the upper level does not encroach into the 'backyard realm' and achieves a setback of approximately 24.2 metres from the rear boundary. This ensures the proposed dwelling is not visually dominant when viewed from the adjacent properties.

Varied materials at ground and upper floor levels will also assist with breaking up the built form so that it does not dominate the landscape. The dwelling is highly articulated through its design detailing including hipped roof forms with feature gables, generously proportioned windows including some bay windows, sectional panel lift garage door, feature entrance door with side lights and highlight window above. The verandah detailing is similar to the verandah of the neighbouring California bungalow, reflecting built form elements within the streetscape. A colour and materials schedule would be required as a condition of any permit to ensure that the colours blend with the landscape.

3. *Whether a reasonable proportion of the lot is free of buildings and available for tree planting, landscaping and open space use.*

The amended proposal will result in 37% of the site covered by buildings at ground floor level, 20.8% at first floor level and 15% of the site covered by hard surfaces. The ground floor footprint and the total site coverage (at 52%), is only slightly above the trigger for a permit under the SLO2, and it is considered a substantial proportion of the site remains available for garden areas, tree planting and open space.

4. *The impact of the proposed development on the conservation of trees.*

No vegetation removal is proposed to accommodate the dwelling.

The existing *Eucalyptus sideroxylon* tree located within the front setback is afforded generous spacing with limited encroachment into its tree protection zone. The verandah and a section of the driveway / pedestrian path are located within the tree protection zone. With adherence to tree protection measures, the tree can be successfully retained and continue to contribute to the landscape character of the area.

Further, the proposed design would allow for sufficient garden areas around the dwelling to accommodate additional upper and mid canopy tree planting as demonstrated on the landscape plan.

5. *The potential to achieve an average density of one tree reaching a height of over 15 metres to each 150 square metres of site area; and*
6. *The availability of sufficient unencumbered land to provide for replacement planting.*

9.1.2

(cont)

The subject site has an area of 766m² and therefore 5 upper canopy trees capable of reaching over 15 metres in height are required to meet the tree density requirement. The rear private open space has sufficient space to accommodate three upper canopy trees as indicated on the amended plans and landscape plan. The reduction in the hard paved surfaces around the pool pavilion will also enable the planting of a tree in the south-east corner. An additional Lemon Scented Gum tree and complementary lower level landscaping will be located within the front setback area to add to the tree canopy within the front setback. There is also sufficient space throughout the site to accommodate the planting of smaller tree species, substantial shrubs, groundcovers and other vegetation to complement the existing character and contribute to the desired bush environment character. The proposal satisfies this decision guideline.

7. *Whether works within 4 metres of a tree propose to alter the existing ground level or topography of the land.*

There are no buildings or works that would alter the topography within 4 metres of the existing *Eucalyptus sideroxylon* tree. As discussed above, conditions of any permit would require tree protection measures to ensure the tree remains protected (see proposed conditions 4 and 5).

Objectors Concerns not Previously Addressed

Objectors have raised concerns regarding overshadowing. It should be noted that this concern and other amenity issues in this instance are beyond the scope of relevant planning considerations. However an assessment against the relevant Clause 54 standards shows that the proposal complies with Standards A12 (Daylight to existing windows), A13 (North facing windows), A14 (Overshadowing open space) and A15 (Overlooking). It is noted that the upper level habitable room windows are treated with obscure glazing to prevent overlooking into adjacent land. The relevant building surveyor is required to address compliance with the equivalent Building Code, should planning approval be granted.

With the retention of the existing tree, existing habitat as a wildlife corridor is not disadvantaged. Other than the existing tree, the site currently offers little vegetation and therefore habitat for local fauna. The addition of more upper canopy indigenous trees and the inclusion of a good mix of lower level vegetation will further contribute to the existing habitat and the nearby creek and lake environs.

CONCLUSION

The proposed construction of a double storey dwelling on this lot is considered an acceptable outcome. The proposal satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies and the Significant Landscape Overlay, Schedule 2.

The proposal satisfies the relevant decision guidelines in terms of maintaining the landscape character by allowing sufficient garden areas to accommodate upper canopy trees and other vegetation in keeping with the Bush Environment character of the area.

A total of 33 submissions, comprising of 32 objections and one letter of support were received. The issues raised in objections have been discussed in this report.

It is recommended that the application be approved subject to conditions.

ATTACHMENT

- 1 Architectural Plans
- 2 Landscape Plans

9.1.3 15 Mitchell Road, Mont Albert North (LOT 5 LP 24981 ECSS) – Construction of two (2) double storey dwellings to the rear of the existing dwelling

FILE NUMBER: WH/2015967
ATTACHMENT

SUMMARY

This application was advertised and a total of twenty two (22) objections, from twenty one (21) objector properties were received. The objections raised issues with neighbourhood character, design details, traffic and parking, amenity and landscaping. A Consultation Forum was held on Tuesday, 3 May 2016 chaired by an independent facilitator and attended by Councillors Harris and Chong, at which the issues were explored. A Section 57A amendment was received on 12 July 2016 which increased the setbacks, added further articulation and increased landscaping. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

COUNCIL MOTION

Moved by Cr Harris, Seconded by Cr Chong

That Council:

- A. Being the Responsible Authority, having caused Application WH/2015/967 for 15 Mitchell Road, MONT ALBERT NORTH (LOT 5 LP 24981) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction of two (2) double storey dwellings to the rear of the existing dwelling is acceptable and should be supported.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 15 Mitchell Road, MONT ALBERT NORTH (LOT 5 LP 24981) for the construction of two (2) double storey dwellings to the rear of the existing dwelling, subject to the following conditions:**
 - 1. Before the development starts, or any trees or vegetation removed, amended plans (two copies in A1 size and an electronic copy in PDF format) 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 amended plans, prepared by Arch Design, sheet number 1 to 3, reference 010/15, received 12 July 2016, but modified to show:**
 - a) Amendment to the east facing upper level windows adjacent to the corridor of Dwelling 2 and staircase of Dwelling 3 to highlight windows with clear glazing and a sill height of 1.7 metres above the relevant finished floor level.**
 - b) All upper level habitable room windows where obscured, must be openable and contain clear glazing above 1.7 metres of the relevant finished floor level.**
 - c) The addition of 300mm trellis along the east and west boundary fences (starting south of the existing dwelling) to prevent any overlooking from habitable windows and areas of secluded private open space.**
 - d) Notation on site plans indicating that all obscured glazing be manufactured from obscured glass. Obscure film being applied to clear glazing will not be accepted.**

9.1.3

(cont)

- e) *Detailed colours and materials schedule.*
- f) *The location of the sight line triangle along the accessway in accordance with Design Standard 1 of Clause 52.06-8. A notation must be provided on the site plan stating objects and landscaping located within the sight line triangle must be no greater than 900mm in height.*
- g) *Landscape Plan in accordance with Condition 3, including the following:*
 - i. *Two indigenous canopy trees capable of growing in excess of 8 metres within the front setback of Dwelling 1.*
 - ii. *An indigenous canopy tree capable of growing in excess of 8 metres in the SPOS area of Dwelling 1.*
 - iii. *Two indigenous canopy trees capable of growing in excess of 8 metres in the SPOS areas of Dwellings 2 and 3.*
 - iv. *The planting of screening vegetation adjacent to the garage for dwelling 2 along the south boundary.*
 - v. *All new trees must be planted at a minimum height of 1.5 metres.*

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 must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:*
 - a) *A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
 - b) *Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
 - c) *Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
 - i. *Providing a complete garden scheme,*
 - ii. *Softening the building bulk,*
 - iii. *Providing some upper canopy for landscape perspective,*
 - iv. *Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.*
 - d) *A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.*
 - e) *The proposed design features such as paths, paving, lawn and mulch.*

9.1.3

(cont)

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

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

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

- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.*
- 6. Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.*
- 7. Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.*
- 8. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.*
- 9. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
- 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. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*
- 12. The development shall be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting shall be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*

9.1.3

(cont)

13. ***Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.***
14. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development is not commenced within two (2) years from the date of issue of this permit,***
 - b) ***The development is not completed within four (4) years from the date of this permit.***

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

Permit Notes

1. ***The property owner/builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.***
 2. ***All stormwater drainage within the development site and associated with the building) (except for connection to the nominated point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of any of the buildings, in accordance with the provisions of the Building Regulations (2006) section 610.***
- 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.***

Following moving and seconding and during the address by the mover, a male person in the public gallery interjected loudly and continuously.

On a number of occasions the Mayor as Chairperson of the meeting asked this person to cease interjecting, which he refused to do. The Chairperson then asked the man to leave the Council Chamber which he also refused to do.

The Chairperson then thanked the mover and seconder of Item 9.1.3 and advised Councillors and members of the gallery that he would close the meeting for a period of time. The Chairperson closed the meeting at 7.22pm.

The Chairperson reopened the meeting at 7.24pm; Item 9.1.3 lay on the table for consideration later in the meeting, at a time to be determined appropriate by the Chairperson.

The meeting continued with consideration of Item 9.1.4, 9.1.5 and 9.1.6. At the completion of Item 9.1.6 the Chairperson advised that consideration of Item 9.1.3 as moved by Cr Harris, seconded by Cr Chong would resume.

Consideration of Item 9.1.3 resumed at 7.55pm with no interjections.

The motion moved by Cr Harris, seconded by Cr Chong was then put and CARRIED

Note: Under clause 37 of the Council's Meeting Procedure and Common Seal Local Law 2013 visitors must not interject or take part in debate and silence must be preserved in the gallery at all times. Any visitor at a meeting must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so. Further Clause 38 provides that if any visitor is called to order by the Chairperson and thereafter again acts in breach of this Local Law the Chairperson may order him or her to be removed from the gallery.

9.1.3
 (cont)

MELWAYS REFERENCE 47 B6

Applicant:	Architectural Design and Building Consultants	
Zoning:	General Residential Zone, Schedule 4	
Overlays:	No overlays	
Relevant Clauses:	Clause 11	Settlement
	Clause 12	Environment and Landscape Values
	Clause 15	Built Environment and Heritage
	Clause 21.05	Environment
	Clause 21.06	Housing
	Clause 22.03	Residential Development
	Clause 22.04	Tree Conservation
	Clause 32.01	General Residential Zone, Schedule 4
	Clause 52.06	Car Parking
	Clause 55	Two or More Dwellings on a Lot
	Clause 65	Decision Guidelines
Ward:	Elgar	



	Subject site		21 Objector Properties	 North
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9.1.3

(cont)

BACKGROUND

History

Planning Permit WH/2011/1043 sought approval for the development of the land with two additional double storey dwellings to the rear of the existing dwelling. Council refused the application with the decision upheld by the Victorian Civil and Administrative tribunal (VCAT). The key findings of the *Wang v Whitehorse CC [2013] VCAT 1555 (5 September 2013)* decision include:

- *The planning scheme clearly gives considerable weight to ensuring new development is able to retain the existing vegetated Garden Suburban character through tree preservation and regeneration.*
- *Opportunities at the rear of the property are, however, constrained by the attempt to position two large double storey dwellings, the associated driveway and garages within the existing backyard space. For example, dwelling 3 at the rear of the property is 1.83 metres off the rear boundary, with an upper level setback of between 2.5 and about 3.1 metres.*
- *Similarly, proposed dwelling 2 in the centre of the development is 1.2 metres off the western boundary at ground level, with an upper level of between 2 and 3.1 metres. In both instances, the garages are built to the rear and side boundaries. This leaves effective areas for private open space of about 26 square metres for Dwelling 3 and 52 square metres for Dwelling 2.*
- *The design of the private open space areas for Dwellings 1 and 2 is not ideal... These spaces certainly meet the private open space objective and Standard B28 of ResCode, although the adequacy of these areas for the open space needs of two large four bedroom dwellings and their capacity to accommodate significant trees, is problematic.*
- *My concern at the adequacy of these open space areas is compounded by the fact that they are both on the south side of Dwelling 1, which has a full width double storey form, causing overshadowing for considerable periods during the day.*
- *A significant determinant of the proposed design is the decision to retain the existing dwelling, which, with an associated open space area, occupies approximately 43% of the lot. ... Under these circumstances, meeting the garden Suburban character objectives is a challenge.*
- *What is called for, in my assessment, is a more modest design to achieve the 'openness' being sought for the desired future character of the Garden Suburban area. ... For example, a smaller building footprint, less visual bulk, better use of northern aspect and less driveway area is more likely to achieve the required landscape response than the appropriation of the Garden Suburban character proposed in the current design.*

The current application was lodged on 30 October 2015. Council identified issues in its letter of 11 November 2015, including; turning area for dwelling 1 fails to meet the design standards of Clause 52.06-8 and dwelling 3 fails to meet the tree planting requirement under the varied landscape standard. Amended plans were received 23 November 2015 and advertised in accordance with Section 52 of the Planning and Environment Act, 1987 on 4 February 2016. In response to further concerns identified by officers and objectors to the proposal, a Section 57A amendment was lodged on 12 July 2016.

9.1.3

(cont)

The Site and Surrounds

The subject site is located on the south side of Mitchell Road, west of the intersection of Box Hill Crescent. It is rectangular in shape with a frontage of 15.24 metres, a depth of 60.9 metres with a site area of 929 square metres. The site is occupied by a double storey brick dwelling with an overall height of 7.4 metres. The dwelling has a front setback of 7.6 metres with a setback of 1.8 and 3.6 metres to the west and east boundaries respectively. A vehicle crossover and driveway are located adjacent to the east boundary.

A solid 1.7 metre high fence extends across the site frontage. There are no significant trees on the site, with limited vegetation along the site's perimeter within adjoining properties.

The site has an approximate fall of approximately 1.8m from the south-west (rear corner) to the north east (front corner). A 1.83 metre wide easement extends across the rear (south) boundary and along the east (side) boundary.

The surrounding properties along Mitchell Road are predominantly single-storey in form with substantial rear gardens. Architecture is predominantly post war, 1950s to 1960s era dwellings. Dwellings are constructed of a variety of materials including weatherboard, brick, and render, and have roof forms of varying styles. Gardens within the streetscape are formally landscaped with established vegetation and the occasional canopy tree. Canopy trees are also present within the road reserve.

Adjoining dwellings to the east and west in Mitchell Road are of single storey construction. To the rear are single storey dwellings orientated towards Allison Road, setback a substantial distance from the common boundary. A multi dwelling development is located at 18 Allison Road, south-west of the site.

The site is located 1.6km from the Centro Box Hill Shopping Centre with local neighbourhood shops located 400 metres to the north-east along Woodhouse Avenue. Hagenauer reserve is located 450 metres to the south-east with Bus Routes along Elgar and Belmore Roads.

The site is located within the Garden Suburban Precinct 8 under Council's Residential Development Policy. The preferred character is described as follows:

- *A variety of well-articulated dwelling styles will sit within open garden settings incorporating a mixture of native and exotic vegetation and large trees. The established pattern of front and side setbacks will be maintained, allowing sufficient space for planting and growth of new vegetation. Infill development will be common, however new buildings and additions will be setback at upper levels to minimise dominance in the streetscape.*
- *The openness and informality of the streetscape will be further enhanced by low open style front fences that allow for views into front gardens.*

Planning Controls

Pursuant to Clause 32.08-4 (General Residential Zone), a planning permit is required to construct two or more dwellings on a lot.

PROPOSAL

The development follows a similar layout to the previous development considered by VCAT with the dwellings recessed to the rear of the existing dwelling and accessed via a driveway adjacent to the east boundary. This proposal however has reduced the floor areas of the dwellings at both ground and upper level with increased setbacks from boundaries and has increased areas of secluded private open space.

9.1.3

(cont)

The below table summarises the attributes of each dwelling compared to the previous design considered before VCAT:

	Previous proposal considered at VCAT	Current Proposal	Changes
Existing Dwelling (to be retained)			
Ground Floor Area	76.25 m ²	76.25 m ²	No change
First Floor Area	116.20 m ²	116.20 m ²	No change
Garage	47.31 m ²	47.31 m ²	No change
Total Floor Area	239.7 m²	239.7 m²	No change
Secluded Private Open Space	53 m ²	53 m ²	No change

	Previous proposal considered at VCAT	Current Proposal	Changes
Dwelling 2			
Ground Floor Area	109 m ²	88.2 m ²	- 20.8 m ²
First Floor Area	75.7 m ²	56 m ²	- 19.7 m ²
Garage	37.7 m ²	36.8 m ²	- 0.9 m ²
Total Floor Area	222 m²	181 m²	- 41 m²
Secluded Private Open Space	51.3 m ²	55.6 m ²	+ 4.3 m ²
Dwelling 3			
Ground Floor Area	94.9 m ²	86.21 m ²	- 8.19 m ²
First Floor Area	63.8 m ²	53.04 m ²	- 10.76 m ²
Garage	29.1 m ²	36.8 m ²	+ 7.7 m ²
Total Floor Area	187.8 m²	176.05 m²	- 11.75 m²
Secluded Private Open Space	58.2 m ²	99.15 m ²	+ 40.95 m ²
Dwelling 3			
Site Coverage	44.4%	40%	- 4.4%
Permeability	33.5%	44%	+ 0.5%

Dwelling 2 will be constructed to the rear of the existing dwelling and separated by a distance of between 8 and 10 metres. The double garage for this dwelling abuts the western boundary with the remainder of the dwelling setback 2.5 metres. The upper level achieves a setback of 3.8 metres from the west boundary and 5 metres from the east boundary.

9.1.3

(cont)

Dwelling 3 is attached to dwelling 2 and proposes its garage adjacent to the east boundary. This dwelling is setback 3 metres from the rear (south) boundary and ranges from 2 to 3.5 metres from the west boundary. The upper level achieves a setback of 4 metres from the west boundary, 5.9 metres from the east boundary and 4 metres from the rear boundary.

The ground floor area of the new dwellings comprise an open plan kitchen, meals and living area and master bedroom at ground level with two bedrooms and bathroom at upper levels. The dwellings will be double-storey and contemporary in form. They are constructed of a variety of materials including face brickwork at ground level (chocolate colour) and lightweight polystyrene cladding at upper level. The upper level roof forms are hipped with eaves with flat forms at ground level. The maximum height is 7.3 metres above natural ground level.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the Mitchell Road frontage. Following the advertising period twenty-two (22) objections from 21 objector properties were received.

The issues raised are summarised as follows:

Neighbourhood Character

- The construction of two additional double storey dwellings is not in keeping with the character of the area.
- Double storey development is not suitable for this area.
- The density proposed is a poor response to the preferred outcome of the Garden Suburban, precinct 8.
- The proposal is an over-development of the site.
- The proposal will dominate the streetscape.
- The proposal does not respect the existing character of the area of large backyards and generous private open spaces.
- The proposal will effect existing residents' environment.

Design Details

- The proposed design is poor.
- The upper level setback to boundaries has only been marginally increased when compared to the previous application. The current proposal therefore fails to respond to the major visual bulk concern raised by the Tribunal.

Vehicle Access and Parking

- The proposal will result in significant increases in vehicle movement and parking demands in the area.
- The proposal will worsen the already problematic traffic and parking condition.

Amenity

- Overlooking.
- Overshadowing.
- Eastern boundary fence to be increased in height at the applicant's cost.
- Impacts on visual amenity of adjoining properties.

9.1.3

(cont)

Landscaping

- The proposal does not provide sufficient area for canopy tree planting.
- The proposal will not be able to achieve a bushy landscape character.

Other

- The application is the same as that refused by Council and VCAT previously.
- The proposal will set an undesirable precedent for the area.
- The proposal will result in adverse impact to property values.
- Concern on impact to existing and old infrastructure.
- Concern on poor quality building practice.

Consultation Forum

A Consultation Forum was held on 3 May 2016 and was chaired by an independent facilitator. In attendance were Councillors Harris and Chong, planning officers, the applicant, and seven (7) objectors.

At the forum, the issues raised in the objections were discussed in detail.

A Section 57A amendment was lodged 12 July 2016 to address some of the concerns. The changes include:

- The meals / kitchen area to dwelling 3 achieves a setback of 3.5 metres from the west boundary (increased from 2 metres).
- The western wall of Dwelling 2 kitchen and meals area has been increased from 2.0 metres to 2.5 metres.
- The continuation of landscaping along the eastern boundary adjacent to the driveway opposite dwelling 1.
- Bedroom 2 of dwellings 2 and 3 to provide for two vertical windows to the east elevation. The windows contain obscure glazing to avoid overlooking.
- The introduction of feature weatherboard cladding to the upper levels.
- The application of obscure glazing, to a height of 1.7m above finished floor level, to the upper levels east facing bedroom windows of the existing dwelling.
- Alter roof tile colour to a Monier Horizon (light chai colour).

Referrals

External

No external referrals were required in accordance with Section 55 of the *Planning and Environment Act 1987*.

Internal

Engineering and Environmental Services Department

- Assets Engineer

Council's Asset Engineer had no objection to the proposal, subject to conditions relating to stormwater and drainage.

9.1.3

(cont)

DISCUSSION

State and Local Planning Policy

The State Planning Policy encourages new development to occur within established residential areas to reduce the pressure on the urban fringe, to respect neighbourhood character and to appropriately respond to its landscape, valued built form and cultural context.

The subject site has an overall area of 929m², and is well located with regard to facilities, particularly given its proximity to the Centro Box Hill Shopping Centre, various bus routes and other nearby community facilities.

The new dwellings incorporate built form and materials that are respectful of the surrounding neighbourhood character without replicating it. They provide appropriate setbacks, building heights and ample opportunity for new landscaping. It is noted that there are few double storey dwellings in the area, yet new double storey dwellings can appropriately nestle into the existing setting without detracting from the neighbourhood character.

Design and Built Form

The subject site falls within an area of Natural Change, which supports increased housing choice by allowing for a diversity of dwellings types, sizes and tenures. Whilst development is encouraged, it is equally required to ensure that it contributes to the preferred neighbourhood character of the precinct.

Under Clause 22.03 (Residential Development), this site falls within a Garden Suburban Precinct 8 area. Within this precinct, residential development should provide for a rhythm of dwelling spacing that is consistent with the established residential pattern. The area also seeks development that is cohesive with established gardens, providing sufficient opportunity for the planting of new vegetation. The proposed built form, architectural expression, proposed setbacks and planting opportunities are considered to achieve the objectives of the Garden Suburban Precinct 8 areas.

The preferred character statement encourages a variety of well-articulated dwellings to sit within an open garden setting that incorporates vegetation and large trees. This is, in part, to be achieved by maintaining the established pattern of front and side setbacks, which allows the space to achieve the desired landscaping outcome. The retention of the existing dwelling allows the established front and side setbacks to remain. There is ample opportunity within the front setback to achieve two new canopy trees with the area of private open space to the rear (53 square metres) also capable of providing for a further canopy tree. It is recommended that the existing high paling fencing across the site's frontage be removed to provide for an open setting, more commensurate with the established open streetscape setting.

The previous VCAT decision identified the properties surrounding the site containing dwellings with substantial rear gardens, providing an 'openness' that is reflective of the garden suburban character. The decision acknowledges that future development may encroach into this 'backyard realm' however must occur in a manner that provides a meaningful attempt to respect the existing character. Whilst this proposal maintains a double storey scale, it modifies the built form with reduced footprints at both ground and upper level, increases setbacks and increases the areas of secluded private open space to achieve the desired tree planting outcomes.

9.1.3

(cont)

The separation between dwelling 1 and 2 varies between 7.7 and 10 metres, which is an increase from the previous proposal of between 6.5 and 7.7 metres. The setback to dwelling 2 has also increased from the west boundary allowing for site services to be relocated to this area with more unencumbered area made available to the principal area of open space. The decking areas to dwellings 1 and 2 have also been deleted ensuring more available area for the planting of canopy trees. Clustering the areas of secluded private open space ensures the adjacent dwellings to the east and west maintain a sense of openness directly opposite their primary living and secluded private open space areas. Standard B28, requires areas of open space to achieve a minimal area of 35 square metres with a minimum dimension of 5 metres. Each area of open space achieves this requirement.

Standard B17 requires the setback of 3 metres from at least one side boundary. The development achieves setbacks of between 3.3 and 4.5 metres along the east boundary however, the garage to dwelling 3 interrupts this setback. This encroachment is not overly detrimental to the character setting as the garage is setback approximately 45.4 metres from the street frontage and will have limited visibility from this vantage point. Dwelling 3 otherwise achieves a setback of 3 metres from the rear boundary and setbacks along the west boundary vary between 2 and 3.5 metres coupled with the generous open space area of 99.1 square metres.

Standard B18 allows walls to be constructed to one side boundary. The proposal places the garage walls to dwellings 2 and 3 adjacent to the west and east boundaries respectively. Given the size and depth of the site, this is not seen to provide any unreasonable character impacts. As discussed above, the garage to dwelling 3 is well recessed from the street frontage with the garage wall to dwelling 2 sensitively sited.

The preferred character statement recognises that *'infill development will be common, however new building and additions will be setback at upper levels to minimise the dominance in the streetscape'*. The current proposal significantly reduces the upper level floor areas and increases the setbacks to all common boundaries compared to the previous proposal. This reduces the scale and profile of the development when viewed from adjoining properties, with views from the streetscape largely interrupted by the existing dwelling and therefore having minimal presence to the streetscape.

The dwellings adopt a palette of brick at ground level and lightweight cladding at upper level. The amended plans also introduce elements of timber cladding to the upper level to increase the extent of articulation to the built form. The roof forms are hipped, reflective of the established built form pattern within the residential setting. The design detailing is considered to be reflective of the established architecture within the area.

The site contains limited vegetation. The development provides ample landscaping opportunities within the front setback, within areas of private open space and along the accessway that will adequately accommodate the growth of new vegetation which includes a number of canopy trees to be planted.

The application proposes a site coverage of 40% which meets the maximum 50% site coverage required to satisfy the Standard as varied by the schedule to the zone.

Car Parking and Traffic

The application proposes a double garage for all dwellings. The amended plans have modified the garage to dwelling 1 (removal of existing brick columns) to ensure the development can achieve the Design Standards for car parking at Clause 52.06-8.

The development retains a single vehicle crossover, therefore maintaining the provision of on-street parking spaces in front of the site. The increase in dwellings will not cause unreasonable traffic generation for the local street network.

9.1.3

(cont)

Each dwelling has been provided with a double garage with dimensions that meet that specified in Design Standard 2 – car parking spaces. The proposed development meets the requirements of Clause 52.06 in regard to the provision of on-site car parking. Given this, the proposal is not seen to introduce any unreasonable demand on on-street parking or traffic conflicts.

As a sight line triangle has not been shown on the plans in accordance with Design Standard 1 of Clause 52.06-8 (Car Parking), a condition has been recommended to be included ensuring no objects or landscaping within the sight line triangle are greater than 900mm in height, to prevent conflict between vehicles exiting the site and pedestrians.

Amenity Impacts

Overlooking

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

A number of the objections raised concerns with overlooking. The upper level windows of new dwellings feature obscure glazing or obscure glazing up to 1.7 metres above finished floor level. New obscure glazing is proposed to the upper level east facing bedroom windows of the existing dwelling. This achieves compliance with Standard B22.

Overlooking outcomes can be improved however through additional screening along the common boundary fencing by 300mm opposite the meals and kitchen area of dwelling 2 and the east facing living and bedroom 1 windows of dwelling 2 and the east facing living window of dwelling 3. This will be addressed via a condition of the permit.

However, it appears that most windows on the upper level of the proposed dwellings are treated with fully obscured glazing, which provides the future occupants with limited outlook and thus poor internal amenity. Permit conditions will be included requiring a change in some window types, as well as all fixed obscured glazing to be no higher than 1.7 metres from the finished floor levels.

Overshadowing

The shadow diagrams prepared demonstrates compliance with Standard B21 (Overshadowing). Limited impacts occur to the east and south. Whilst shadows are cast to the west over the areas of secluded private open space, the impact is minimal, with a large area remaining unaffected.

On-Site Amenity and Facilities

Solar Access to Open Space (Standard B29)

Solar access was an issue raised in the VCAT decision and is a difficult issue to resolve given the orientation of the site (with north to the street frontage). Standard B29 of Res Code requires the southern boundary of the secluded private space to Dwelling 1 to be setback 6.5 metres. The setback is 5 metres and therefore does not meet the Standard. Whilst this issue remains, it is noted that the access to northern light to dwellings 2 and 3 has improved compared to the previous proposal. This is achieved by increasing the separation between dwellings 1 and 2 and increasing setbacks to side and rear boundaries that results in the reallocation of open space areas across the site, ensuring that the dwellings have adequate access to the light sources, noting also that dwelling 1 has garden space to its frontage that has good solar access.

9.1.3

(cont)

Landscaping

The proposed development complies with Standard B13, in relation to providing two (2) canopy trees per dwelling that have the potential of reaching a minimum mature height of 8 metres. The Standard requires at least one tree to be located in the secluded private open space, which can be achieved given the dimensions proposed. The development is also able to achieve the landscape objectives set out within Clause 22.03 (Residential Development) for Garden Suburban Precinct 8 areas. Generous spacing has been provided within the front setback and along the accessway, to provide for a reasonable level of trees and vegetation. A landscaping plan will be required by way of a condition of the permit.

Objectors Concerns not Previously Addressed

Issues relating to Neighbourhood character, design detail, vehicle access and parking, amenity have been addressed above. A response to those matters that have not been addressed above include:

The application is the same as that refused by Council and VCAT previously.

Whilst two additional dwellings are proposed, arranged in a similar alignment to the previous proposal, the new design takes on board the issues raised in the VCAT decision. The floor area at both ground and upper levels are significantly reduced which in turn increases areas of open space for landscaping to achieve the desired Garden Suburban character.

The proposal will set an undesirable precedent for the area.

Each planning application is considered on its own merits and approval of this application does not automatically result in approvals of other developments in the area.

The proposal will result in adverse impact to property values.

It is a well established planning principle that depreciation of land or property values as a result of a proposed development is not a relevant planning consideration.

Concern on impact to existing and old infrastructure.

No significant impacts to existing infrastructure are foreseen as a result of the proposed development. Council's Asset Engineer has no concern with the proposal, however has recommended conditions be placed upon the permit ensuring appropriate stormwater drainage connections and the construction of works within Council assets are undertaken with relevant approvals.

Concern on poor quality building practice.

This is not a planning consideration. The building permit process undertakes a number of checks through stages of the development to ensure that dwellings are constructed in accordance with the Building Code of Australia.

CONCLUSION

The proposal for the construction of two (2) double storey dwellings to the rear of the existing dwelling is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone, Schedule 4 and Clause 55 (ResCode). The proposal is also responsive to the key criticisms of the previous VCAT decision.

9.1.3

(cont)

The proposal satisfies the relevant decision guidelines in terms of providing residential development in an appropriate location that complies with all objectives of Res Code and respects the existing and preferred neighbourhood character while providing adequate landscaping opportunities to strengthen the garden suburban setting unique to the area.

A total of twenty-two (22) objections were received as a result of public notice and all of the issues raised have been discussed in this report.

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

ATTACHMENT

- 1 Section 57A plans

9.1.4 1 Wright Street, Blackburn (Lot 16 LP 20576 72) – Construction of two (2) double storey dwellings

FILE NUMBER: WH/2015867
ATTACHMENT

SUMMARY

This application was advertised, and a total of 25 objections from 19 objector properties were received. The objections raised issues with neighbourhood character, visual bulk, landscaping, amenity and traffic and parking. A Consultation Forum was held on 19 April 2016 chaired by Councillor Massoud, at which the issues were explored, however no final resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Davenport

That Council:

- A. Being the Responsible Authority, having caused Application WH/2015/867 for 1 Wright Street, BLACKBURN (LOT 16 LP 20576 72) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of two (2) double storey dwellings is acceptable and should be supported.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 1 Wright Street, BLACKBURN (LOT 16 LP 20576 72) for the Construction of two (2) double storey 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 drawn by Petridis Architects, Sheets TPA01 to TPA05, Job No. 15-39, dated 16th May 2016, but modified to show:**
 - a) Demonstration that dwelling 2 must not encroach more than 10% into the tree protection zone of tree 8 in accordance with AS4970:2009 (Protection of trees on development sites). The building within the TPZ must be 9.5 square metres or less.**
 - b) The location of Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.**
 - c) The garage doors to open outwards and away from the garages.**
 - d) The bins and storage located within the Dwelling 1 garage are to be relocated outside of the garage to allow compliance with the minimum car space dimensions of Clause 52.06-8.**
 - e) Provision of 6 cubic metres of externally accessible, secure storage for Dwelling 1.**
 - f) The rain water tank to dwelling 2 is to be relocated to be off the northern boundary.**

9.1.4
(cont)

- g) Swept path diagrams using an industry standard program to demonstrate how vehicles can exit the garages of all dwellings without multiple movements to the satisfaction of the Responsible Authority. The garage to dwelling 2 may be setback a further 500mm with the nibs reduced to 125mm or the kitchen/dining area of dwelling 1 reduced, with no other changes to building setbacks to achieve satisfactory vehicle turning.*
- h) The existing east boundary fence to include an additional 500mm trellis (instead of the proposed 400mm trellis) to prevent overlooking to the adjacent area of secluded private open space.*
- i) All windows are to be screened to accord with Standard B22 (Overlooking).*
- j) Notation on site plans indicating that all obscured glazing be manufactured from obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- k) Notation on site plan that Tree 8 is to be retained.*
- l) Permeable paving or materials are to be provided in all service yards in lieu of Lilydale toppings to the satisfaction of the Responsible Authority.*
- m) The location, type and height of any external plant, , including air conditioning units, solar hot water services/panels, air vents and the like to be located on the roof. Details of the external plant should be shown on a roof plan and on the relevant elevation plans. All plant is to be designed to accord with Clause 55.04-8 (Noise impacts objectives) of the Whitehorse Planning Scheme.*
- n) Landscape Plan in accordance with Condition 3, including the following:*
 - i. Two indigenous canopy trees capable of growing in excess of 8 metres within the front setback of dwelling 1.*
 - ii. An indigenous canopy tree capable of growing in excess of 8 metres in the SPOS area of dwelling 1 and located a minimum 1.5 metres from the northern boundary.*
 - iii. The retention of tree 8 within the SPOS of dwelling 2.*
 - iv. All new trees must be planted at a minimum height of 1.5 metres.*

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 must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:*
 - a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
 - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*

9.1.4
(cont)

- c) **Planting within and around the perimeter of the site comprising trees and shrubs capable of:**
 - i. **Providing a complete garden scheme,**
 - ii. **Softening the building bulk,**
 - iii. **Providing some upper canopy for landscape perspective,**
 - iv. **Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.**
- d) **A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**
- e) **The proposed design features such as paths, paving, lawn and mulch.**
- f) **A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

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

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

- 4. **The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.**
- 5. **Prior to 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 (*Eucalyptus leucoxyton*) – 1 metre radius from the centre of the tree base.**
 - ii. **Tree 6 (*Grevillea robusta*) – 4.2 metre radius from the centre of the tree base.**
 - iii. **Tree 8 (*Eucalyptus ficifolia*) – 5.5 metre radius from the centre of the tree base.**
 - iv. **Tree 10 (*Callistemon saligna*) - 2.5 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.**

9.1.4
(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) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within the 4.2m TPZ of tree 6, the 5.5m TPZ of tree 8 and 2.5m TPZ of Tree 10.*
 - b) The decking in the secluded private open space of dwelling 2 where within the TPZ of Tree 8 must be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change within the TPZ. The postholes are to be hand dug and no roots greater than 25mm in diameter are to be cut or damaged. A Geotechnical Engineer must assess the soil type and provide the results to a Structural Engineer so that appropriate footing and foundations can be designed so that they are not affected by soil movement.*
 - c) The pavers where within the TPZ of Tree 8 must be constructed at the existing soil grade using porous materials that allow water to penetrate through the surface and into the soil profile.*
 - d) For Tree 8 no roots are to be cut or damaged during any part of the construction process.*
- 7. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.**
- 8. Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.**
- 9. Detailed civil plans and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.**
- 10. Stormwater connection to the nominated point of discharge must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.**
- 11. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**

9.1.4
(cont)

12. *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.*
13. *All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*
14. *The development shall be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting shall be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
15. *Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.*
16. *No external plant material, including air conditioning units, solar hot water services/panels, air vents and the like which are not included in the approved plans, are to be located on the roof without the prior written consent of the Responsible Authority.*
17. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two (2) years from the date of issue of this permit,*
 - b) *The development is not completed within four (4) years from the date of this permit.*

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

Permit Notes

- A. *The property owner/builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.*
 - B. *All stormwater drainage within the development site and associated with the building) (except for connection to the nominated point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of any of the buildings, in accordance with the provisions of the Building Regulations (2006) section 610.*
 - C. *The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.*
 - D. *Construct easement outfall drain in accordance with Council Drainage Policy No. 1*
 - E. *The point of discharge is the existing Council drain at the south east corner of 3 Wright Street.*
- 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

9.1.4
 (cont)

MELWAYS REFERENCE 47 H8

Applicant:	Petridis Architects
Zoning:	General Residential Zone – Schedule 1
Overlays:	No overlays
Relevant Clauses:	Clause 11 Settlement Clause 12 Environment and Landscape Values Clause 15 Built Environment and Heritage Clause 21.05 Environment Clause 21.06 Housing Clause 22.03 Residential Development Clause 22.04 Tree Conservation Clause 32.08 General Residential Zone Clause 52.06 Car Parking Clause 55 Two or More Dwellings on a Lot or Residential Buildings Clause 65 Decision Guidelines
Ward:	Central



	Subject site		19 Objector Properties	↑ North
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9.1.4

(cont)

BACKGROUND

History

Planning permit application WH/2015/438 was lodged 2 June 2015 and was subsequently lapsed on 17 August 2015 due to the requested further information not being provided within the required timeframe.

The current application was lodged on 18 September 2015 with plans prepared by Petridis Architects TPA 1 to 5 advertised in accordance with Section 52 of the *Planning and Environment Act 1987*.

In response to concerns identified by officers and objectors to the proposal, a Section 57A amendment was lodged 5 February 2016. The amended plans reduce the ground and upper floor footprints and increase setbacks to boundaries. The garage to dwelling 1 is now attached to the north boundary to improve vehicle movements across the site. The amended proposal was re-advertised to adjacent property owners and objectors.

In response to concerns identified in the consultation forum, held on 19 April 2016, a further Section 57A amendment was lodged 20 May 2016. The amended plans propose to retain Tree 8 and reduce the ground and first floor footprint of dwelling 2 to ensure the encroachment to the tree is less than 10%, as required by the Australian Standard.

The decision plans are those prepared by Petridis Architects, numbered TPA 1 to 5, dated 16 May 2016.

The Site and Surrounds

The subject site is located on the eastern side of Wright Street, between Dixon Grove to the north and Elmhurst Road to the south. It is rectangular in shape with a frontage of 16.61 metres, a depth of 40.08 metres and an area of 665.7 square metres. The site is occupied by a single storey weatherboard dwelling, setback approximately 7.6 metres from Wright Street. The site contains two large trees within the front setback and one large tree within the rear yard (Tree 8 – *Eucalyptus ficifolia* – Flowering red gum). The remaining vegetation consists of small weed trees and fruit trees. There are two trees on the adjoining property to the north (Trees 6 and 10).

A 1.83 metre wide easement extends across the east boundary.

The surrounding properties along Wright Street are predominantly single storey brick and weatherboard dwellings with some medium density housing developments emerging. The architecture is predominantly post-war to 1960's cream brick style with tiled hipped roof forms. The adjoining property to the south contains a two dwelling development which has retained the existing dwelling with a new double storey dwelling to its rear. The site adjoins three lots along its north boundary. Two of these lots provide a frontage to Dixon Grove and contain detached single storey weatherboard dwellings. The third has been previously subdivided from a block facing Dixon Grove and now faces Wright Street, containing a single storey weatherboard dwelling. Several sites along Wright Street and within the surrounds have established vegetation and large canopy trees within the front and rear yards. The use of surrounding sites is exclusively residential.

The site is located within the Garden Suburban Precinct 13 under Council's Residential Development Policy found at Clause 22.03 of the Whitehorse Planning Scheme, which is described as follows:

9.1.4

(cont)

The area will retain its classic garden suburban characteristics of low set, pitched roof dwellings set in spacious garden settings, with a backdrop of large native and exotic trees. The established pattern of regular front and side setbacks from both side boundaries will be maintained, allowing sufficient space for planting and growth of new vegetation.

Infill development including unit developments will be common, however new buildings and additions will be set back at upper levels to minimise dominance in the streetscape. Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens and lawn areas.

Buildings close to Cootamundra Walk will be sited so that the overall visibility of the development is minimised when viewed from the open space, which will enhance the natural, bushy settings. Vegetation from private gardens will enhance the existing landscape character of the corridor, incorporating large native / indigenous canopy trees.

The site is located approximately 700 metres from the Laburnum Train Station and approximately 300 metres from the Blackburn Neighbourhood Activity Centre. The North Blackburn Shopping Centre is approximately 300 metres to the east and a number of local schools and recreation reserves are in proximity to the site.

Planning Controls

Pursuant to Clause 32.08-4 (General Residential Zone), a planning permit is required to construct two or more dwellings on a lot.

PROPOSAL

It is proposed to demolish the existing single storey dwelling on the land, and construct two (2) double storey dwellings. The dwellings will be attached and accessed via a single crossover and driveway adjacent to the south boundary. The dwellings are contemporary in design with face brickwork at ground level with a mix of cement sheet and matrix cladding at first floor level. The roof form is hipped with a tiled finish. The development does not propose any front fencing.

The submitted plans specify there is a building site coverage of 45% with a permeable area of 35.8%.

The below table summarises the attributes of each dwelling:

Dwelling 1	
Ground Floor Area	114.3 square metres
First Floor Area	70.5 square metres
Garage	40.2 square metres
Total Floor Area	225 square metres
Secluded Private Open Space	41 square metres
Total Open Space	109.3 square metres
Dwelling 2	
Ground Floor Area	108.2 square metres
First Floor Area	69.5 square metres
Garage	36.6 square metres
Total Floor Area	214.3 square metres
Secluded Private Open Space	47.8 square metres
Total Open Space	81.0 square metres

9.1.4

(cont)

Dwelling 1

Dwelling 1 will be constructed with a frontage to Wright Street. The dwelling will be setback 5.5 metres from the western boundary (Wright Street) and 4 metres from the southern boundary. The garage is attached to the north boundary with the dwelling otherwise setback between 1.2 and 5 metres. The garage provides an open structure adjacent to the north boundary.

The ground floor will contain an open north facing living, dining and kitchen area, separate sitting area, laundry, powder room and bedroom (with ensuite and walk in robe). The first floor will contain an open study, 2 bedrooms (bedroom 1 contains ensuite and walk in robe) and bathroom.

The secluded private open space is located to the north, and measures 8 metres long and 5 metres wide. One (1) canopy tree is proposed within the secluded private open space, in addition to two (2) canopy trees within the front yard.

The maximum height is 7.2 metres above natural ground level.

Dwelling 2

Dwelling 2 will be located within the rear of the lot. The dwelling provides setbacks between 1.83 and 7 metres to the rear boundary with setbacks of 1.2 and 5.8 metres to the north boundary. The garage is attached to the south boundary (over a length of 6.47 metres) with the dwelling otherwise setback 2.2 metres from the south boundary.

The ground floor of dwelling 2 will contain a kitchen and dining area, separate north facing sitting and family area and bedroom (with ensuite and walk in robe). The first floor will contain a study, two bedrooms (bedroom 1 contains ensuite and walk-in-robe) and a bathroom.

The secluded private open space is located to the north, and measures 8.5 metres long and 5.8 metres wide. Tree 8 within this area will be retained.

The maximum height is 7.3 metres above natural ground level.

Tree Removal and Landscaping

It is proposed to remove Trees 2, 3, 4, 5, 7 and 9 and retain Tree 8. The existing street tree will be retained, and trees on neighbouring properties, will not be impacted by the proposed works provided tree protection measures are followed.

CONSULTATION

Public Notice

The application was initially advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the Wright Street frontage. Both Section 57A amendments were advertised. In total, there are 25 objections to the proposal from 19 properties.

The issues raised are summarised as follows:

Neighbourhood Character

- Building bulk and massing
- Limited side setbacks
- Limited two storey dwellings in the area

9.1.4

(cont)

Amenity Impacts

- Overlooking
- Overshadowing
- Loss of privacy
- Loss of daylight
- Noise impacts

Landscaping

- No protection of an existing eucalyptus tree
- No opportunity for screen planting
- Does not enhance the existing local native garden setting
- Does not provide habitat for local, native fauna
- Lacks permeable space
- Threats to root protection of trees on adjoining properties

Non-compliances with ResCode

- Building materials and energy efficiency
- Inadequate permeability
- Inconsistencies on plans

Consultation Forum

A Consultation Forum chaired by Councillor Massoud was held on 19 April 2016. In attendance were planning officers, the applicant and objectors from four properties.

At the conclusion of the meeting, no consensus was reached, however solutions to ameliorate some concerns were identified:

- The retention of Tree 8 and adequate protection.
- Rain water tank to dwelling 2 to be located off the boundary.

Generally the objectors discussed their concerns that were raised in the written objections, as well as the accuracy of the areas of permeability and site coverage as represented on the plans. An additional point regarding the drainage of the site was also discussed with a focus on the impact to existing infrastructure. Concerns were also raised regarding the ability of the development to respect the neighbourhood character with both dwellings in a double storey form.

Section 57A amendment

Subsequent to the advertising period and Consultation Forum a Section 57A amendment was lodged on 20 May 2016 to address the issue of the retention of Tree 8 as raised in the forum. This also resulted in changes to the built form of dwelling 2.

These plans were readvertised and further comments were received from two objector properties. One objection was formally withdrawn.

The submissions reiterated objections detailed above including visual bulk, overlooking, landscaping, permeability and site coverage, the location of the rain water tank and protection of retained trees.

The comments raised new issues regarding root protection of trees on adjoining properties and noise impacts from potential future plant.

9.1.4

(cont)

Referrals

External

No external referrals were required in accordance with Section 55 of the *Planning and Environment Act 1987*.

Internal

Engineering and Environmental Services Department

Transport Engineer

Council's Transport Engineering Department have reviewed the decision plans and commented that:

- All doors are to open out of the garages.
- The storage and bins are to be relocated out of the dwelling 1 garage.
- The southern space of the dwelling 2 garage is problematic and requires modifications to the built form to allow access/egress. The transport engineer has suggested modifications to the kitchen/dining area of dwelling 1 or for the nibs of the garage to be reduced by 125mm and the garage setback a further 500mm.
- Swept path diagrams are to be provided to support the access/egress arrangements.

Assets Engineer

Council's Asset Engineer had no objection to the proposal, subject to conditions relating to stormwater and works within Council's assets.

Planning Arborist

Council's Arborist has no objection to the proposal noting that trees 2, 3, 4, 5, 7 and 9 are not worthy of retention.

Trees 6 and 10 are located on the neighbouring property. The plans show no encroachment into the Tree Protection Zone (TPZ) of these trees, therefore buildings and works can go ahead provided tree protection measures are adhered to.

An arborist report accompanied the latest plans lodged under Section 57A to demonstrate how the amended proposal complies with the Australian Standard in regards to the protection of tree 8. The report states:

The revised design plan by the architect shows dwelling 2 has exactly 10% of the TPZ encroachment of Tree 8. This is the limit of the TPZ encroachment permitted by AS4970-2009 hence accordingly I am of the opinion that this revised design meets Australian Standard AS4970-2009 requirements.

The TPZ of tree 8 has a total area of 95 square metres and therefore 10% equates to 9.5 square metres. Calculations of the plans reveal that the building located within the TPZ of Tree 8 exceeds the 9.5 metres by approximately 0.5 square metres. It will therefore form a condition of permit that the total built form located within the TPZ of tree 8 be demonstrated to be no greater than 9.5 square metres

9.1.4

(cont)

DISCUSSION

Consistency with State and Local Planning Policies

The State Planning Policy encourages new development to occur within established residential areas to reduce the pressure on the urban fringe, to respect neighbourhood character and to appropriately respond to its landscape, valued built form and cultural context.

The subject site has an overall area of 665.7m², and is well located with regard to facilities. The Laburnum Train Station and the Blackburn Neighbourhood Activity Centre are located within close proximity of the site. The proposal incorporates built form and materials that are respectful of the surrounding neighbourhood character without replicating it. The development provides appropriate opportunities for tree retention and new landscaping through appropriate setbacks to side and rear boundaries. It is noted that there are few double storey dwellings in the area yet new double storey dwellings can appropriately nestle into the existing setting without detracting from the neighbourhood character. The recessed first floors allow the built form to appear less dominant from the street and surrounding properties.

Neighbourhood Character and Infrastructure

Residential policy

The subject site falls within an area of Natural Change as described in Clause 21.06 (Housing), which seeks to support increased housing choice by allowing for a diversity of dwelling types, sizes and tenures and to ensure new development contributes to the preferred neighbourhood character of the precinct. New development should also seek to retain existing vegetation where possible. The proposal is considered to be consistent with these objectives.

Under Clause 22.03 (Residential Development), this site falls within a Garden Suburban Precinct 13 area. Within this precinct, dwellings should sit within a spacious garden setting with a backdrop of large native and exotic trees, with the established pattern of front and side setbacks retained allowing sufficient space for planting and growth of new vegetation. The building setbacks, recessed upper floors and landscaping opportunities provided by the development are considered to achieve the objectives of the Garden Suburban Precinct 13 areas, subject to conditions.

Garden Suburban Precinct 13

The preferred character statement encourages low set pitched roof dwellings set in spacious garden settings. Infill development is noted as being common, with new development set back at upper levels to minimise dominance in the streetscape. The established pattern of regular front and side setbacks from side boundaries will be maintained, allowing sufficient space for planting and growth of new vegetation.

The predominant roof form for each dwelling is a pitched, hipped roof form with eaves, which is consistent with both the existing and preferred neighbourhood character. Portions of the roof form are flat, at both ground and upper level, facing Wright Street, however this is considered to add variety and articulation to the built form and is therefore acceptable. The first set of amended plans have increased the setbacks from the side and front boundaries to ensure the development appears more modest in form when viewed from the streetscape and neighbouring properties. The second set of amended plans increased the secluded private open space of dwelling 2 to ensure that Tree 8 can be successfully retained on site.

9.1.4

(cont)

The front dwelling is setback 5.5 metres which is consistent with the setbacks on adjoining lots and consistent with the 'existing characteristics' of the Precinct. The front setback allows for adequate tree planting and landscaping which will allow the development to nestle within its streetscape setting. The proposal retains a single crossover with a landscaping strip either side of the driveway to minimise the dominance of hard paved surfaces within the front setback area. The garage to dwelling 1, recessed to the rear, also minimises the dominance of car accommodation to the streetscape. Whilst front fencing is common within the streetscape, the development does not propose any front fencing to provide a sense of openness along the streetscape. Combined, these design and siting responses would ensure that the development is an acceptable fit into the site amongst a landscaped setting.

The preferred character statement also encourages a rhythm of dwelling separation appearing regularly from the street, with buildings occasionally built to one side boundary. The amended plans have placed the garage to dwelling 1 adjacent to the boundary to achieve appropriate vehicle movements within the site. The garage wall to dwelling 2 is also attached to the south boundary. Whilst located adjacent to both side boundaries, the northern and western elevation to garage 1 is open and transparent assisting to maintain a sense of openness. The garage to dwelling 1 is recessed to the rear of the dwelling and not readily visible to the streetscape. The siting of dwelling 1 achieves a setback of 1.2 metres, graduating to a 5 metre setback to the north boundary. This will allow vegetation to screen the garage and minimise any visual impact it may have. The location of the garage wall to dwelling 2 is significantly remote from the street frontage and located adjacent to the driveway of the adjoining development to the south, avoiding any amenity impacts at this location.

Finally, the preferred character statement encourages dwellings to sit in spacious settings, with a backdrop of large native and exotic trees. A number of the objections raised concern with the loss of the large *Eucalyptus ficifolia* located within the rear yard. To address this concern, the applicant has amended the proposal to retain this tree. Whilst the accompanying arborist report states that there is an encroachment of 10% in accordance with AS4970:2009 (Protection of trees on development sites), a condition of the permit will require that only 9.5 square metres of building is allowed within the trees TPZ. The retention of this tree, combined with new tree planting throughout the site will provide a development that achieves the preferred landscape character of maintaining a 'backdrop of large native trees'.

Site Layout and Building Massing

The proposed development complies with the majority of standards and objectives relating to site layout and building massing.

The development achieves a site coverage of 45% with a permeable area of 35.8% which achieves Standards B8 and B9 (as varied by the schedule to the zone). The calculation of the site permeability includes the covered front porch and the service areas that are to be covered with Lilydale toppings. Lilydale toppings consist of crushed limestone, which when compacted can become impermeable. When these areas are deducted from the total permeability there is a site permeability of approximately 27.9%. This is below the varied Standard B9 requirement of 30%. It will therefore form a condition of permit that all service areas be surfaced with permeable paving or materials to the satisfaction of the Responsible Authority. With permeable paving in these areas the site permeability will increase to approximately 34.22%, which will satisfy the requirement.

9.1.4

(cont)

A number of the objections identified concern with the two storey development being inconsistent with the prevailing single storey residential character. The development provides an overall height of 7.3 metres which achieves Standard B7 (Building height). Two-storey development is common within residential areas with Clause 22.03 identifying double storey development appropriate, provided that upper levels are appropriately setback. The upper levels are well recessed from ground floor below to ensure the development does not provide any unreasonable visual impact and nestles into the preferred neighbourhood character setting. The adjoining property to the south comprises a two dwelling development that includes a double storey dwelling to the rear, identifying there is an emerging character of double storey infill development.

Landscaping

A number of the objections raised concerns with the loss of existing established trees, lack of permeable area and screen planting opportunities. The proposed development complies with Standard B13, in relation to providing the opportunity to achieve two (2) canopy trees per dwelling by providing four canopy trees across the site. The proposal achieves compliance with Standard B28 with both dwellings providing one part of the open space area to achieve a minimum area of 35 square metres with a minimum dimension of 5 metres. Both areas of secluded private open space also have a northern orientation. The proposal also achieves compliance with Clause 22.04 (Tree Conservation) as the areas of open space are largely unencumbered allowing for optimal tree growth. The development is also able to achieve the landscape objectives set out within Clause 22.03 (Residential Development) for Garden Suburban Precinct 13 areas.

As discussed above, it is proposed to retain tree 8, which has an established height of 10 metres. To achieve this, it is also proposed to increase the area of secluded private open space from 35 square metres to 47.8 square metres (providing dimensions of 8.5 by 5.8 metres), which also increases further landscaping and screening opportunities. The secluded area of private open space to dwelling 1 achieves dimensions of 5 by 8 metres to allow for tree planting. The front setback area has sufficient area to provide for the planting of two canopy trees along with the driveway providing sufficient opportunity along its edges for landscaping.

For the above reasons, the proposed development will provide a positive landscaping outcome for the site and surrounds, as neighbouring trees will be protected and ample landscaping opportunities exist allowing for the planting of canopy trees and a layering of vegetation in accordance with Clause 22.03 and 22.04. Tree retention and new landscaping will enhance the existing local native garden setting and provide habitat opportunities for local native fauna that will address objector concerns.

Tree protection measures placed as conditions on the planning permit will ensure tree 8 and neighbouring trees are viably retained and protected.

Amenity

The proposal achieves compliance with Standard B17 (Side and rear setbacks) and provides generous setbacks to all common boundaries. To the rear, the upper level is setback 4.6 metres with the setbacks to the northern boundary varying between 3 and 6.5 metres. To the south the proposed driveway, coupled with the driveway on the adjoining property provides significant separation between built forms. The upper levels achieve an internal separation of approximately 9.1 metres. The setbacks achieved provide a sense of spaciousness throughout the development and to adjoining properties.

9.1.4

(cont)

Standard B18 (Walls on boundaries), as varied by the schedule to the zone, requires walls to be constructed on one side boundary only. The garages to both dwelling 1 and dwelling 2 are placed on the north and south boundaries respectively. It is considered that the surrounding context allows for this arrangement as the location of existing buildings on surrounding allotments would not facilitate open and transparent viewlines.

The garage to dwelling 1 provides open north and west elevations to reduce the impact of the placement of the garage adjacent to the north boundary; however, the property to the east has a garage located along the north boundary with the dwelling sited to have a minimal setback to the south. The dwelling 2 garage will abut the uncovered car space and single car garage of the recent dual occupancy on the adjoining property to the south. It is considered this arrangement will not have an unreasonable impact to the preferred neighbourhood character.

Overlooking

A number of the objections raised amenity concerns including overlooking, overshadowing and loss of daylight.

Standard B22 requires habitable room windows to be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres of the window, with views measured within a 45 degree angle. The upper level habitable windows contain obscure glazing to 1.7 metres above finished floor level to prevent overlooking. To prevent overlooking from the ground level habitable windows, the existing 1.7m high paling fence along the north boundary will include an additional 500mm trellis. Along the east boundary, it is proposed to place an additional 400mm high trellis along the boundary fence. It is recommended that trellis be increased in height to 500mm to ensure no overlooking occurs.

The west facing windows facing Wright Street are located in excess of 9 metres from any secluded private open space or habitable room windows. The proposed west facing windows therefore comply with Standard B22 and are not required to be screened.

Overshadowing

The shadow diagrams (as shown on plan TPA05) show very little impact on adjoining properties. The development does not cause any impact to the north with a very small proportion of the area of secluded private open space to the east affected by the 3pm afternoon shadow. A number of the objections raised concern with the impact of overshadowing in the winter months, however Standard B21 (Overshadowing), is measured on the 22 September Equinox.

The development does not cause any loss of daylight to existing windows and achieves compliance with Standard B19.

On-Site Amenity and Facilities

The proposed development complies with all objectives relating to on-site amenity and facilities including: accessibility, dwelling entry, daylight to new windows, private open space, solar access to open space, and storage.

Clause 52.06 (Car Parking)

The proposed development meets the requirements of Clause 52.06 in regard to the provision of on site car parking.

9.1.4

(cont)

Each dwelling has been provided with a double garage. Council's transport engineer has required some minor modifications to the Garage 2 to improve the access arrangements for vehicles entering and exiting the garages.

Swept path diagrams will be required to be submitted and the Garage 2 may be required to be setback a further 500mm (with no other changes to the setbacks) and nibs reduced to 125mm.

Objectors Concerns not Previously Addressed

Concerns were raised regarding drainage of the site. The application has been referred to Council's Asset Engineering team who have no objection to the grant of a permit.

It was agreed at the Consultation Forum that the rain water tank located on the northern boundary would be relocated. This has not been shown on the amended plans and will therefore require relocation as a condition of any permit issued.

It is considered that conditions of permit from Council's Planning Arborist sufficiently protect trees on adjoining sites and a proposed condition of permit will ensure that all plant be shown on the plans to accord with Clause 55.04-8 (Noise impacts objectives).

CONCLUSION

The proposal for the construction of two (2) double storey dwellings is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone, Schedule 1 and the relevant Objectives and Standards of Clause 55 (ResCode).

The proposal satisfies the relevant decision guidelines in terms of providing residential development in an appropriate location that complies with all objectives of ResCode and respects the existing and preferred neighbourhood character while providing opportunity to retain tree 8 and provide for further tree planting to strengthen the garden setting.

A total of twenty-five (25) objections were received as a result of public notice and all of the issues raised have been discussed in this report.

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

ATTACHMENT

- 1 Advertised Plans
- 2 Shadow Diagrams

9.1.5 67A-67C Katrina Street, BLACKBURN NORTH – Construction of a three storey building containing two shops and eight dwellings and associated reduction of car parking requirements and waiver of loading bay requirements

FILE NUMBER: WH/2015/528

ATTACHMENT

SUMMARY

This application was advertised, and a total of 16 objections (from 15 properties) were received. The objections raised issues with amenity, neighbourhood character, car parking and traffic. A Consultation Forum was held on 26 April 2016, chaired by Councillor Massoud, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Davenport

That Council:

- A. Being the Responsible Authority, having caused Application WH/2015/528 for 67-67B Katrina Street, BLACKBURN NORTH (Lots 1-3 PS 628663X) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction of a three storey building containing two shops and eight dwellings and associated reduction of car parking requirements is acceptable and should be supported.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 67-67B Katrina Street, BLACKBURN NORTH (Lots 1-3 PS 628663X) for the construction of a three storey building containing two shops and eight dwellings and associated reduction of car parking requirements, subject to the following conditions:**
 - 1. Before the development starts, or vegetation is removed, amended plans (three full size copies and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with plans TP02-TP08, Revision A, drawn by Finnis Architects submitted 20 June, 2016, but modified to show:**
 - a) Approval for Building over the Easement from Council's Asset Engineers.**
 - b) No excavation or fill within the easement on the northern boundary.**
 - c) The locations of Tree Protection Zones and Structural Root Zone described in condition 9, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 9 and 10 to be annotated on the development and landscape plans.**
 - d) The northern edges of the first floor balconies (including planter boxes where present) to be setback a minimum of 3 metres from the rear boundary, without reducing the required balcony area or causing unreasonable overlooking in accordance with Standard B22 of ResCode.**

9.1.5

(cont)

- e) *The balcony for Apartment 7 to be reduced to 2.0 metres in depth, with a setback of 3.0 metres from the ground floor footprint and 6.0 metres from the rear title boundary and screened to ensure no unreasonable overlooking in accordance with Standard B22 of ResCode.*
- f) *The balcony for Apartment 8 to be reduced to 2.0 metres in depth and 6.2 metres in width, with a setback of 3.0 metres from the ground floor footprint and 6.0 metres from the rear title boundary and screened to ensure no unreasonable overlooking in accordance with Standard B22 of ResCode.*
- g) *The access doors to the two shops to be relocated further away from the splayed entrance to the vehicle accessway.*
- h) *A pedestrian entrance to the dwellings to be provided at the street frontage. Any pedestrian entrance to the dwellings from the car park to be provided with a pedestrian seclusion area at least 1 metre wide between the shared vehicle accessway and this pedestrian entry.*
- i) *The steps at the front of the development to be relocated clear of the footpath alignment.*
- j) *Provision of a Type 2 speed hump on the vehicle accessway located 3 metres north of the front facades of the shops.*
- k) *The footpath in front of the building, extending from the far edges of the splayed shop frontages and over the central accessway, to be surfaced with cobbled pavers.*
- l) *The proposed 1.2 metre wide footpath to the east of the disabled car space to be widened to at least 1.5 metres, without altering the existing street tree planting area to the west of the disabled car space.*
- m) *Engineering and construction drawings in accordance with the requirements of Council's Asset Engineers and Design and Construct Team showing construction of the footpath, kerbing, accessway, drainage, car spaces and canopy forward of the building line and/or within the road reserve.*
- n) *The design details of the front façade to be amended to use variations in the building form, materials, colours and textures to provide an architectural statement to differentiate and announce the presence of the vehicle accessway to pedestrians and vehicular traffic.*
- o) *The colour, finishes, and materials schedule to be amended to include:*
 - i. *A light coloured roofing material.*
 - ii. *Fine grain details of façade treatments such as door and window opening at all levels.*
 - iii. *Balcony balustrades to be opaque (frosted) or solid.*
- p) *Locations of letter boxes and site services including fire services, substation (if required) and utility meters.*
- q) *Details of the location and face of bicycle parking signs in accordance with Clause 52.34-5*
- r) *Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- s) *Any amendments to plans required by the Waste Management Plan and Sustainable Design Assessment.*

9.1.5

(cont)

- t) **Documents required for endorsement in accordance with conditions 14, 15 and 19.**
- u) **A Landscape Plan in accordance with Condition 7, including:**
 - i. **The planting of tall, narrow species within the 0.5 metre wide landscape strip to the north of car spaces 6 and 7.**
 - ii. **The planting of a columnar mid canopy tree at the north-west corner of the site. This tree is to have a minimum height of 1.5 metres at the time of planting.**
 - iii. **Details of all containerised planting infrastructure, including:**
 - **Plans and cross-sections of planting containers.**
 - **Structural engineering report and weight loading.**
 - **Irrigation method and delivery.**
 - **Drainage of planting containers.**
 - **Maintenance plan.**
 - **Anchoring of all containers and containerised plants planted above ground level.**
 - **Soil type, volume, depth and weight.**
 - **Growing substrate type, depth and weight.**
 - **Mulch type, depth and weight.**

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

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

- 2. **The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.**
- 3. **The development must be provided with external lighting capable of illuminating access to each car parking space.**
- 4. **All external lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 5. **The amenity of the area shall not be detrimentally affected by the use or development, through:**
 - a) **Transportation of materials, goods or commodities to or from the land,**
 - b) **Appearance of any building, works or materials,**
 - c) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,**
 - d) **Presence of vermin**
 - e) **In any other way.**

9.1.5

(cont)

6. *The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.*

Landscaping and Tree Protection

7. *No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan for the containerised plantings prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -*
 - a) *A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

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

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

8. *The containerised plantings shown on the endorsed plan and schedule shall only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any plant be removed or destroyed it must be replaced by a similar plant of similar size and variety.*
9. *Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
 - a) *Tree Protection Zone distances:*
 - i. *Street trees (Fraxinus sp) – 3.0 metre radius from centre base of tree.*
 - ii. *Tree 6 (three Pittosporum tenuifolium) – 2.0 metre radius from centre base of the tree*
 - b) *Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:*
 - i. *Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
 - ii. *Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
 - iii. *Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
 - iv. *No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*

9.1.5

(cont)

- v. *All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - vi. *No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - vii. *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. *Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
10. *During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:*
- a) *For Trees 6, no roots are to be cut or damaged during any part of the construction process.*
 - b) *All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within the 2 metre TPZs of Trees 6 (three trees).*
11. *Trees 4 (Cotoneaster sp) and 5 (Ligustrum lucidum) on the adjacent lot to the east must be removed prior to the commencement of buildings or works. Contact Council's Parkswide Department to arrange for the removal and replacement of these trees as required.*

Building Services

12. *The apartment buildings must provide the capacity for television signal distribution to each dwelling unit and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.*
13. *All building plant and equipment on the roofs, balcony areas, common areas, or public thoroughfares are to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.*

Waste Management

14. *Prior to the commencement of buildings and works, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority, including a restriction that no waste may be stored outside the building, except when placed out for collection on collection day.*

The requirements of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

9.1.5

(cont)

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

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

Construction Management

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

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

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

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

Car Parking and Access

- 16. *The use and development permitted must provide a minimum of ten car spaces on the site, allocated as follows:***
- a) *One car space to each dwelling.***
 - b) *One car space to each shop.***
- 17. *The car parking areas and accessways as shown on the endorsed plans shall be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.***
- 18. *Parking areas and access lanes must be kept available for these purposes at all times.***

Environmentally Sustainable Development

- 19. *Prior to the commencement of any buildings or works, a Sustainable Design Assessment in accordance with the requirements of Clause 22.10 of the Whitehorse Planning Scheme must be submitted to and approved by the Responsible Authority.***

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

9.1.5

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

Infrastructure

- 20. The existing street trees must not be removed or damaged.***
- 21. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.***
- 22. Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.***
- 23. Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.***
- 24. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.***
- 25. As-constructed drawings prepared by a Licensed Land Surveyor are to be provided to Council after the completion of the civil works prior to Statement of Compliance or occupation.***
- 26. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
- 27. 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.***
- 28. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve cross-fall and longitudinal fall all to the satisfaction of the Responsible Authority.***
- 29. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.***

9.1.5

(cont)

30. *The proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.*
31. *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.*
32. *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.*

Expiry

33. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two (2) years from the date of issue of this permit,*
 - b) *The development is not completed within four (4) years from the date of this permit.*
 - c) *The use is not commenced within four (4) years from the date of this permit.*

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

Permit Notes:

- *In association with any future re-subdivision on the land, southern portion of the subject land utilised as a public footpath and roadway which has been constructed and maintained by Council must be allocated as 'road' in favour of Council.*
- *In order to ensure that driver sight lines are not obstructed, no gate may be constructed across the vehicle accessway.*
- *This permit relates only to the use and/or development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land may require a separate application.*
- *The construction or reinstatement of crossovers is to be to Council standards and at the full cost of the permit holder.*
- *The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.*
- *The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. All street addressing enquiries can be made by contacting our Property Team on 9262 6470.*
- *Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.*

9.1.5

(cont)

- *The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.*
 - *All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.*
- 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

9.1.5
 (cont)

MELWAYS REFERENCE 47 J5

Applicant:	Keen Planning
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay Schedule 4
Relevant Clauses:	Clause 11 Settlement Clause 15 Built Environment and Heritage Clause 16 Housing Clause 17 Economic Development Clause 18 Transport Clause 21.06 Housing Clause 21.07 Economic Development Clause 22.06 Activity Centre Clause 34.01 Commercial 1 Zone Clause 43.02 Design and Development Overlay Schedule 4 Clause 52.06 Car Parking Clause 52.07 Loading and Unloading of Vehicles Clause 55 Two or More Dwellings on a Lot or Residential Buildings Clause 65 Decision Guidelines
Ward:	Central



	Subject site		15 Objector Properties (5 outside of map)		↑ North
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9.1.5

(cont)

BACKGROUND

History

The subject site was developed for the three existing shops in 1974, and these were subdivided into three lots and common property in accordance with Planning Permit WH/2009/223.

Subsequent to the advertising period and Consultation Forum for the current application, a Section 57A amendment was lodged on 20 July, 2016, to address issues raised by referrals and objections where possible. The amended plans updated the car parking layout and overlooking screens, and will be discussed in the report below.

The Site and Surrounds

The subject site is located on the north side of Katrina Street and is midway between Caroline Crescent to the west and Lobelia Court to the east. The site consists of three lots and common property, creating an irregular shape that has an overall area of 585m². A 2.44 metre wide drainage and sewerage easement runs along the rear (north) boundary. At the south-east corner, the common property area extends partly over the existing on-street car parking, footpath and a street tree to the front (south) of the existing shops.

The subject site is developed with three existing single storey shops aligned with other shops along Katrina Street. A 3.7 metre wide vehicle accessway along the east boundary leads to an open car parking area to the rear of the site which forms part of the common property.

Adjoining the subject site to the west is a two storey commercial building, and adjoining to the east is the Katrina Pre-School. Outdoor play areas for the pre-school are located in the eastern and southern section of this lot.

Adjacent to the north (rear) and to the south across Katrina Street, the land is developed with single storey detached dwellings within the General Residential Zone Schedule 3.

The site forms part of the Caroline Crescent and Katrina Street Shops which is a small neighbourhood centre. The centre comprises a mixture of one and two storey shops.

On-street car parking at 90° angle is provided along the Katrina Street frontage of the Neighbourhood Activity Centre, and kerbside parking is prohibited opposite on the south side of Katrina Street.

Planning Controls

Pursuant to Clause 34.01-4 (Commercial 1 Zone), planning approval is required for buildings and works. The use of land for shop and for upper level dwellings is as-of-right.

Planning approval is required in accordance with Clause 52.06-3 to provide a reduced number of car parking spaces in comparison to the required rate.

Pursuant to Clause 52.07, planning approval is required to waive the provision of a loading bay for the new shops.

Clause 43.02-2 Design and Development Overlay also requires planning approval for buildings and works.

9.1.5

(cont)

PROPOSAL

The application proposes buildings and works to construct a three storey building containing two shops and eight dwellings and associated reduction of car parking requirements, comprising the following:

- A new three storey building faced with light coloured render, and a flat metal roof.
- Ground Floor:
 - Shop 1 (59m²) located at the south-west corner of the lot with a frontage to Katrina Street.
 - Shop 2 (51m²) located at the south-east corner of the lot with a frontage to Katrina Street.
 - Central pedestrian and vehicular accessway.
 - Residential entry facing the central accessway, serving a lift and stairwell.
 - Ten undercroft car spaces to the rear of the lot, with eight car spaces allocated to dwellings and two car spaces allocated to the shops, associated bin areas and residential stores, and bicycle parking area for four bikes.
 - Alterations to the layout of the footpath and on-street parking (all generally within the subject land) to accommodate the relocated accessway to the rear of the subject site.
- First Floor:
 - Five two bedroom dwellings accessed from the common stairwell and lift. Dwellings 1 and 2 are each provided with two balconies on the south elevation facing Katrina Street. Dwelling 3 is orientated north-south and has a balcony to Katrina Street. Dwellings 4 and 5 each have two north facing balconies.
- Second Floor:
 - Three two bedroom dwellings accessed from the common stairwell and lift, with a skylight provided to the common corridor. Dwelling 6 has one balcony on the south elevation facing Katrina Street, Dwelling 7 has balconies orientated to the north and south, and Dwelling 8 has a north facing balcony.

The building is constructed to both side boundaries at the ground level, and the front façade aligns with the other commercial premises facing Katrina Street to the west. The undercroft parking is open to the north (rear) boundary. At the first floor, the proposed building maintains the ground floor footprint, except for a small light well on the east boundary, and provision of a 3 metre rear boundary setback. The second (top) floor provides a 2.97 metre setback from the street alignment, with balconies protruding 2 metres into this area, and at the rear balconies are setback 5.5 metres from the rear boundary.

9.1.5

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting three notices to the Katrina Street frontage. Following the advertising period 16 objections from 15 objector properties were received.

The issues raised are summarised as follows:

- Amenity impacts:
 - Overlooking
 - Overshadowing of adjacent kindergarten.
 - Loss of views
 - Increased noise, pollution and dust.
 - Proposed dwellings are too small for families.
- Neighbourhood Character:
 - Building bulk and form.
 - Building façade lacks colour and texture and will not contribute to the streetscape
 - Three storeys is too high in a predominantly single and double storey area.
- Car parking and traffic:
 - Increased traffic.
 - Insufficient car parking on-site.
 - Increased on-street parking.
 - Traffic safety impacts on the street, especially to children attending the kindergarten to the east.
 - The car parking survey undertaken and used in the submitted Traffic Report occurred during the holiday period for the adjacent kindergarten, and as such does not accurately represent the typical circumstances of the area. The cafe at 55 Katrina Street has recently opened and generates more parking.
 - The 8:30pm parking survey does not 'coincide with typical peak shop and residential visitor demands' as stated in the Traffic report, as the surrounding shops are closed at this time.
- Non-planning matters:
 - Negative impact on surrounding property values
 - Set an undesirable precedent.
 - Construction impacts, especially noise and dust emissions to the adjacent kindergarten, footpath and emergency evacuation point access, and trucks conflicting with young children during kindergarten hours.

Consultation Forum

A Consultation Forum was held on 26 April, 2016, chaired by Councillor Massoud and attended by 14 objectors and representatives of the applicant including town planners and architect.

The key concerns raised by the objectors were overlooking and long range overlooking; overshadowing of the pre-school playground; building bulk and car parking and traffic. It was acknowledged that on-street car parking is an existing concern owing to the demands generated by the pre-school to the east of the subject site and a recently opened 36 seat café located on the corner of Katrina Street and Caroline Crescent. No consensus between parties was reached at the Forum.

9.1.5

(cont)

Subsequently to the Forum, the applicant made further submissions in relation to the key concerns raised, which will be discussed where relevant in the report below. In particular, the amended plans provided an improved parking layout, section diagrams demonstrating the screening of downward overlooking to the north, facade alterations and provision of a disabled car space in the Katrina Street frontage.

Referrals

Internal

Parkswide Arborist

The street tree (*Fraxinus*) is in good health with a good structure. The tree should be retained considering it is part of the shopping strip. The TPZ is 3 metres (radius) and the Structural Root Zone is 1.8 metres.

Trees 4 and 5 within the pre-school to the east are weed species and can be removed in consultation with Parkswide.

Planning Arborist

- No objection to the removal of the three existing trees on the subject site.
- Tree 6 (*Pittosporum tenuifolium* hedge) will not be significantly impacted by the proposed buildings and works, and tree protection conditions will be included on permit.

Engineering and Environmental Services Department

- Transport Engineer

The proposed car parking provision and layout are acceptable. The waiver of car parking requirements is acceptable owing to the compact scale of the proposed shops and the presence of a 15 minute on-street car space adjacent to the subject site.

- Assets Engineer

There is a Council stormwater drainage pit in the north-east corner of the property so approval to build over an easement is required.

The steps at the front of the development are not approved for the reason of accessibility. Even though the land is privately owned, the footpath is part of a public road and therefore Council's responsibility.

- Design and Construction

The land to the south of the existing building line must be allocated as 'road' in favour of Council when this property is subdivided. The land is used by the public now. Allocating the land as 'road' will clearly define that Council is responsible for the care and management of the land.

It is not suitable to have a disabled parking bay that is part in the 'road' and part in private property. The disabled parking bay needs to be fully contained in private property or preferably, the land changed to have the status of 'road'.

9.1.5

(cont)

Urban Design Advisor

Further design details to improve the legibility built form and operation of the development are recommended. These will be discussed further below.

Consistency with State and Local Planning Policies

The proposal meets the relevant objectives of the State and Local Planning Policy Framework. The mixed-use development within the Neighbourhood Activity Centre, represents a sustainable location within close proximity to other services and facilities and well-serviced by public transport. This is consistent with the objectives of Clause 11.01 (Activity Centres), Clause 16 (Housing), Clause 17.01-1 (Business), Clause 21.06 (Housing) and Clause 21.07-3 (Economic development).

The proposed three storey mixed use building is consistent with Whitehorse's Activity Centres Policy (Clause 22.06) which includes the objective to maintain and enhance the role of activity centres as a community focus. Within Neighbourhood Activity Centres, this policy encourages residential uses in centres where the retailing function is declining.

The dwellings all have two bedrooms and are compact dwellings with floor areas ranging from 57 to 88m². In this regard, the proposal is consistent with the objectives of Clause 16.01-4 (Housing Diversity), Clause 16.01-5 (Housing Affordability) by meeting the demand for diversity and smaller, more affordable housing.

The mixed-use development with an overall height of three storeys provides a contemporary design outcome and an appropriate design response within its locational context and is consistent with Clause 21.06-3 (Housing Location) and Clause 21.07-3 (Economic Development) and Clause 22.06 (Activity Centres).

Commercial 1 Zone

A purpose of the Commercial 1 Zone is to:

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The use of land for accommodation having a frontage of under 2 metres is allowed as-of-right within the Commercial 1 Zone, reflecting an allowance for "shop-top" housing. This purpose of the Commercial 1 Zone is supported by both Clause 21.07 (Economic Development) and Clause 22.06 (Activity Centres) of the Local Planning Policy Framework.

Clause 21.07 identifies that small neighbourhood centres play an important social and community role and should be the focus of social interaction and provide for community facilities and spaces. There is an emphasis in the Planning Scheme that such centres be improved by high quality design, minimisation of signage and streetscape improvements. The continued use of the site for retailing at ground level and new upper level dwellings is directly encouraged by the zone and will strengthen the role and functioning of the Caroline Crescent and Katrina Street Neighbourhood Activity Centre.

9.1.5

(cont)

Design and Built Form

The site is contained within the Design and Development Overlay, Schedule 4 (Neighbourhood Activity Centres). The Schedule provides a framework for the consideration of buildings and works within Neighbourhood Activity Centres, and includes the following objectives:

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

The Caroline Crescent and Katrina Street Neighbourhood Activity Centre is designated as a Category 1a small-medium neighbourhood centre on a standard width road. The proposed building is assessed against the requirements for Category 1a centres in the table below:

Preferred maximum height	11 metres (3 storeys) 7.5 metres (2 storeys) on a boundary adjoining a residential zone.	Maximum overall height 10.1 metres, and 3 storeys. Complies. Setback 3 metres from the north boundary (excluding planter boxes), and maximum 7.3 metre (two storey) wall height to the east boundary. Not compliant.
Preferred front (street) setbacks	0m Set back upper levels over 7.5 metres a minimum of 3 metres from the front boundary.	The front façade continues the alignment of adjacent shops in Katrina Street at the ground and first floor levels, although the vehicle accessway has been relocated central to the building form, resulting in a break in the building form at the street frontage, which will be discussed further below. Complies. The second floor is over 7.5 metres high and is set back 3 metres from the building frontage. Complies.

9.1.5

(cont)

<p>Preferred rear setbacks</p>	<p>Where the rear of the lot abuts a residential property or street, set back buildings a minimum of 3 metres from the rear boundary.</p> <p>Where the rear of the lot abuts a laneway, setback buildings a minimum of 1 metre from the rear boundary.</p> <p>Set back upper levels over 7.5 metres a minimum of 5 metres from the rear ground level building footprint.</p>	<p>Although the open car park area extends to the rear (north) boundary, the building is setback 3 metres from the north boundary (excluding 0.5 metre wide planter boxes). This is considered to comply.</p> <p>Not applicable.</p> <p>The proposed planter boxes at the northern edges of the first floor balconies protrude into the required 3 metre setback. Not compliant.</p> <p>As the lower floors are required to have a minimum 3 metre setback, the second floor is required to have an 8 metre setback from the rear to comply. The building wall is setback 8 metres, however the proposed balconies protrude 3 metres into this setback. Not compliant.</p>
<p>Preferred side setbacks</p>	<p>Where the side of the lot abuts a residential property, buildings over 7.5 metres should be set back 1 metre from that boundary.</p>	<p>The upper level, which is over 7.5 metres, is setback 1 metre from the east boundary. Complies.</p>
<p>Built form outcome</p>	<p>Development respects the low scale built form character of the surrounding residential areas.</p>	<p>The proposed three storey building form is a new element within the predominantly single storey neighbourhood, however the site is included in a Neighbourhood Activity Centre, so a three storey form is appropriate. Complies.</p>

As demonstrated in the table above, the upper level rear boundary setbacks of the proposed building are not fully compliant with the preferred setbacks set out in the Design and Development Overlay Schedule 4 (DDO4), owing to the provision of balconies within this space. The DDO4 provides for three storey building forms within small-medium activity centres which are typically located within Whitehorse's single and double storey scale residential hinterland. This acknowledges the need to support and strengthen activity centres whilst providing appropriate built form transitions and setbacks to residential areas.

The proposed planter boxes at the northern edges of the first floor balconies protrude into the required 3 metre setback pursuant to the DDO4, and these must be removed or relocated clear of the 3 metre rear setback, without reducing the required balcony area or causing unreasonable overlooking in accordance with Standard B22 of ResCode.

The proposed upper level rear (north) balconies protrude 3 metres into the 8 metre rear boundary setback required by the DDO4, and must be substantially reduced in size, whilst maintaining compliant overlooking screening.

9.1.5

(cont)

The DDO4 includes a preference for a zero front (street) setbacks. The front facades of the proposed shops continue the alignment of adjacent shops in Katrina Street at the ground and first floor levels, although the vehicle accessway has been relocated centrally to the building form, resulting in a break in the front façade. The subject site does not have rear laneway access and the existing site layout includes an accessway to the rear car park situated along the eastern property boundary. It is not possible to maintain the accessway in this location, as a central accessway is required in order to achieve the most efficient car park layout and maximise car parking provision in association with the proposed development.

Council's Transport Engineers have advised that the relocated central vehicular accessway represents a safer alignment than the existing circumstances, as the existing accessway layout provides no clear pedestrian route across the accessway, and driver sight lines are obscured in both directions across the pedestrian path. In comparison, the proposed site layout provides for clear driver sight lines to the footpath for vehicles ingressing and egressing the subject site. In order to ensure that vehicles do not exit the site at speed, a condition will require the provision of a speed hump on the site near the frontage. Furthermore, to ensure that driver sight lines are not obstructed, a gate must not be constructed across the vehicle accessway, and it is recommended that this would form a note on any permit that issues.

As the accessway will carry vehicular traffic, it must be constructed to support this additional load. Further, construction of the footpath, kerb, accessway, car spaces and canopy forward of the building line and within the road reserve must meet Council standards and requirements.

The provision of a vehicle accessway within a row of shops is unusual, but not unique within Whitehorse's Neighbourhood Activity Centres. Importantly, it is not a circumstance that is likely to occur often as Neighbourhood Activity Centres are redeveloped, as the majority of sites within these Centres have the benefit of rear lane access, allowing the separation of pedestrians and vehicles.

The subject site does not have rear lane access, and as such, the provision of a vehicle accessway central to the proposed building is reflective of the existing site circumstances, but allows for improvements to sight lines and the legibility of the crossing point. Although pedestrians have right of way on the footpath, in order to provide a visual and tactile cue to both pedestrians and vehicles that the central accessway carries both vehicular and pedestrian traffic, it is recommended that the footpath in front of the building, extending from the far edges of the splayed shop frontages and over the central accessway, is paved with cobbles that will provide a tactile indicator of the vehicle crossing point to both pedestrians and vehicles. Cobbled pavers will also slow wheeled traffic (such as bicycles and scooters) in order to maximise visibility in this area.

The access doors to the two shops should also be relocated further away from the splayed entrance to the vehicle accessway, in order to provide some separation between shop entrances and the crossover. Similarly, the internal pedestrian entrance requires redesign to provide a pedestrian seclusion area between the shared vehicle accessway and the main pedestrian entrance.

Council's urban design consultant has recommended that the design details are amended to use variations in the building form, materials, colours and textures to provide an architectural statement to differentiate and announce the presence of the vehicle accessway to pedestrians and vehicular traffic.

9.1.5

(cont)

The renewal and expansion of the existing building on the subject site will support the economic viability of the Caroline Crescent and Katrina Street Neighbourhood Activity Centre by adding eight dwellings to the centre. At ground level, the front facades are substantially glazed, allowing for activation of the frontages. At the upper levels, windows and balconies will provide for passive surveillance over Katrina Street, contributing to the safety of the area.

Council's urban design consultant has indicated that the proposed building façade, including metal and render cladding in shades of cream, grey and brown, will result in a visually interesting commercial building presentation, with the light coloured upper level assisting with the recession of this element. The flat roof form is typical of the commercial precinct and helps to minimise building height.

The west elevation includes a sheer three storey high wall, which will allow for future development of a similar scale to occur on the adjoining lot to the west, but in the interim will be clad with grey render and cream cement sheet cladding with expressed horizontal stripes, which will add visual interest to this façade. The existing awning over the Katrina Street footpath will be replaced, continuing the existing weather protection over the footpath.

The design detail offers an appropriate built form outcome through the use of extensive glazing, building articulation, a neutral cladding palette including timber elements and balcony treatments.

It is noted that a Sustainability Management Plan has not been submitted with the application, and one will be required as a condition of approval. In particular, this will address building, energy and water efficiency outcomes. It is noted that there are several "saddle bag" bedrooms proposed, and the Sustainability Management Plan will ensure that solar access and ventilation to habitable rooms is satisfactory across the development. In order to limit the heating of the building through the roof, a condition will be included that a light coloured roofing material is used.

Amenity

As the subject site adjoins a residential zone to its east and north, amenity implications must be considered. A number of objectors raised concerns regarding the potential impact from overlooking, overshadowing, noise and pollution. The siting and design of the development is not considered to give rise to any unreasonable off-site amenity impacts as follows:

- The development achieves a setback of 3 metres at the first floor and 5 metres (to balconies) at the second floor to the north boundary, ensuring recessive built forms. There will be no overshadowing to the north. The first floor north facing balconies are edged with privacy screens to 1.7 metres above finished floor level and 0.5 metre wide planters, which will direct resident's views horizontally and upwards, ensuring that no unreasonable overlooking to adjacent residential lots is possible.
- At the second floor, balconies will be similarly screened to limit downward views within 9 metres to the adjoining residential land to the north. The presence of the first floor roofs below the recessed upper level further restricts downward views.
- The residential properties on the opposite side of Katrina Street will not experience any unreasonable overlooking or overshadowing, as they are located over 19 metres from the proposed dwellings.
- Highlight windows, with sill heights 1.7 metres above finished floor levels are utilised on the east elevation to ensure there will be no unreasonable overlooking of the adjacent pre-school.

9.1.5

(cont)

- The development will cause overshadowing to the adjacent pre-school. As this development is not residential, the extent of shadows cast is considered acceptable. The shadows affect the outdoor play area at 3pm with the area otherwise obtaining appropriate natural light.
- Noise emissions are governed by the requirements of the Environmental Protection Authority (EPA), and conditions will be placed on the permit to ensure that they do not exceed the EPA guidelines, noting that the shop use is as of right. Residential noise associated with dwellings is considered normal and reasonable within the area, and the required boundary setbacks will provide further mitigation of residential noise.
- The DDO4 requires the consideration of noise emissions from site services such as plant equipment and light spill. Conditions will be placed on any permit issued to restrict unreasonable emissions.
- In order to restrict views of furniture or other household items on balconies, all balustrades will be required to be either opaque (frosted) or solid.

On Site Amenity

- The balconies for all dwellings range in size from 8m² to 36m² in size, with a minimum dimension of 1.6 metres, in compliance with ResCode requirements.
- Each habitable room receives natural daylight with no 'borrowed light' required. It is noted that four dwellings on the first floor each include one bedroom with a 'saddlebag' window. These windows are located in two pairs central to the north and south elevations, providing wide apertures to the access of light, which are not built over at the upper level. The north facing bedrooms are considered to have reasonable solar access owing to their northern orientation. The two south facing 'saddlebag' bedrooms will have limited solar access. The provision of a small proportion of bedrooms with compromised solar access is acceptable within this development, given the orientation of the lot and the built form outcomes directed by the DDO4.
- Each dwelling is provided with a storage area at ground level.
- A lift provides access to all levels thereby ensuring convenient access for residents.

Clause 55 (ResCode)

Clause 55 (ResCode) is one of the Decision Guidelines for the Commercial 1 Zone, and the Overlooking and Overshadowing standards are considered to be met by the proposed development, as discussed above.

Tree Protection and Landscaping

In order to soften the appearance of the building form when viewed from the residential area to the north, Council's urban design consultant has recommended that tall, narrow plantings must be established within the 0.5 metre wide landscape strip to the north of car spaces 6 and 7, and a columnar mid canopy tree to be planted at the north-west corner of the site.

Landscape plans are required to include details of all containerised planting, including anchoring systems, irrigation and drainage.

The proposal will maintain the two existing street trees. Notably, the eastern street tree is located within the subject site, although tree protection measures will be required to ensure its on-going health.

9.1.5

(cont)

Car Parking, Loading Bay and Bicycle Facilities

Clause 52.06 – Car parking is a relevant consideration of the application and the objectors have also raised concerns regarding potential impacts on the availability of car parking within the area.

The purpose of Clause 52.06 includes;

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*

The proposal incorporates ten car spaces (one car space per dwelling and one car space per shop), four bicycle spaces and storage areas within the rear car parking area. The relocated vehicle accessway at the site frontage will reconfigure the on-street parking to the south-east of the site, which is partially located in the subject site. A total of four on-street car spaces will be maintained to the south of the subject site, however one of these car spaces will be converted to a disabled car space.

A planning permit is required for this proposal for a reduction of on-site spaces for one visitor space and two retail spaces.

A traffic engineering report, prepared by GTA Consultants accompanied the application and has been revised in conjunction with the amended plans. The report provides an analysis of the proposed access arrangement, provision of car and bike spaces in this location and concludes that suitable levels of parking is provided.

It is noted that the objectors queried the car parking surveys submitted with the application which were undertaken at 1pm on Wednesday 16 December and at 8:30pm on Thursday 17 December, 2015. Since these surveys were conducted, a new 36 seat café has opened at No. 55 Katrina Street and objectors have advised that this café has significantly increased the on-street car parking in the vicinity. Photographs were provided to Council in support of their claims.

It is further noted that the submitters have raised concerns that the car parking surveys were not made at peak times for on-street parking, especially as the adjacent pre-school was closed at these times. The applicant's Traffic Engineers have submitted that the 1pm survey was conducted to account for anticipated daytime commercial peak demand and the 8:30pm survey was for night-time residential/visitor demand. The submitted surveys are acceptable and the subsequent changes to on-street parking demand have been considered by Council.

The three existing shops which are to be demolished have a total floor area of 206m² and provide for three on-site car spaces.

9.1.5

(cont)

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

Use	Number/Area	Rate	Car Spaces	Spaces Provided
Shops	110m ²	4 spaces per 100m ²	4 required	2 spaces
Dwellings	8 x 2 bedroom	1 space per dwelling	8 required	8 spaces
		1 visitor space per 5 dwellings	1 required	0 spaces
Total:			13 required	10 spaces provided

Council's Transport Engineer has advised that the proposed parking provision is considered reasonable, after taking into account the size of the proposed shops and the locational characteristics of the Neighbourhood Activity Centre, the on-site parking for the pre-existing shops and the availability of on-street parking in the area.

Bus route 270 travels along Katrina Street and connects to Box Hill and Mitcham. The site is also located within 550 metres walking distance (a six minute walk) of Middleborough Road, which carries buses connecting to Doncaster Shopping Centre (route 279) and the City (route 303).

The proposed retail floor area results in a shortfall of two car spaces in comparison with the requirements of the Planning Scheme. The provision of one car space per shop is expected to cater to staff parking demand. Visitor car parking can be accommodated in the surrounding on-street parking.

It is unlikely that there would be a significant impact upon the local road network or nearby intersections, as the proposed traffic generation can be absorbed into the surrounding street network, and therefore there is no objection to the proposal based on traffic impact. Vehicles assessing and egressing the subject site will be travelling in a forwards direction, and the amended plans submitted have included splays to the shopfronts beside the vehicle accessway to provide for driver sight lines to pedestrians travelling on the footpath. In addition, the proposed steps within the footpath alignment will be required to be removed in order to provide a clear pedestrian pathway.

The proposed 2.6 metre minimum head height of the vehicle accessway exceeds the required 2.2 metres for access to resident and staff vehicles.

The proposed 1.2 metre wide footpath to the east of the disabled car space is too narrow, and must be widened to at least 1.5 metres, which can be achieved without impacting on the existing street tree planted within a small traffic island.

Bicycle parking is not required to be provided in association with the proposed shops and dwellings, however the provision of four at grade bicycle hoops in the undercroft car park would facilitate the use of further sustainable transport options.

Owing to the small sizes of the proposed shops, it is not anticipated that substantial loading facilities would be required, and such operations can occur within the available on-street parking.

Waste Storage and Collection

It is anticipated that the private waste collection services will be utilised by the proposed development. A Waste Management Plan will be required to be submitted as a condition of approval, and no waste may be stored outside the building, except when placed for collection on collection day.

9.1.5

(cont)

Objectors Concerns not Previously Addressed

- Loss of views.

Views are not protected by the Planning Scheme.

- Proposed dwellings are too small for families.

The proposed dwelling sizes will provide more compact and affordable housing options and will further contribute to housing diversity in the area. The proposed internal layouts include indicative furnishings demonstrating functional layouts.

- Negative impact on surrounding property values.

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

- Set an undesirable precedent.

Each planning permit application is decided on its own merits and against the relevant planning policies and provisions and cannot be considered against precedent.

- Construction impacts.

Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Building and EPA regulations regarding construction practices to ensure these impacts are mitigated, and that pedestrian access is maintained. A Construction Management Plan will be required via a permit condition to ensure that the development is constructed in accordance with Council's Construction Management Guidelines.

CONCLUSION

The proposed development of the subject site for two shops and eight dwellings, and associated reduction of car parking and waiver of loading bay requirements is considered appropriate for the site and consistent with the zoning of the land. The proposed building is sufficiently setback from residential interfaces and achieves a high level of compliance with the Design and Development Overlay Schedule 4, and the car parking provision and loading bay waiver are considered acceptable.

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

ATTACHMENT

- 1 Advertised Plans

9.1.6 Applications for removal and the lopping of trees in association with the Blackburn Road Level Crossing Removal Project

ATTACHMENT

SUMMARY

Seven applications will be assessed in this report, as follows:

File No.	Address	Proposal
WH/2016/321	1 Cromwell Court	Removal of six trees (Tree No.s: 302, 303, 304, 306, 307 and 308 and the lopping of one tree (Tree No.: 305)
WH/2016/322	2 Cromwell Court	Removal of three trees (Tree No.s: 275, 278, 282)
WH/2016/354	49 Glen Ebor Avenue	Removal of three trees (Tree No.s: 211, 212 and 215)
WH/2016/342	3/31 Glen Ebor Avenue	Removal of one tree (Tree No. 145)
WH/2016/340	29 Glen Ebor Avenue	Removal of one tree (Tree No. 142)
WH/2016/374	4/17 Glen Ebor Avenue	Removal of two trees (Tree No.s: 120 and 1283) and lopping of one tree (Tree No. 1284)
WH/2016/372	3/17 Glen Ebor Avenue	Removal of three trees (Tree No.s: 121, 122 and 123)

Ten applications were initially called in by Cr Daw. The applicant has advised of intention to withdraw applications at 3, 4 & 5/ 19-21 Glen Ebor Avenue. These three applications will therefore not be discussed in this report.

Objections to the seven remaining applications listed above, raised issues with tree health, loss of landscape character, planning policies and removal processes.

In relation to the applications for 1 and 2 Cromwell Court, a Consultation Forum was held on 14 July, 2016, chaired by Councillor Daw, at which the issues were explored, however no resolution was reached between the parties.

This report assesses these seven applications against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that all of the applications be supported, subject to conditions..

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Stennett

That Council:

- A. Being the Responsible Authority, having caused Application WH/2016/321, WH/2016/322, WH/2016/354, WH/2016/342, WH/2016/340, WH/2016/374 and WH/2016/372 to be advertised and having received and noted the objections is of the opinion that the granting of Planning Permits for the removal and lopping of trees as proposed is acceptable and should be supported.***
- B. Issue Notices of Decision to Grant a Permit under the Whitehorse Planning Scheme for WH/2016/321, WH/2016/322, WH/2016/354, WH/2016/342, WH/2016/340, WH/2016/374 and WH/2016/372, subject to the conditions listed below (as required):***

9.1.6

(cont)

Standard Conditions and Notes to be used as required:

1. ***Prior to the tree removal/lopping, a Tree Maintenance Plan to provide for the on-going maintenance of the retained and planted tree(s), prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The Tree Maintenance Plan must include, but is not limited to:***
 - a) ***The planted trees are to be maintained by the applicant for a period of two years after the date of planting.***
 - b) ***Irrigation system/program, including details of frequency and water delivery method.***
 - c) ***Maintenance frequency and procedures.***
 - d) ***Details of how access to the site will be achieved.***
 - e) ***If any planted trees die or are removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.***

The planted trees must be maintained in accordance with the Tree Maintenance Plan, to the satisfaction of the Responsible Authority.

2. ***The vegetation removal and/or lopping must always accord with the endorsed plan and arborist report and must not be altered or modified without the further written consent of the Responsible Authority.***
3. ***Only Tree(s) No. [insert numbers of trees to be removed] identified in the Arboricultural Assessment prepared by Artio Consulting are allowed to be removed or destroyed.***
4. ***When Lopping is Proposed: Only Tree No. [insert number of tree to be lopped] identified in the Arboricultural Assessment prepared by Artio Consulting are allowed to be lopped where within the site boundary.***
5. ***When Lopping is Proposed: All tree lopping must be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must conform to AS4373-2007 Pruning of Amenity Trees.***
6. ***Within one year of the approved tree removal, the applicant must plant at least [insert number of trees to be removed] trees on the subject site.***
7. ***No other vegetation on site, shall be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority (other than in accordance with a Notice given pursuant to the Local Government Act or vegetation with a trunk circumference of less than 0.5 metre when measured at a point 1 metre above ground level).***
8. ***Council's Planning Inspector must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that the replacement planting is adequately maintained.***
9. ***The applicant must provide a copy of this Planning Permit to the owners of the land.***
10. ***This permit will expire if the tree removal and/or lopping is not completed within two (2) 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 pursuant to the provision of Section 69 of the Planning and Environment Act 1987.

9.1.6

(cont)

When Lopping is Proposed: Permit Note:

- ***Lopping of the canopy of Tree No. [insert number of tree to be lopped] where overhanging the rail reserve is allowed as-of-right.***
- 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.***

A Division was called.

Division

For

Cr Bennett

Cr Chong

Cr Davenport

Cr Ellis

Cr Harris

Cr Massoud

Cr Stennett

Against

Cr Carr

Cr Daw

On the results of the Division the motion was declared CARRIED

9.1.6
 (cont)

MELWAYS REFERENCE 48 B-C10

Applicant:	CPB Contractors
Zoning:	Neighbourhood Residential Zone Schedule 3
Overlays:	Significant Landscape Overlay Schedule 2
Relevant Clauses:	Clause 10.04 Integrated Decision Making
	Clause 19 Transport
	Clause 22.04 Tree Conservation
	Clause 32.09 Neighbourhood Residential Zone
	Clause 65 Decision Guidelines
Wards:	Central and Springfield



Subject site	<p>Total of 8 Objector properties, including from 4 subject properties (1 & 2 Cromwell Court and 29 & 49 Glen Ebor Avenue) shown hatched.</p> <p>Four objector properties outside of map.</p>	<p>↑ North</p>
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9.1.6

(cont)

BACKGROUND

The Victorian Government is funding the removal of 50 level crossings in Melbourne over eight years. The Blackburn Road Level Crossing Removal Project will realign the railway beneath Blackburn Road.

The works within the rail corridor have received planning approval via Planning Scheme Amendment C183, which introduced an Incorporated Document into the Whitehorse Planning Scheme. The works approved by the Incorporated Document include:

- Lowering the train line by up to 9 metres below the current level
- The removal/lopping of native vegetation
- Construction of a shared use (bike/pedestrian) path within the railway reserve between Main Street, Blackburn and Springvale Road, Nunawading.

The Alliance undertaking the Blackburn Road Level Crossing Removal Project reviewed all trees in and beside the rail corridor and, where possible, adjusted the design and layout of the proposed works to minimise impacts on high value trees and native vegetation along the rail corridor. However the width of the railway reserve and the alignment and design options for this rail line are limited, and the project requires the removal and lopping of numerous trees. Council received applications for tree removal and/or lopping for 21 privately owned properties between Cromwell Court and Moreton Park. Approval under delegation has been issued for 11 of these properties.

The applicant has advised that the 3 applications for No.s 3, 4 and 5 of 19-21 Glen Ebor Avenue will be withdrawn.

This report reviews the remaining seven planning permit applications for removal and/or lopping of trees located on residential properties beside the rail reserve, encompassing the following lots:

- WH/2016/321 - 1 Cromwell Court, Blackburn
- WH/2016/322 - 2 Cromwell Court, Blackburn
- WH/2016/354 - 49 Glen Ebor Avenue, Blackburn
- WH/2016/342 - 3/31 Glen Ebor Avenue, Blackburn
- WH/2016/340 - 29 Glen Ebor Avenue, Blackburn
- WH/2016/374 - 4/17 Glen Ebor Avenue, Blackburn
- WH/2016/372 - 3/17 Glen Ebor Avenue, Blackburn

It is noted that on 1 August, 2016, Metro Trains Melbourne Pty Ltd (MTM) wrote to the owners of No.s 3, 4 and 5 of 19-21 Glen Ebor Avenue and No.s 3 and 4 of 17 Glen Ebor Avenue. MTM advised that trees on these sites had roots or branches extending into the rail corridor and would be destabilised by the works associated with the level crossing removal. As such, the affected trees were required to be removed in accordance with the *Rail Management Act 1996*, by 12 August, 2016. MTM further advised that a Planning Permit is not required to remove that were subject to such notice in accordance with the *Rail Management Act 1996*. MTM offered to remove the affected trees at their cost, and further advised that if the trees were not removed by 12 August, 2016, their contractors would undertake the removal and try to minimise disruption to owners.

Council has since written to MTM and requested the five (5) applications that have been issued with the above notices be withdrawn. The applicant has advised that 3 of these applications for No.s 3, 4 and 5 of 19-21 Glen Ebor Avenue will be withdrawn.

9.1.6

(cont)

The Site and Surrounds

The subject sites are all located adjacent to the south boundary of the railway reserve to the east of Blackburn Station. The subject sites all contain single dwellings with mature garden plantings including upper canopy trees. A number of the lots have previously been subdivided, and these lots comprise compact gardens with secluded private open space areas predominantly located beside the railway reserve on their north boundaries. The unsubdivided lots support more extensive garden areas characterised by tall tree plantings along the north boundaries beside the railway reserve.

Planning Controls

In accordance with Clause 42.03-2, a Planning Permit is required to remove or lop trees with a trunk circumference of at least 0.5 metre when measured at 1 metre above ground level within the Significant Landscape Overlay Schedule 2.

PROPOSAL

It is proposed to remove the following trees (based on information provided by in the submitted arborist reports prepared by Artio Consulting:

Address	Tree No.	Species	Height	Condition
1 Cromwell Court	302	<i>Pinus radiata</i> (Monterey Pine)	20m	Good health but poor structure
	303	<i>Pinus radiata</i> (Monterey Pine)	24m	Fair health with poor structure
	304	<i>Pinus radiata</i> (Monterey Pine)	25m	Fair health with poor structure
	306	<i>Pinus radiata</i> (Monterey Pine)	22m	Fair health with poor structure
	307	<i>Pinus radiata</i> (Monterey Pine)	24m	Fair health with poor structure
	308	<i>Pinus radiata</i> (Monterey Pine)	24m	Fair health with fair structure
2 Cromwell Court	275	<i>Acacia cognata</i> (River Wattle)	7m	Good
	278	<i>Corymbia citriodora</i> (Lemon Scented Gum)	19m	Good
	282	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	10m	Fair
49 Glen Ebor Avenue	211	<i>Eucalyptus botryoides</i> (Southern Mahogany)	18	Good
	212	<i>Eucalyptus botryoides</i> (Southern Mahogany)	24	Good
	215	<i>Eucalyptus botryoides</i> (Southern Mahogany)	14	Fair/Good
3/31 Glen Ebor Avenue	145	<i>Acacia melanoxylon</i> (Blackwood)	12	Good
29 Glen Ebor Avenue	142	<i>Eucalyptus lehmannii</i> (Bushy Yate)	12m	Good health, very poor structure
4/17 Glen Ebor Avenue	120	<i>Coprosma repens</i> (Mirror Bush)	5m	Good health, fair structure
	1283	<i>Pittosporum eugenioides</i> 'variegatum' (Variegated Pittosporum)	6m	Good health, fair structure

9.1.6

(cont)

Address	Tree No.	Species	Height	Condition
3/17 Glen Ebor Avenue	121	<i>Eucalyptus cephalocarpa</i> (Silver Leaf Stringybark)	12m	Good health, fair structure
	122	<i>Grevillea robusta</i> (Silky Oak)	15m	Good health, fair structure
	123	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	6m	Fair health, poor structure

It is noted that planning approval has been sought to lop Trees 305 and 1284, and legal advice obtained by Council has indicated that the lopping of branches overhanging the rail reserve does not require planning approval because the Significant Landscape Overlay does not apply to the rail reserve. The Incorporated Document exempts the removal/lopping of Native Vegetation within/overhanging the rail reserve from requiring planning approval. A note will be placed on the permits acknowledging that the lopping of the canopy overhanging the rail reserve is exempt from the planning process.

However the lopping of the remainder of the tree's canopy within the boundary of the subject site is required, in order to ensure the applicable trees are not unbalanced, and planning approval is required for lopping within the subject site for the following trees:

Address	Tree No.	Species	Height	Condition
1 Cromwell Court	305	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	6m	Good health, poor structure
4/17 Glen Ebor Avenue	1284	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	4m	Fair

CONSULTATION

Public Notice

The applications were advertised by mail to the owners and occupiers of adjacent properties to the east and west, and to the owners of the subject sites. A notice was not sent to adjacent property owner to the north, as this is the rail reserve and the applicant is acting on behalf of the rail reserve owner.

9.1.6

(cont)

Following the advertising period, objections were received to the applications as summarised in the table below, including the total number of objections and a breakdown of key objectors and properties:

Address	Total No. of objections	No. of objector properties	No. of objections from owner	Objection from Blackburn and District Tree Preservation Society	Objection from Blackburn Village Residents Group
1 Cromwell Court	6	5	1	1	1
2 Cromwell Court	5	4	2	1	1
49 Glen Ebor Avenue	4	4	1	1	1
3/31 Glen Ebor Avenue	1	1		1	
29 Glen Ebor Avenue	2	2	1		1
4/17 Glen Ebor Avenue	1	1			1
3/17 Glen Ebor Avenue	2	2		1	1

The objections generally raised consistent concerns for the different sites, and all of the objections received to the subject applications are summarised as follows:

- The trees are healthy and therefore do not warrant removal.
- No techniques have been identified to minimise the loss of trees.
- The impacts to some trees as a result of the railway and shared user path works would be minor and do not warrant tree removal.
- The shared user path should be relocated or reconfigured to reduce tree impacts.
- The tree loss would result in a loss of tree canopy and landscape character of the area.
- Some mature trees make valuable contributions to the landscape character of the area.
- Replacement trees will take two to three decades to replace lost canopy.
- The tree removal/lopping is inconsistent with the objectives in the SLO2, and relevant local policies and planning controls.
- Tree removal would detract from the ecological systems of the area, causing soil drying and loss of habitat.
- Details of landscape plans and replanting procedures and maintenance have not been provided to residents.
- Some owners have not consented to the removal of their trees.

9.1.6

(cont)

- Appropriate compensation should be provided to property owners for the loss of amenity.
- Safety impacts for residents as a result of the shared pathway at their fence lines allowing access to their sites by passing pedestrians/cyclists.
- The granting of a permit will set a precedent for similar cases.

Consultation Forum

A Consultation Forum was held on 14 July, 2016, in relation to the applications for 1 and 2 Cromwell Court. The Forum was chaired by Councillor Daw and attended by Councillors Munroe and Stennett, and three planning officers. Four objectors and six representatives of the applicant attended the meeting.

The submitters discussed the concerns raised in their written submissions including:

- Uncertainty as to the extent of future removal/lopping and replacement works. Definite advice regarding which trees were to be removed and what they would be replaced with was sought from one resident.
- Loss of shade, and increased cooling costs, especially if tall trees are not replaced with trees of similar heights.
- The amenity value of the trees.
- Loss of privacy screen from the train line.
- Retention of boundary fencing and proposed boundary fence heights.
- Site clean up in association with the removal of trees.
- Loss of habitat for local fauna.
- The extent and procedures for replacement planting and maintenance.
- Loss of treed character of the area.
- Noise impacts to the home business operating from 2 Cromwell Court.
- Devaluation of properties.
- Concern that the applications were made by a third party (not the owners of the land), and that this may set an undesirable precedent.
- Proposed tree removal contrary to the Significant Landscape Overlay Schedule 2.
- The arborist reports submitted with the applications incorrectly state that most impacts to trees are from the shared user path, and these reports should be corrected and resubmitted.
- The shared user path could be modified to reduce impacts to trees.

The applicant advised that they are attempting to minimise impacts on adjacent trees in private property and that it was not anticipated that all of the subject trees would actually require removal or lopping. The actual impacts to subject trees would not be known until excavation works for the cut off wall for the new railway cutting are undertaken in September/October 2016, enabling the extent of tree roots in the works area to be discovered.

9.1.6

(cont)

The planning permit applications lodged represent the worst case scenario of impacts to trees and it is anticipated that as the excavation works progress for the cut off wall for the new railway cutting that not all trees for which planning approval has been sought will require removal/lopping. However the applicant has sought permission for the worst case scenarios of tree impacts owing to the timeframes for planning permit applications and the urgent need to remove/lop trees that have been damaged or destabilised.

The applicant is aware that in addition to the relevant planning permissions, consent must also be obtained from property owners to access the sites and undertake the works on private land. In addition, any damage to boundary fences reported by residents would be repaired, and debris associated with tree removal/lopping would be removed.

The applicant advised that Metro Trains Melbourne is bound by separate legislation which restricts tall tree planting in proximity to the railway line and the applicant will negotiate appropriate replacement tree species with property owners and Metro Trains Melbourne.

The applicant questioned the relevance of amenity value formulas which are used by Councils to assess trees on public land, given that the subject applications related to trees on private land.

The applicant provided cross-sections showing the existing and proposed levels of the rail line, shared user path and boundary fence heights beside No.s 1 and 2 Cromwell Court. These indicated that the common boundary fences are proposed to be replaced with new fences with heights of 2.1 metres above the shared user path topped with 0.3 metre louvres or lattice.

After the Forum, the applicant provided updated Arborist Reports for the trees at 1 and 2 Cromwell Court, Units 3, 4 and 5 of 19-21 Glen Ebor and Units 3 and 4 of 17 Glen Ebor Avenue. These reports have updated the advice in relation to the potential tree impacts associated with the works in the railway reserve.

Referrals

Planning Arborist

Council's Planning Arborist was briefed by project engineers on site in relation to the proposed works and the inaccuracies of the submitted arborist reports in relation to the causes of impacts to trees. Council's Planning Arborist has inspected the subject trees and reviewed the arborist report submitted by the applicant. The findings of the submitted arborist report have been assessed with regard to the proposed excavation in the railway reserve and piling works, and on the understanding that the critical tree impacts are not associated with the shared user path.

The proposed tree removal and lopping is recommended to proceed as proposed in order to ensure that hazardous trees are removed and retained tree canopies can be balanced and made safe via lopping.

DISCUSSION

The proposed tree removal and lopping is sought as the subject trees will be impacted by the works for the Blackburn Road Level Crossing Removal Project.

Clause 10.04 Integrated Decision Making in the State Planning Policy Framework acknowledges that society has various needs and expectations that planning aims to meet by addressing aspects of economic, environmental and social well-being affected by land use and development. Council is required to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

9.1.6

(cont)

The proposed excavation of the railway line and associated works is anticipated to compromise the health of the subject trees owing to the extent of soil disturbance/excavation within the Tree Protection Zones (TPZs) of the subject trees or the extent of the tree canopy that requires removal/lopping to provide clearance within the rail corridor.

It is noted that the extent of impacts to trees will not be known until the excavation works for the cut off wall for the new railway cutting are undertaken and the applicant has advised that these works will proceed under the supervision of a qualified arborist. Once the extent of root disturbance or lopping is known, a decision will then be made as to whether there is a need to act on the planning permits sought for tree removal/lopping. The applicant will endeavour to retain as many trees as possible. However, if the subject trees have been destabilised by the proposed excavation or lopping within the railway reserve, the planning approvals hereby sought will allow the applicant to remove/lop the affected trees in a timely manner.

Concerns have been expressed by submitters in relation to the lack of certainty associated with the above process, however it is considered that the applicant's utilisation of proper planning processes for the 'worst case scenarios' shows forethought and allows for Council to consider the proposed tree removal/lopping in a timely manner, rather than being asked to allow the removal/lopping of destabilised or hazardous trees as a fait accompli, as a consequence of the rail grade separation works within the railway reserve.

This is consistent with the Significant Landscape Overlay Schedule 2 and Council's Tree Conservation Policy, which allow as-of-right removal of dead or hazardous trees, which would likely be the result were a permit not to issue. The project will have an impact on the canopy coverage and habitat in the area in the short to medium term, but replacement planting will ensure the long term regeneration of lost trees.

Although the submitted arborist reports for many applications indicate that the subject trees will be impacted by the shared user path, these reports were prepared early in the grade separation project, prior to the final design. The applicant has advised that it is the works associated with pile driving and excavation on the new railway cutting that are considered likely to significantly damage the subject trees. Although community concerns regarding the alignment of the shared user path are noted, this is not the subject of these planning permit applications, and works associated with the shared user path are outside the scope of the proposals for the subject sites.

In association with the removal/lopping of subject trees (where required), the applicant has provided written advice to the owners of all subject sites that they will undertake the following reparation and replacement works:

- The applicant will bear the costs of tree removal/lopping where necessary.
- Debris associated with tree removal/lopping will be removed, and any damage to lawns or garden beds will be repaired.
- North property boundaries beside the rail reserve will be secured at the end of each day.
- North boundary fence to be replaced with a 2.1 metre high fence, with an option to top with lattice or louvre panels.
- Provision of appropriate replacement trees of the owner's choosing (subject to such trees meeting the conditions of the Planning Permit and the safety requirements of the rail authority).
- Provision of the services of a landscape designer to assist owners with the selection of new trees/vegetation and landscape plans for areas where trees are removed.

9.1.6

(cont)

It is anticipated that the proposed boundary fences will assist in mitigating noise impacts of the railway line. In addition, the proposed lowering of the railway tracks associated with the level crossing removal will further limit noise transmission and the potential for train commuters to have views into the subject sites.

It is appropriate to allow the removal or lopping of the subject trees in a timely manner. Each tree removed in association with the Blackburn Road Level Crossing Removal Project will be required to be replaced with a tree on the subject land, and this will form a condition of approval. The replacement tree species and location will be negotiated between the property owner and the applicant and will, over time, assist in replacing lost tree canopy and associated shading of dwellings on the subject sites that is valued by some residents.

A Tree Maintenance Plan will be required for each site in order to ensure that replacement trees are maintained by the applicant for two years to ensure trees become established. As this Maintenance Plan will ensure that planted trees settle into their new locations, it is not critical to require replacement planting to be mature, as younger trees will tend to grow to their mature heights more quickly than trees which are tall at the time of planting.

Objector Concerns Not Previously Addressed

- The trees are healthy and therefore do not warrant removal.

The applications acknowledge that many of the trees are in good condition, however if they are destabilised by the works within the rail reserve, they will become hazardous and must be removed.

- No techniques have been identified to minimise the loss of trees.

The applicants have advised that a qualified arborist will be present for works that may impact the subject trees, however there are limited options to further reduce tree impacts given the constraints of the level crossing removal project.

- Details of landscape plans and replanting procedures and maintenance have not been provided to residents.

Permit conditions will require one-for-one replacement planting of trees in accordance with the applicant's undertaking above. A Tree Maintenance Plan will be required to be prepared for each site prior to the removal/lopping of trees, which will require the applicant to maintain the replacement trees for a period of two years. This Maintenance Plan will include details of the irrigation regime, maintenance procedures and site access, and will require dead trees to be replaced.

- Some owners have not consented to the removal of their trees.

The applicant has advised that all land owners have been notified of the planning permit applications being made. The Planning and Environment Act 1987 does not require the consent of the land owner for a planning permit application to be considered, but the applicant is aware that the land owners consent will be required before tree removal or lopping is undertaken on private land.

- Appropriate compensation should be provided to property owners for the loss of amenity.

Section 62(6) of the Planning and Environment Act 1987, states: '*The responsible authority must not include in a permit a condition requiring a person to pay an amount for or provide works, services or facilities...*' except in certain circumstances which are not relevant in this instance.

9.1.6

(cont)

- The granting of a permit will set a precedent for similar cases.

Each planning permit application is decided on its own merits and against the relevant planning policies and provisions and cannot be considered against precedent.

- 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. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

CONCLUSION

The ten planning permit applications propose trees for removal that are likely to be significantly damaged and unsuitable for retention in association with the Blackburn Road Level Crossing Removal Project. The proposed lopping is required to ensure the affected trees are not unbalanced. Replacement tree planting will be required for all trees removed.

The applications have been advertised where required and the objections received are considered above.

It is recommended that all applications should be approved.

ATTACHMENT

- 1 Proposed Vegetation Removal Plans

Strategic Planning

9.1.7 Amendment C186 to the Whitehorse Planning Scheme – Rezoning of sites in Box Hill Structure Plan Area

FILE NUMBER: 16/85238

SUMMARY

This Amendment was prepared to resolve identified inconsistencies between the land use objectives of the Box Hill Activity Centre Transit City Structure Plan and the current zones applying to ten sites in the Structure Plan area.

Amendment C186 was granted exemption from normal amendment notification by the Minister for Planning under Section 20(2) of the Planning and Environment Act 1987 and Council notified the landowners of the sites, public authorities and prescribed Ministers. Council received five (5) submissions during the exhibition period. None of the submissions object to the amendment and therefore this report recommends adopting the Amendment and submitting it to the Minister for Planning for approval.

COUNCIL RESOLUTION

Moved by Cr Chong, Seconded by Cr Harris

That Council being the Planning Authority:

- A. Adopt Amendment C186 as exhibited.***
- B. Submit the adopted Amendment to the Minister for Planning for approval with the appropriate fee.***
- C. Advise all submitters of Council's decision.***

CARRIED UNANIMOUSLY

BACKGROUND

The *Box Hill Activity Centre Transit City Structure Plan* (Structure Plan), adopted by Council in June 2007, sets out the preferred land uses for activity precincts which are considered to meet the vision for the Box Hill Metropolitan Activity Centre (MAC). The Structure Plan recommends the future rezoning of selected areas and sites to facilitate development consistent with these uses. In some cases, however, the current zone applying to sites does not allow the consideration of uses envisaged by the Structure Plan.

In correspondence from Department of Environment, Land, Water and Planning (DELWP) in September 2015 it was recommended that Council adopt a broad strategic approach to rezoning the remaining Commercial 2 Zone parcels of land to facilitate mixed use development to coincide with the Structure Plan's objectives. Furthermore, DELWP advised that it may consider limited notification to prescribed ministers and affected parties only, pursuant to Section 20(2) of the *Planning and Environment Act 1987* (the Act).

9.1.7
 (cont)

Council wrote to DELWP on 28 October 2015 confirming that Council officers were supportive of preparing and exhibiting a future amendment under Section 20(2) of the Act. Council officers subsequently prepared Amendment C186 to the Whitehorse Planning Scheme (Planning Scheme) to facilitate the rezoning of the ten properties in the Structure Plan area that are not currently aligned with the intent of the Structure Plan, as per the following table and mapping:

Site	Current Zone	New Zone
837 Whitehorse Road	Commercial 2	Commercial 1
843 Whitehorse Road	Commercial 2	Commercial 1
845-851 Whitehorse Road	Commercial 2	Commercial 1
6 Nelson Road	Commercial 2	Mixed Use
8 Nelson Road	Commercial 2	Mixed Use
10 Nelson Road	Commercial 2	Mixed Use
12-14 Nelson Road	Commercial 2	Mixed Use
4 Shipley Street	Commercial 2	Mixed Use
6-10 Shipley Street	Commercial 2	Mixed Use
7-11 Shipley Street	Commercial 2	Mixed Use

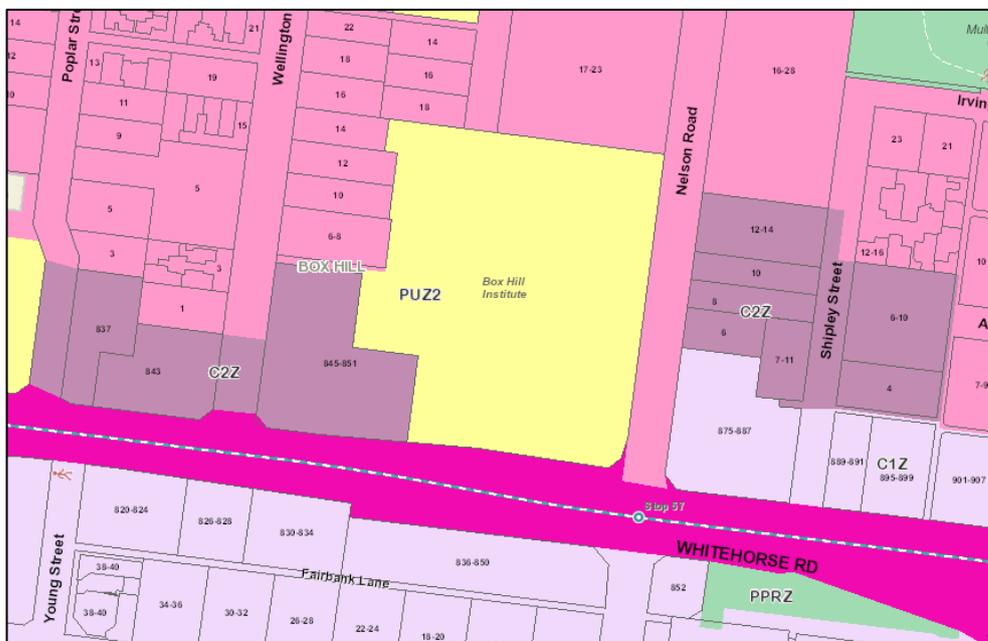


Figure 1: Current zoning

9.1.7
(cont)

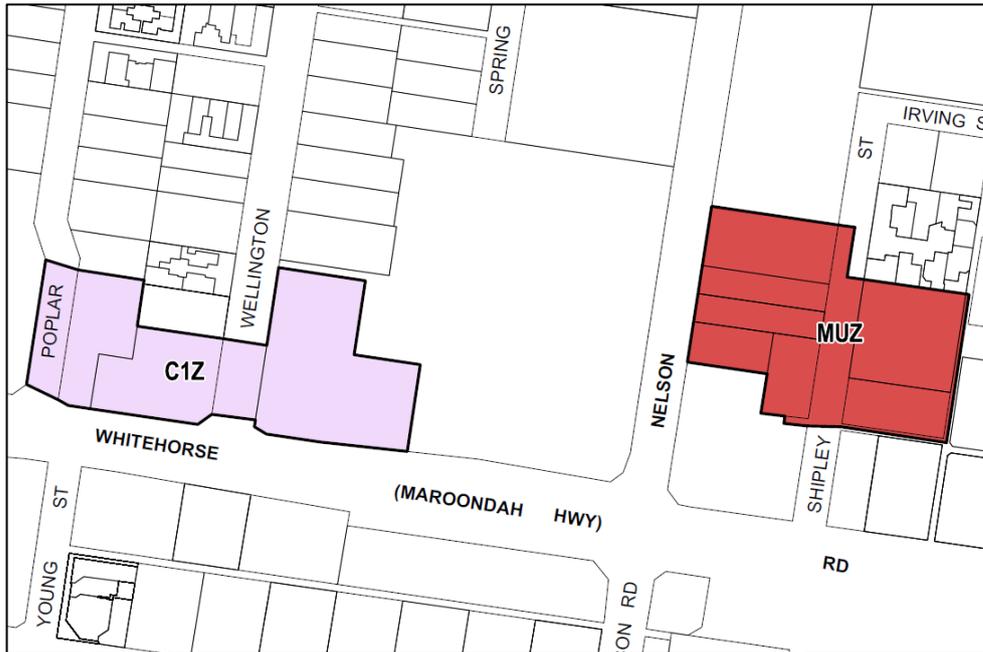


Figure 2: Proposed zoning under Amendment C186

DISCUSSION

The ten sites included in the amendment are currently included in the Commercial 2 zone and are the last remaining sites in the Structure Plan area that are included in the Commercial 2 Zone. The amendment would ensure that the sites are consistent with the preferred land uses for activity precincts in the Structure Plan and respond to the recommendations from DELWP and the Minister for Planning regarding Amendment C176 (837 Whitehorse Road, Box Hill) that was previously refused by the Minister for Planning on 29 December 2015.

With regards to Amendment C176, the Minister noted that although the Structure Plan identifies the area for mixed use development, the underlying Commercial 2 Zone does not allow the use and the Minister encouraged Council to undertake an amendment process to ensure the underlying zones are better aligned with the outcomes sought in the Structure Plan.

Amendment C186 will assist in facilitating economic growth in the Box Hill MAC by allowing for mixed use and/or higher density development, subject to any planning permits being granted, while still supporting the core land use activities within the various precincts of the Structure Plan.

It will also remove the Incorporated Documents from the Planning Scheme that were approved by Amendment C165 and Amendment C171 as these will be redundant documents when the sites are rezoned. Amendment C165 was approved on 27 August 2014 for land at 845-851 Whitehorse Road, Box Hill and Amendment C171 was approved on 15 April 2015 for land at 12-14 Nelson Road, Box Hill. The removal of the Incorporated Documents in this Amendment will also mean Council does not have to correct the Planning Scheme with regards to this at a later date.

9.1.7

(cont)

CONSULTATION

Extensive consultation occurred as part of the preparation of the Structure Plan and its implementation in the Planning Scheme. During this time community members and stakeholders including traders, property owners, residents and other users of the MAC, as well as relevant public authorities, were provided with an opportunity to comment on all aspects of the Structure Plan, including the identified land use mix.

Following discussions and written advice from DELWP, it was determined that the extensive consultation undertaken during the preparation of the Structure Plan justifies limited exhibition of this amendment, particularly given that it relates to a small number of sites.

At the meeting on 15 February 2016, Council resolved to seek authorisation from the Minister of Planning to prepare Amendment C186 and request, under the provisions of Section 20(2) of the *Planning and Environment Act 1987*, exemption from the normal notice requirements under Section 19 of the Act.

In his response, the Minister exempted Council from the notification requirements of Section 19 of the Act but did require Council to give notice to the prescribed Ministers pursuant to Section 19(1)(c) of the Act. Council also determined that it was appropriate to notify public authorities and all landowners of sites included in the amendment. This notice included the mapping amendment and explanatory report.

In addition, the normal notification and advertising requirements will apply to any future planning permit application process on any of the sites included in the amendment. This will give relevant owners and occupiers, neighbouring residents and authorities the opportunity to make comment on future proposals that include components requiring a planning permit.

Submissions

Council received 5 submissions during the exhibition period (13 June 2016 to 15 July 2016), from the following:

- Environment Protection Authority (EPA);
- Public Transport Victoria (PTV);
- On behalf of the landowners at 837 Whitehorse Road, Box Hill;
- On behalf of the landowners at 843 Whitehorse Road, Box Hill; and
- From the owners of 6-10 Shipley Street, Box Hill.

The submission from the EPA does not object to the proposed Amendment but notes that there is the potential for amenity impacts to occur and that the timing of future developments should be considered to ensure a sensitive use such as residential does not conflict with non-sensitive uses. In particular, the EPA notes that 4 Shipley Street, Box Hill is currently used for a panel beating business and that there is a risk that the properties fronting Nelson Road are developed with residential uses prior to 4 Shipley Street being developed. This would then mean that there are sensitive uses within the 100m threshold for a use with potentially adverse amenity impacts.

Council acknowledges the EPA comments and notes that the panel beaters will have existing use rights under the Mixed Use Zone if the amendment is approved as exhibited.

Darebin Amendment C164 (2009) proposed to rezone land in Northcote from the Industrial 3 zone to Residential 1 zone and apply an EAO. It was identified during the panel process that the amendment would introduce conflict between industrial uses and residential uses. The Panel noted in its report that "this issue is generic to many inner urban municipalities where old industrial land stock is surrounded by residential land uses" and that "the eventual relocation of other industrial uses will ultimately resolve use interface issue".

9.1.7

(cont)

Similarly, the Structure Plan notes that the redevelopment of the area should be generally encouraged to meet the objectives for the Box Hill MAC which is to transition away from some of the current uses to a mix of residential, commercial and retail. The Structure Plan, as part of Chapter 6 – Managing Change, recommends the future rezoning of sites in the Structure Plan area to facilitate development consistent with the Structure Plan. 4 Shipley Street, Box Hill is included in the Box Hill Gardens Precinct that envisages significant medium to high density residential growth with small scale offices, limited retail and community services and retail to activate ground level street frontages. The Structure Plan also includes Shipley Street in the Major Development Built Form precinct and therefore envisions significant change and growth in this precinct. Additionally, Council has been approached by landowners in the precinct to discuss redevelopment options for sites.

Officers therefore believe that any potential conflicts (such as noise) can be identified and managed during a future planning permit process. The EPA will not be a referral agency during the statutory planning process, and therefore it is proposed that a memo is attached to the properties on Council's mapping and property system to alert users that the properties should be assessed in more detail with regards to impacts from adjoining land uses. Additionally, Council would request that future applicants of residential development include measures to ensure any adverse impacts from adjoining uses (such as noise and odour) are mitigated or eliminated.

The submission from PTV supports the amendment and considers that there is an opportunity to prepare and introduce an Infrastructure Contributions Plan to collect development contributions for the provision of improved infrastructure within the Structure Plan area. PTV states that a Contributions Plan could collect funds to upgrade local transport infrastructure such as pedestrian, streetscape and public realm works which would then encourage the use of public transport in the area. Council acknowledges the PTV comments and while an Infrastructure Contributions Plan is not part of this amendment, Council acknowledges that there is an opportunity within the Structure Plan area of Box Hill to pursue this matter.

Both of the submissions received on behalf of the landowners at 837 Whitehorse Road, Box Hill and 843 Whitehorse Road, Box Hill welcome Council's initiative to seek to rectify the inconsistencies that currently exist on the specific sites and therefore support the Amendment. Both submissions support their respective sites on Whitehorse Road as ideal for redevelopment to include residential and commercial development due to their location within the Structure Plan area, being in close proximity to public transport and educational, commercial and recreational land uses.

The submission received from the owners of 6-10 Shipley Street, Box Hill supports the amendment and agrees with the application of consistent land use controls within the Structure Plan that support the role and function of the MAC.

FINANCIAL IMPLICATIONS

The amendment is unlikely to result in any significant financial implications. The fee applying to Section 20(2) amendment requests to the Minister for Planning is a total of \$2120 with an initial authorisation request fee of \$798. The initial fee was paid at the authorisation stage in April 2016 and the remaining fees can be accommodated in the 2016/2017 budget.

Planning fees for planning applications on any of the subject sites will be payable by the applicant on receipt of a future planning permit application should the amendment be approved by the Minister.

9.1.7

(cont)

POLICY IMPLICATIONS

The rezoning of the sites from the Commercial 2 Zone to the Commercial 1 Zone and Mixed Use Zone will meet the following strategic direction in the Council Plan:

Strategic Direction 2 – Maintain and enhance our built environment to ensure a liveable and sustainable city

The amendment proposes to rezone land that could be developed for residential and commercial uses. This will support and promote housing diversity in the municipality whilst balancing the need to also preserve the natural environment. Any future development of the land would assist in improving the usage of transport modes with regard to efficiency, sustainability and safety.

Strategic Direction 5 – Support a healthy local economy

The amendment proposes to rezone land that could be developed for residential, retail and commercial uses, which will support the development of a sustainable, growing local economy and support the growth of the retail sector.

CONCLUSION

Council has identified inconsistencies between the land uses encouraged by the Box Hill Structure Plan and the land uses allowed under the current Commercial 2 Zone that applies to several properties in the structure plan area. Furthermore, the State Government's *Plan Melbourne* identifies Box Hill as a MAC, which is to play a major service delivery role, including the provision of housing for a subregional catchment.

There have been expressions of interest in developing some of the sites for mixed uses, including accommodation, a use encouraged by the Structure Plan, but largely prohibited under the current zoning for several sites. Given that the Structure Plan supports the uses and *Plan Melbourne* identifies the area as a key precinct, it is recommended that the ten sites in Amendment C186 be rezoned to either the Commercial 1 Zone or the Mixed Use Zone as outlined in this report.

The Minister for Planning authorised Council to undertake limited notification of the amendment under Section 20(2) of the *Planning and Environment Act 1987*, as extensive consultation was conducted previously when the Structure Plan was prepared and implemented. Council received five (5) submissions during the exhibition of the Amendment, all of which support the amendment or offer no objection to the Amendment. As Council has received no submissions that object to the Amendment, it is recommended that this Amendment be adopted by Council and forwarded to the Minister for Planning for approval and gazettal.

Attendance

Cr Massoud having declared a Conflict of Interest in Item 9.1.8 left the Chamber at 8.11pm, prior to discussion taking place on the item.

Engineering and Environmental

9.1.8 Tender Evaluation Report – Panel of Providers for Approved Energy Efficient Street Lighting Hardware (Luminaires and PE Cells)

FILE NUMBER: SF15/530

SUMMARY

To recommend the acceptance of a panel of providers for approved energy efficient street lighting hardware based on the recommendations received from the Municipal Association of Victoria, trading as MAV Procurement and as per the Schedule of Rates contained within its Contract SL9311, which expires 30 November 2017 and to consider the estimated expenditure over the life of the contract.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Harris

That Council:

1. **Accept the recommendation from the Municipal Association of Victoria (ABN 24 326 561 315), trading as MAV Procurement and accept the following panel of providers for approved energy efficient street lighting hardware on a Schedule of Rates basis as per its Contract SL9311.**
 - **Aldridge Traffic Systems Pty Limited (ABN 98 001 678 557);**
 - **Artcraft Urban Group Unit Trust (ABN 44 536 226 503);**
 - **Austeknis Pty Limited (ABN 37 008 180 041);**
 - **Legend Corporate Services Pty Limited (ABN 81 006 722 292);**
 - **Streetworx Pty Ltd (ABN 28 118 421 891);**
 - **Gerard Lighting Pty Ltd (ABN 71 115 184 999); and**
 - **Vicpole Pty Ltd (ABN 58 053 453 535).**
2. **Accept additional providers that are added to Contract SL9311 by MAV Procurement from time to time as the Contract is refreshed.**

CARRIED UNANIMOUSLY

BACKGROUND

This report relates to Phase 2 of the changeover of street lights to energy efficient lights.

In April 2008 Council adopted the Whitehorse Sustainable Public Lighting Action Plan. A key action in the Plan was to investigate and consider a major retrofit of energy efficient street light lamps in Whitehorse in 2012/2013 and 2013/2014. The plan recommended the changeover of all 80 Watt Mercury Vapour street lights (8,600 - approximately 73% of Council street lights) on local Council roads to energy efficient lights. The replacement of the 80 Watt Mercury Vapour lights provides the greatest opportunity to save energy and reduce green-house gas emissions.

In 2013/2014, Phase 1 of the bulk replacement of street lights was completed. This included changing over 60% of Mercury Vapour street lights on Council local roads to energy efficient fluorescent T5 lights.

Phase 2 of the project is to complete the changeover of the remaining 40% of Mercury Vapour street lights to energy efficient lights (total 3,385 lights). It is proposed to changeover the remaining lights over the financial years of 2016/2017 and 2017/2018.

9.1.8 (cont)

It has been calculated that the replacement of the remaining 40% of Mercury Vapour street lights to energy efficient lights would reduce energy use for each light by 70% compared to the existing 80 Watt Mercury Vapour lights. It is also estimated that there would be a reduction of 1,400 tonnes of greenhouse gas emissions per annum, or 28 million 'black balloons' for Phase 2.

The changeover to energy efficient lights will provide savings through reduced electricity consumption as well as environmental benefits. The estimated net savings to Council over 20 years is \$3.6 million.

MAV Procurement was appointed on behalf of 45 member Councils including Whitehorse City Council to manage the tender process for the provision of approved energy efficient street lighting hardware (luminaires and photoelectric (PE) cells). The luminaires include the light globe and associated light fittings. There are three types of approved energy efficient luminaires, including light-emitting diode (LED), fluorescent (T5) or compact fluorescent (CFL). The photoelectric cells or PE cells are used in street lighting to detect the light levels and control when to switch the lights on and off. Tenders were invited for the lighting hardware only because of the individual requirements of each Council for installation.

The basic aims of the tender process were to facilitate a contract that will deliver value for money through a combined expenditure arrangement for participant Councils for the duration of the contract. It was also to provide participant Councils with access to high quality, energy efficient street lighting hardware. All products must be a standard approved by the relevant Victorian distribution network service providers (DNSP) and must be able to replace the existing Mercury Vapour light fittings and provide the same lighting levels.

It should be noted that since MAV Procurement commenced this process, the research and development and DNSP approvals with respect to LED luminaires has progressed to the point where many Councils are now adopting this technology for its bulk street light changeovers. It is currently intended that the lights for the Phase 2 project will be LED luminaires and there may also be a need to install T5 lights in some isolated locations. This will be confirmed during the detailed design stage that is planned to be completed by December 2016.

The contract is for the supply only of the hardware for the energy efficient lights. The hardware will be purchased over the 2016/2017 and 2017/2018 financial years.

The other elements of the project which are being completed separately are listed below:

- Detailed design – Council has appointed a consultant to undertake the detailed design as a separate project. This is scheduled for completion by December 2016.
- Agreement with United Energy – Council needs to enter into an agreement to undertake the works with United Energy, being the distribution network service provider. As part of the agreement, Council needs to pay project costs of \$402,488.02 including GST. The project costs are a set amount and regulated by the Australian Energy Regulator (AER). The amount includes project management fees, written down value and avoided maintenance costs.
- Installation – Council will appoint a contractor to remove the existing lights and install the new energy efficient lights.

DISCUSSION

MAV Procurement advertised Contract SL9311 on 1 September 2012. Tenders were closed on 21 September 2012. Twelve tenders were received and tenders were evaluated by MAV Procurement.

The tender process was similar to the process used by Council and is in accordance with the tendering requirements of the Local Government Act 1989.

9.1.8 (cont)

The tender panel consisted of representatives from MAV Procurement, local government organisations and Ironbark Sustainability who is a specialist sustainable street lighting consultant.

MAV Procurement conducted a panel of providers refresh in March 2013 and a second panel of providers refresh in December 2015, for Contract SL9311. The Contract expires on 30 November 2017 and may be extended subject to considerations by MAV Procurement. It is recommended that Council accept the Schedule of Rates in Contract SL9311 up to 30 June 2018, should the Contract be extended to this date.

Following these two refreshes, the tender panel recommended that the tenders from the following suppliers were capable to meet local council requirements, allowing local councils a sound panel from which to supply energy efficient street lighting or lighting components:

- Aldridge Traffic Systems Pty Limited (ABN 98 001 678 557);
- Artcraft Urban Group Unit Trust (ABN 44 536 226 503);
- Austeknis Pty Limited (ABN 37 008 180 041);
- Legend Corporate Services Pty Limited (ABN 81 006 722 292);
- Streetworx Pty Ltd (ABN 28 118 421 891);
- Gerard Lighting Pty Ltd (ABN 71 115 184 999); and
- Vicipole Pty Ltd (ABN 58 053 453 535).

It is recommended that Whitehorse Council accept the recommendations of the tender panel that the listed suppliers provide the best value for money for the provision of approved energy efficient street lighting hardware (luminaires and PE cells). This is the same procurement approach undertaken for the Phase 1 bulk replacement.

CONSULTATION

All of the 45 member Councils including Whitehorse Council were consulted throughout the tender process.

FINANCIAL IMPLICATIONS

Whitehorse Council will have no obligation to spend any set amount under the contract and will have no obligation regarding what supplier is selected from the list and what type of hardware is purchased. The contract for each supplier is between MAV Procurement and the supplier, with the purchasing arrangements for Council though MAV Procurement.

The decision regarding what type of hardware is purchased and from what supplier will be made during the detailed design phase of this project which is expected to be completed by early December 2016. There may also be a need to use different hardware from different suppliers over the 2 years of the contract depending on technical requirements and also availability of stock. Appointing a panel of suppliers will ensure that Council can maximise cost effectiveness and provide flexibility.

The table below is the current estimate of costs to change approximately 3,385 lights, which is the remaining 40% of the total Mercury Vapour lights.

9.1.8
 (cont)

The estimated expenditure under this contract up to the end of contract or up to 30 June 2018 is \$856,405, including GST (\$778,550, excluding GST).

	Budget	Expenditure
Capital Works Account Code 3445 2799 Street Lighting Energy Efficient Changeover (2016/2017)	\$900,000	
Capital Works Account Code 3445 2799 Street Lighting Energy Efficient Changeover (2017/2018)	\$900,000	
Total Budget	\$1,800,000	
Estimated Expenditure on Installation = approximately 3,385 lights		\$270,800
Plus Estimated Hardware Supply Costs		\$778,550
Plus United Energy Costs (excl GST)		\$365,898
Plus Technical and Procurement Consultants		\$51,784
Plus Contingencies		\$73,352
Plus Project Management Fees		\$73,352
Total Expenditure		\$1,613,735

The amounts are only estimates. It is currently forecast to spend the total budget of \$900,000 in 2016/2017. There may be some savings for the 2017/2018 financial year and the amounts will be confirmed as the project is further developed during 2016/2017Type text here

Attendance

Cr Massoud returned to the Chamber at 8:15 pm following the vote on Item 9.1.8.

9.1.9 Tender Evaluation Report – Contract 15044 Asphalt Resurfacing of Local Roads

FILE NUMBER: 16/85238

SUMMARY

To consider tenders received for Asphalt Resurfacing of Local Roads and to recommend the acceptance of the tender received from Downer EDI Works Pty Ltd, for the amount of \$1,529,636, including GST and to consider the overall project expenditure

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Bennett

That Council accept the tender and sign the formal contract document for Contract 15044 for the Asphalt Resurfacing of Local Roads received from Downer EDI Works Pty Ltd (ABN 66 008 709 608), of 650 Lorimer Street, Port Melbourne, for the tendered amount of \$1,529,636, including GST; and continue to trial alternative environmentally sustainable products such as 'Low CO2 Asphalt' and increased amounts of recycled product.

CARRIED UNANIMOUSLY

BACKGROUND

Council allocates funds each year as part of an ongoing rehabilitation program for local roads. Roads require periodic rehabilitation usually by applying an asphalt overlay to maintain the integrity of the road pavement, serviceability and to prolong the life of the road pavement. Periodic rehabilitation also minimises the need for routine maintenance such as pothole patching. The specific locations are selected using technical ratings of a variety of condition indicators through Council's Road Pavement Management System (SMEC), visual inspections and past maintenance history. The works of this contract include the resheeting of local roads with asphalt and other associated works such as reinstating existing line marking and patching in preparation for resheeting.

The contract includes the use of asphalt that contains 20% recycled asphalt product. The recycled asphalt is retrieved from existing asphalt roads when they are being prepared for resheeting.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 18 June 2016 and were closed on Wednesday 13 July 2016. A total of four tenders were received.

The tenders were evaluated against the following criteria:

- The tender offer;
- Tenderer's experience in the provision of similar services;
- Quality of Tenderer's work;
- Resources dedicated to this project;
- Availability of tenderer to complete the works and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

Downer EDI Works Pty Ltd is the recommended tenderer for this work. This contractor is experienced in these types of work and they have successfully completed similar contracts for Whitehorse Council in the 2010/11 financial year as well as projects for other Councils including Boroondara, Banyule and Kingston. The tender received from Downer EDI Works Pty Ltd is considered to be the most beneficial to Council for this contract.

9.1.9
 (cont)

As part of the tender, each tenderer was requested to provide an alternative environmentally sustainable asphalt product for 14 roads that could still meet Council's requirements for value for money, suitable quality and fit for purpose that has an increased recycled content and/or is more environmentally friendly. In response, Downer EDI Works Pty Ltd has proposed the use of Low CO2 Asphalt. This asphalt produces at least a 30% reduction in Co2 emissions when compared to conventional hot mix asphalt products.

The use of 'Low CO2 Asphalt' will further Council's commitment to green purchasing and help to ensure that Council continues to be a leader in this field

CONSULTATION

The schedule of roads for resurfacing was developed jointly by the Council Departments of Engineering and Environmental Services and City Works.

The contractor is required to advise residents in writing a minimum of 3 days prior to the works commencing at each location.

FINANCIAL IMPLICATIONS

	Budget	Expenditure
Capital Works Funding Account No. T103 Local Roads Rehabilitation – Annual resurfacing program	\$ 2,134,000	
Total Budget	\$ 2,134,000	
Preferred tenderer's lump sum offer (including GST)		\$ 1,529,636
Less GST		\$ 139,058
Net cost to Council		\$ 1,390,578
Contingencies		\$ 139,058
Plus Project Management Fee		\$ 83,435
Sub Total Expenditure		\$ 1,613,071
Patches for failed sections of pavements that are to be resurfaced		\$ 220,000
Kerb and channel repairs		\$ 100,000
Reactive road resurfacing / rehabilitation of roads beyond routine maintenance		\$ 200,000
Total Expenditure		\$ 2,133,071

9.2 INFRASTRUCTURE

9.2.1 Road Bridges and Path Structures Renewal Strategy

SUMMARY

Council is responsible for the maintenance and renewal of 7 road bridges and major culverts that link local roads and 70 structures comprising vehicular park bridges, footbridges, boardwalks and viewing platforms located within Council's open space areas.

It is Council's responsibility to manage these assets to ensure satisfactory serviceability and safety for community use.

A detailed analysis of the structural condition of these assets has enabled the development of a Road Bridge and Path Structure Renewal Strategy that identifies the need for sustained investment in maintenance and renewal to ensure they continue to provide an acceptable level of service to the community and minimize risks associated with deterioration of asset structural condition.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Bennett

- 1. Approve the proposed path structure renewal program for the 2016/2017 year for the Bellbird Dell southern boardwalk, Look Out Trail Park elevated platform at Vermont South, Yarran Dheran lower bridge and Abbey Walk boardwalk.**
- 2. Acknowledge that the renewal of these structures is subject to geotechnical and environmental analysis, risk assessment and community benefit analysis as part of the concept and detailed design stage of each project.**

CARRIED UNANIMOUSLY

BACKGROUND

Council's first generation Asset Management Plans (AMP) were developed in 2007/2008 based on the best asset information available at the time. A revision of all AMP was carried out during the 2013/14 financial year, being an initiative in Council's Asset Management Strategy Improvement Action Plan.

The Roads Asset Management Plan, 2013 is one of the six AMP prepared and complies with the requirements of the Municipal Association of Victoria STEP program and National Asset Management Assessment Framework (NAMAF) to improve Council's long term management of its roads assets through the use of sound asset management principles. The Plan includes the addition of a new asset class for road bridges and major culverts, which were not listed in the previous version of the AMP.

Similar to the Roads Asset Management Plan, the Open Space Asset Management Plan, 2013 details an extensive register of park and reserve assets that similar to road assets, require long term management to maintain the assets in a safe and secure condition for users. The Open Space Asset Management Plan comprises the path structure asset class which forms part of the park pathway network and includes vehicular access bridges, pedestrian footbridges, boardwalks, minor culverts and viewing platforms.

9.2.1

(cont)

Council's assets are now managed through programmed and reactive inspections, identified levels of service for the various maintenance standards, intervention levels, response times, upgrades and asset renewal. The renewal funding demand over the next 10 years for Road Bridges and Path Structure assets was determined through the collection of updated asset inventories and condition assessment data.

Development of the Roads and Open Space AMP has identified gaps in infrastructure asset management processes for road bridges and path structures including programmed inspection and maintenance requirements of the assets to meet service needs, provide safe infrastructure assets for use by our community and consideration of lifecycle costing for funding future asset renewal.

In accordance with Council's Asset Management Policy, the City Works Department has been allocated responsibility as Asset Manager for the maintenance of the open space constructed pathway network, including Council's road bridges and path structures. Maintenance responsibilities ensure that these assets will be maintained and managed according to the rate of condition deterioration until the end of their useful life. Renewal of these assets is the responsibility of the City Works Department.

DISCUSSION

In 2013, experienced bridge consultants undertook an inventory and structural condition assessment of all Council road bridges, major culverts and path structures. The structural condition assessment was a detailed inspection assessing the structural integrity and condition of all bridge and path structure components in accordance with the VicRoads Road Structures Inspection Manual 2011.

Two separate asset registers have been established in Council's Asset Management System (WAMS) which include road bridges and major culverts in the Roads Module and path structures in the Open Space Module. The registers are used to program inspections and carry out condition assessments, maintenance and renewal funding demand forecasting.

The register in WAMS identifies that Council has ownership and responsibility for 1 road bridge and 6 major culverts servicing local roads and a combination of 70 path structures located within Council parks and reserves. The path structures asset class includes 8 park vehicular bridges, 27 footbridges, 14 boardwalks, 6 viewing platforms, 9 minor park culverts and 6 steps structure.

A treatment for each bridge and path structure, together with estimated costs for repair and maintenance and prioritisation of works based on treatment urgency to minimise risk and extend the useful life of the structures has been completed. Council officers have undertaken an analysis of the recommendations, works prioritisation and costings and developed a Road Bridge and Path Structure Renewal Strategy (Strategy) for the next 10 years. The Strategy was used as the basis to prepare a 5 year maintenance and renewal program commencing 2015/2016. The Strategy is used to inform the Capital Works Program nomination process for renewal funding consideration and the recurrent budget to identify works and set priorities for maintenance to meet service level requirements and minimise asset failure risks.

The proposed renewal timing is subject to asset condition monitoring and service levels to ensure the assets are fit for purpose and minimise risk to the community.

The Strategy has identified the required level of funding over the next 10 years for maintenance and renewal of the assets. The majority of path structures require works on the super structure and sub structure components.

9.2.1

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A bridge inspection undertaken in 2014 identified that works were required at the major road culvert in Main Street, Blackburn, constructed in 1976, adjacent to Furness Park. In 2015 works were undertaken on the Main Street bridge to strengthen the base of the northern footing, drainage works to prevent stormwater discharge behind the wingwalls, desilting of the creek and rock beaching to address erosion impacts. Works were carried out to replace the old handrails on the bridge with new compliant handrails, which were completed in June 2016.

In 2015, Council officers in consultation with the Metropolitan Fire and Emergency Services Board (MFB), noted the condition of the recycled timber decking at the park vehicular bridge located at Blackburn Lake Sanctuary off Central Road, Blackburn. During the 2015/16 year, Council investigated the general serviceability of the bridge, rated the condition of the structure and its components, assessed the structural integrity of the bridge substructure steel girders, the strength and load capacity of both bridge abutments, designed and installed a concrete deck replacement and steel handrail system to replace the old deteriorated timber decking and non-compliant handrails. The new decking has a rating of 44 tonnes to satisfy the MFB requirements and comply with the Australian Standards.

The Road Bridge and Path Structure Renewal Strategy provides a comprehensive method of establishing a forward renewal program for each of the road bridges, major culverts and path structure assets over the next 10 years. The Strategy recognises that sustained investment in asset renewal and maintenance is required to maintain the current levels of service provided to the community, reduce risk and keep the rate of bridge and path structure deterioration at a minimum until the end of their expected useful life.

The Strategy has informed the renewal priority program for 2016/2017 following review of the path structures asset condition, levels of service, functionality, community demand, risk and environmental factors.

The southern boardwalk at Bellbird Dell was removed in March 2016 due to its deteriorated asset condition. The Strategy has determined the boardwalk to be a significant community asset with demand for passive recreational use like walking, orienteering, bird watching, studying and photography of native flora and fauna as it allows for a closer encounter, which the adjacent granitic path does not. No other location within Bellbird Dell provides for such an experience. The Strategy identified the boardwalk as a high priority for renewal during the current financial year.

The northern boardwalk has been assessed to be in fair asset condition and has been retained for operational use. Maintenance works are proposed for the boardwalk this year to maintain its structural integrity, safety and serviceability.

The elevated viewing platform at the Look Out Trail in Vermont South was removed from use due to the condition of the vertical structural members. The Strategy has identified the elevated platform as a high priority for renewal during the current financial year. A replacement structure at this location will be subject to geotechnical analysis, environmental impact assessment and risk assessment during the detailed design stage of the project, given use of the land as a former landfill site.

The lower footbridge at Yarran Dheran Reserve, Mitcham and the boardwalk at Abbey Walk, Vermont were found through condition assessments and subsequent inspections to have deteriorated asset components warranting both structures to be a high priority for renewal.

9.2.1

(cont)

Consideration will be given to design characteristics and components for all renewal projects that are less vulnerable to structural damage and more durable to prolong the service life of the assets. The use of composite materials such as Fiber Reinforced Polymer (FRP) materials can potentially lead to cost effective solutions. FRP materials are lightweight and durable when compared to traditional bridge superstructure components made of soft and hardwood timber, provide a deep grain look resembling timber, have excellent skid/slip resistance qualities conducive to damp environmental conditions and create lower life cycle costs.

Renewal of the path structures may not necessarily replicate the structures at each site with respect to the length, width, elevation, alignment and type, due to consideration requirements for universal access, horizontal and vertical clearances, including design considerations, geotechnical analysis, environmental impacts, risk assessment and construction parameters required by various design guidelines and Australian Standards.

CONSULTATION

Council's Engineering and Environmental Services Department, Capital Works, ParksWide, Arts & Recreation Development, Parks Planning and Recreation, external authorities including Yarra Valley Water, Melbourne Water, VicRoads, various bushland and creekland advisory committees, park users, community groups, cyclists and residents have been consulted.

FINANCIAL IMPLICATIONS

The Road Bridge and Path Structures Renewal Strategy was developed to address the issues relating to ongoing and future maintenance and renewal of Council's road bridges, major culverts and path structures initially over the next 10 years.

As part of the 2015/16 Capital Works Nomination process, funding was allocated under the Stay in Business Program to provide for path structure maintenance and renewal. The total funding provided over the next 4 years is \$2,520,000 with \$730,000 allocated for the 2016/17 financial year, \$520,000 for 2017/18, \$320,000 for 2018/19 and \$950,000 for 2019/20

POLICY IMPLICATIONS

The maintenance and renewal activities of road bridges, major culverts and path structures are largely aligned with Council's Asset Management Policy through the Roads Asset Management Plan, Drainage Asset Management Plan and Open Space Asset Management Plan.

9.2.2 Contract 12010 Extension Report – Supply of Fuel Card Services, Bulk Fuel Purchases, Oils and Lubricants (MAV Procurement RFT No. 031-12)

FILE NUMBER: SF12/944

SUMMARY

MAV Procurement has presented an offer to Council to extend the current contract (RFT No. 031-12) for the provision of fuel card services, bulk fuel purchases, oils and lubricants from the selected retailers being the preferred suppliers for these services and products for Council's 505 vehicles, plant and equipment. The current contract commenced 1 February 2013 and expired 30 September 2015. The first of two, one-year extension options was awarded in October 2015. BP Australia Pty Ltd, The Shell Company of Australia Ltd and Castrol Australia Pty Ltd are the current suppliers and have successfully delivered the required services and products to Council over the initial period of the contract and during the first year extension. It is recommended that Council accept the offer received from MAV Procurement to award the second and final year of the 2 year option extensions for Contract RFT No. 031-12, commencing in October 2016.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Chong

That Council accept the offer received from MAV Procurement to award the final, one-year contract extension option for MAV Procurement contract RFT No. 031-12, for the supply of fuel card services, bulk fuel purchases, oils and lubricants from BP Australia Pty Ltd (ABN 53 004 285 616) of 360 Elizabeth Street, Melbourne Victoria 3000, The Shell Company of Australia Limited (ABN 46 004 610 459) of 8 Redfern Road, East Hawthorn, Victoria 3123 and Castrol Australia Pty Ltd (ABN 87 008 459 407) of 132 McCredie Road, Guilford NSW 3122.

CARRIED UNANIMOUSLY

BACKGROUND

Council has 505 vehicles, plant and equipment involved in the delivery of services to the community that require oils and lubricants. These products are supplied to Council by Castrol under the current MAV Procurement (MAV) contract.

Fuel card services are used by Council staff to purchase fuel for Council's fleet of vehicles, plant and equipment by utilising fuel cards allocated to the vehicles and plant. The current fuel card services allow staff to access a nationwide network of corresponding BP and Shell service stations with convenience and security. Council currently utilises 225 fuel cards under the current MAV contract through these preferred suppliers for fuel.

On the 15 August 2012, Whitehorse City Council appointed MAV as its agent to seek tenders for the supply of fuels, oils and lubricants (Contract No. RFT No.031-12). The original term of the contract with MAV expired on 30 September 2015. The first of the two, one-year extension options was exercised in October 2015. This contract has a provision for Council to extend the contract for a further 1 (one) year, being the final of two allocated one-year extension options.

9.2.2
 (cont)

DISCUSSION

The current suppliers have provided an excellent standard of service and quality products to Council over the initial term of the contract and during the first of the two, one year extension periods.

Castrol Australia Pty Ltd was appointed by MAV for the supply of oils and lubricants and has adequately fulfilled Council's requirements for the supply of oils and lubricants to service Council's plant items.

BP Australia Pty Ltd and The Shell Company of Australia Limited were appointed by MAV for the supply of fuel card services and bulk fuel purchases to Council and have adequately fulfilled Council's requirements.

MAV have recommended the extension of the contract by exercising the final of the two year extension options, based upon the high standard of service provision and quality of products provided by the suppliers under this contract. The extension of this contract will negate the need to conduct a new tender process for these services and products, thereby maintaining continuity of service over this period of extension. The contract has delivered an optimum outcome for Council as a result of aggregated purchasing power that Council would otherwise not be able to match by tendering on its own.

CONSULTATION

Consultation was undertaken with a number of Council's Managers and Co-ordinators prior to tendering for this initial contract by MAV on behalf of member Councils. Appropriate consultation has been conducted regarding the extension of this contract with the MAV and relevant Council officers.

FINANCIAL IMPLICATIONS

Funding provisions have been made in Council's recurrent budgets for the purchase of fuel, oils and lubricants. The average expenditure under the term of the contract is currently \$682,172 (including GST) per year.

The current expenditure for the purchase of oils and lubricants during the 2015/2016 financial year was \$15,477 and the expenditure for fuel card services for Council's fleet of vehicles and plant is \$632,864. The anticipated level of expenditure for the purchase of fuel, oils and lubricants for the final year extension of this contract is expected to be similar to the first year extension expenditure.

Financial Year	Expenditure	
	Oils/Lubricants	Fuel
2012/13 – Contract commenced February 2013	\$1,702	\$291,904
Year 2	\$16,455	\$983,261
Year 3, contract expired September 2015	\$11,257	\$775,768
1st extension period, current to June 2016	\$15,477	\$632,864
Total:	\$44,891	\$2,683,797

9.3 CORPORATE REPORTS

9.3.1 Delegations from Council to positions within the Organisation

FILE NUMBER: SF10/1028
ATTACHMENT

SUMMARY

The purpose of this report is to recommend approval of a new instrument of Delegation from Council to various positions in the organisation.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Davenport

That Council adopt the attached Instrument of Delegation to various positions in the organisation.

CARRIED UNANIMOUSLY

BACKGROUND

Section 98 of the *Local Government Act 1989* (“the Act”) provides that a Council may, by Instrument of Delegation, delegate to a member of staff, any power duty or function of the Council under the Act or any other Act, other than some powers (such as the adoption of the budget) which are reserved for a Council decision. The delegations are made to the position rather than to the staff member occupying the position.

Delegations are essential to enable Council staff to carry out operational duties particularly in areas which involve enforcement, such as town planning, local laws, environmental health, animal management and parking control. Delegations must, by law, also be available for public inspection, so it is essential they are updated regularly.

DISCUSSION

At its meeting on 16 May 2016, as a result of amendments to various Acts and Regulations, Council adopted a revised delegation to various positions in the organisation.

Since then, there have been further legislative amendments. It is therefore appropriate to adopt a revised Instrument of Delegation to particular organisational roles under various Acts and Regulations where the delegation must be direct from the Council rather than as a sub-delegation from the Chief Executive Officer.

The proposed delegation reflects:

- a) Minor amendments to section 46G of the *Planning and Environment Act 1987*; and
- b) Minor changes to the *Road Management (General) Regulations 2016*.

CONSULTATION

All relevant Managers and General Managers were consulted in the updating of the proposed delegations.

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENT

- 1 Delegations from Council to Positions within the Organisation

9.3.2 Audit Advisory Committee – Reappointment of Independent Member

FILE NUMBER: SF08/319

SUMMARY

In September 2013 Council appointed Mr Michael Said as an independent person on the Audit Advisory Committee for the term from 1 September 2013 to 30 August 2016, with performance based options for extension of three plus three years. It is recommended that Council re-appoint Mr Michael Said to the position.

COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Stennett

That Council:

- 1. Reappoint Mr Michael Said as an independent person on the Audit Advisory Committee for the term from 31 August 2016 to 30 August 2019.**
- 2. Approve remuneration of \$1,500 per meeting for a maximum of five meetings per annum for an independent member effective 31 August 2016 and for the Chair, remuneration of \$1,850 per meeting for a maximum of five meetings per annum effective 31 August 2016.**

CARRIED UNANIMOUSLY

BACKGROUND

Under the terms of the *Audit Advisory Committee Charter 2013*, independent members will be appointed for an initial period not exceeding three years after which they will be eligible for extension or re-appointment, for a further two, three year terms after a review of their performance.

Mr Michael Said, a current independent member (and current chair) of the Audit Advisory Committee (AAC) completes this current three-year term on 30 August 2016 and expressed interest in serving another three-year term.

DISCUSSION

Comments have been sought from each of the AAC Councillor representatives, the other independent member of the AAC and the CEO in relation to Mr Said's performance, as well as any qualitative comments, using the Institute of Internal Auditors Public Sector Guide 2014 below, considered an authoritative and independent forum for guidance.

9.3.2 (cont)

Assessment of Individual Members

Did the audit committee member:

1. Regularly attend meetings (with valid and, ideally, reasonable preapproved absences only)?
2. Demonstrate a thorough understanding of the organization's statutory objectives and activities?
3. Demonstrate a high level of understanding of the audit committee's role, obligations, and responsibilities?
4. Conduct himself or herself in a professional statesmanlike manner (with a professional presence demonstrated in dealings with internal and external stakeholders)?
5. Contribute to the overall credibility of the committee through the manner in which he or she operated and interacted?
6. Consistently demonstrate an independence of mind and objectivity?
7. Challenge the status quo by being prepared to take difficult but constructive positions at meetings, where required?
8. Demonstrate a well-rounded understanding of the organization's risk management and compliance arrangements and the associated internal control framework?
9. Demonstrate an ability to strike at the heart of a problem and offer practical solutions through a well-considered and well-informed analytical approach?
10. Consistently prepare for audit committee meetings with this demonstrated in the quality of his or her participation?

All responded positively to each of the 10 questions and supported Mr Said's re-appointment believing that he satisfies each of the criteria to a very high degree. Mr Said is considered to be a strong contributor to audit advisory committee discussions and his professional audit instincts and style of communication and presentation of discussion points contributes to the success of the workings of the Audit Advisory Committee.

CONSULTATION

The review process was coordinated by Management, in consultation with members of the Audit Advisory Committee.

FINANCIAL IMPLICATIONS

Remuneration for an independent member of the Audit Advisory Committee has previously been approved at \$1,400 per meeting (5 meetings) and \$1,750 per meeting (5 meetings) for the independent chair. This was based on benchmarking last conducted in June 2013.

9.3.2

(cont)

A benchmarking exercise of remuneration of independent Audit Advisory Committee members was conducted in August 2016 covering eight metropolitan Melbourne Councils. The results were as follows:

Council	Chair per meeting	Member per meeting
Whitehorse - current	\$ 1,750	\$ 1,400
Average	\$ 1,862	\$ 1,504
Recommended	\$ 1,850	\$ 1,500

Based on the latest benchmarking, it is recommended that Whitehorse City Council remunerate independent members at \$1,500 per meeting (for a maximum of five meetings per annum) and the independent chair at \$1,850 per meeting (for a maximum of five meetings per annum) with remuneration reviews to be conducted at a maximum of every three years.

9.3.3 In Principal Approval of the 2015/16 Annual Financial Statements and Performance Statement

SUMMARY

Council is required to complete and forward to the Minister for Local Government its Annual Report by 30 September 2016. The Annual Report contains audited annual financial statements and the audited performance statement. Council cannot submit the financial statements or the performance statement to its auditor or the Minister unless it has passed a resolution giving its approval in principle to the financial statements and performance statement. It is recommended that the Annual Financial Statements and Performance Statement, be approved in principle and upon completion of the audit forwarded to the Minister as part of the Annual Report.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Harris

That Council receive the report and that:

- 1. The Annual Financial Statements and Performance Statement for 2015/16 be approved in principle.***
- 2. The Principal Accounting Officer be authorised to make minor amendments to the Annual Financial Statements and Performance Statement for 2015/16 to meet the Victorian Auditor General's requirements.***
- 3. Cr Harris and Cr Stennett be authorised to sign the Annual Financial Statements and Performance Statement for 2015/16.***
- 4. The Chief Executive Officer be authorised to sign the Annual Financial Statements and Performance Statement for 2015/16.***
- 5. The final audited Annual Financial Statements and audited Performance Statement for 2015/16 be forwarded to the Minister for Local Government as part of the Annual Report by 30 September 2016.***
- 6. Public notice be given of:***
 - a) The availability of the report of the auditor under Section 9 of the Audit Act 1994.***
 - b) A meeting to be held for the purpose of discussing the Annual Report under Section 134 of the Local Government Act 1989 at 7.00 pm on 17 October 2016.***

CARRIED UNANIMOUSLY

BACKGROUND

The Council is required under Section 131 of the Local Government Act 1989 to complete an annual report each year and forward it to the Minister by 30 September 2016. The Annual report comprises:

- A report of its operations during the financial year
- Audited financial statements for the financial year
- Audited performance statement
- A copy of the auditor's reports on the financial statements and performance statement, and
- Any other matter required by the regulations.

9.3.3 (cont)

The Council cannot submit the financial statements or the performance statement to its auditor or the Minister unless it has passed a resolution giving its approval in principle to the financial statements and performance statement.

The financial statements and performance statement are required to be certified by Council's Principal Accounting Officer, by two Councillors on behalf of Council and the Chief Executive Officer prior to Council's Auditor signing the Audit Report. The annual report is then required to be forwarded to the Minister for Local Government by 30 September 2016.

The Audit Advisory Committee, at its meeting of 15 August 2016, discussed the annual financial statements and performance statement with representatives of the Victorian Auditor General.

DISCUSSION

The legislation requires Council to resolve to approve in principle the annual financial statements and performance statement prior to these statements being forwarded to the Victorian Auditor General. The Victorian Auditor General conducted the final phase of the audit process during July 2016 at Council. In conjunction with the audit, the Victorian Auditor General requires copies of Council resolutions to authorise the signing and approval in principle of the statements.

The Audit Advisory Committee reviewed the Annual statements, in conjunction with representatives of the Victorian Auditor General, at its meeting held on 15 August 2016.

Certification

Two Councillors and the Chief Executive Officer are required to sign the certification of the annual financial statements and performance statement once clearance is obtained from the Victorian Auditor General and after the Principal Accounting Officer has signed their certification. It is proposed that the Councillors on the Audit Advisory Committee be authorised to sign the certification on behalf of the Council after the necessary clearance has been obtained. In the eventuality that there may be some late changes made to the financial statements, it is also proposed that the approval given to the Councillors be extended to enable them to sign the certification after these necessary changes have been made.

After the annual report has been submitted to the Minister, Council must give public notice that the annual report has been prepared and can be inspected at the Council office - Section 134(2).

Section 134 of the Act requires a meeting to consider the annual report. The Council must consider the annual report at a meeting of Council. The meeting must be held as soon as practicable but within the time required by the regulations, after the Council has sent the annual report to the Minister.

9.3.4 Delegated Decisions - June 2016

FILE NUMBER: SF14/1527#03

SUMMARY

The following activity was undertaken by officers under delegated authority during June 2016.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Massoud

That Council note the report of decisions made by officers under Instruments of Delegation for the month of June 2016

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for June 2015	Number for June 2016
Planning and Environment Act 1987 Telecommunications Act 1997 Subdivision Act 1988 Gaming Control Act 1991	- Delegated decisions	158	155
	- Strategic Planning Decisions	1	Nil
		Nil	Nil
		32	30
		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	49	82
Liquor Control Reform Act 1998	Objections and prosecutions	2	2
Food Act 1984	- Food Act orders	3	1
Public Health & Wellbeing Act 2008	- Improvement / prohibition notices	Nil	Nil
Local Government Act 1989	Temporary road closures	8	13
Other delegations	CEO signed contracts between \$150,000 - \$500,000	Nil	Nil
	Property Sales and leases	11	3
	Documents to which Council seal affixed	Nil	1
	Vendor Payments	1629	1336
	Parking Amendments	8	5
	Parking Infringements written off (not able to be collected)	212	229

Details of each delegation are outlined on the following pages.

9.3.4

(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS JUNE 2016

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
182	21-06-16	Application Lapsed	19 Ian Cres, Mitcham	Springfield	Subdivision of land into two (2) lots	Subdivision
756	28-06-16	Application Lapsed	15 Cornfield Grv, Box Hill South	Riversdale	Construction of two new dwellings with associated car spaces	Multiple Dwellings
1102	17-06-16	Application Lapsed	361 Whitehorse Rd, Nunawading	Springfield	Construction of a four storey apartment building with basement	Multiple Dwellings
13	14-06-16	Delegate Approval - S72 Amendment	1 Tisane Ave, Forest Hill	Morack	Development of the land for the construction of twenty-seven (27) double storey dwellings	Permit Amendment
38	20-06-16	Delegate Approval - S72 Amendment	43 Orchard Cres, Mont Albert North	Elgar	Construction of six double storey dwellings and removal of vegetation	Permit Amendment
58	30-06-16	Delegate Approval - S72 Amendment	53 Florence Rd, Surrey Hills	Riversdale	Amendment to Planning Permit WH/2013/58 (Issued for the Construction of a single storey dwelling to the rear of the existing dwelling) for modifications to the overall design, siting, height and materials of the proposed dwelling	Permit Amendment
71	29-06-16	Delegate Approval - S72 Amendment	190-192 Central Rd, Nunawading	Springfield	Construction of four dwellings, comprising three (3) double storey dwellings and one (1) single storey dwelling	Permit Amendment
75	29-06-16	Delegate Approval - S72 Amendment	37 Neville St, Box Hill South	Riversdale	Construction of two double storey dwellings and subdivision	Permit Amendment
180	23-06-16	Delegate Approval - S72 Amendment	66 Raleigh St, Forest Hill	Central	Construction of two double storey dwellings	Permit Amendment
188	17-06-16	Delegate Approval - S72 Amendment	35 Koonung Rd, Blackburn North	Central	Construction three double storey dwellings	Permit Amendment

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
190	21-06-16	Delegate Approval - S72 Amendment	4 Julie St, Blackburn North	Central	Amendment to Planning Permit WH/2012/190 endorsed plans to correct drafting errors to building height and window location	Permit Amendment
201	30-06-16	Delegate Approval - S72 Amendment	13-15 Verona St, Vermont South	Morack	Construction of four dwellings comprising on single storey and three double storey dwellings	Permit Amendment
237	30-06-16	Delegate Approval - S72 Amendment	20 Kangerong Rd, Box Hill	Elgar	Construction of three double storey dwellings	Permit Amendment
248	29-06-16	Delegate Approval - S72 Amendment	706 Whitehorse Rd, Mitcham	Springfield	Construction of three double storey dwellings	Permit Amendment
256	28-06-16	Delegate Approval - S72 Amendment	14 Kneale Drv, Box Hill North	Elgar	Construction of a double storey dwelling to the rear of the existing dwelling	Permit Amendment
265	30-06-16	Delegate Approval - S72 Amendment	1124-1126 Whitehorse Rd, Box Hill	Elgar	Amendment to Planning Permit WH/2009/265 (issued for use of part of the existing shop as a food and drink premises (cafe)) to include use of land for the sale and consumption of liquor and increase the number of seats available to the public, increase staff numbers and extend hours of operation	Permit Amendment
283	27-06-16	Delegate Approval - S72 Amendment	48 Begonia St, Box Hill South	Riversdale	Construction of two double storey dwellings	Permit Amendment

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
324	22-06-16	Delegate Approval - S72 Amendment	16 Tiller St, Burwood East	Riversdale	Development of the land for five double storey dwellings	Permit Amendment
369	27-06-16	Delegate Approval - S72 Amendment	1 Neil Crt, Blackburn South	Riversdale	Development of land for a three storey building plus basement comprising 32 dwellings) comprising the extension of the western boundary of the basement to allow for two (2) more car parking spaces and relocation of storage units	Permit Amendment
394	29-06-16	Delegate Approval - S72 Amendment	23 Laing St, Mont Albert	Elgar	Construction of a double storey dwelling to the rear of an existing dwelling	Permit Amendment
423	29-06-16	Delegate Approval - S72 Amendment	536-538 Burwood Hwy, Vermont South	Morack	Amendment of Planning Permit WH/2013/423 (issued for use the land for a medical centre and associated buildings and works) to extend hours of operation, vary the plans and add a basement car park	Permit Amendment
431	07-06-16	Delegate Approval - S72 Amendment	17 Black St, Mont Albert	Elgar	Amendment to Planning Permit WH/2015/431 (Issued for Partial demolition of the existing dwelling and outbuilding, and building and works associated with dwelling additions and construction of a domestic swimming pool and associated mechanical equipment and safety fencing) for modifications to the pool size, addition of a door and provision of an unroofed pergola	Permit Amendment

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
472	28-06-16	Delegate Approval - S72 Amendment	487-503 Springvale Rd, Vermont South	Morack	Buildings and works for construction of a two storey building associated with an existing secondary school	Permit Amendment
546	01-06-16	Delegate Approval - S72 Amendment	17 Queen St, Blackburn	Central	Development of the land for the purpose of a part six (6) storey, part seven (7) storey building (including basement) comprising 86 dwellings, use of land for a restaurant, two convenience shops, and the sale and consumption of liquor, and associated reduction of car parking and waiver of loading facilities requirements) to reconfigure the basement car park	Permit Amendment
658	07-06-16	Delegate Approval - S72 Amendment	5 Irving Ave, Box Hill	Elgar	Amendment to planning permit WH/2014/658 (issued for the Construction of a part eight (8), part nine (9) storey apartment building with basement, comprising dwellings and reduction in standard car parking requirement) for minor alterations to the endorsed plans and amendment to condition 3. g).	Permit Amendment
669	23-06-16	Delegate Approval - S72 Amendment	15 Leopold Cres, Mont Albert	Elgar	Construction of a double storey dwelling to the rear of an existing dwelling	Permit Amendment
764	23-06-16	Delegate Approval - S72 Amendment	25 Alandale Rd, Blackburn	Central	Buildings and works (extension to existing dwelling)	Permit Amendment

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
767	15-06-16	Delegate Approval - S72 Amendment	10 Oak St, Surrey Hills	Riversdale	Amendment to plans endorsed as part of WH/2010/767 to remove a tree	Permit Amendment
788	28-06-16	Delegate Approval - S72 Amendment	85 Thames St, Box Hill	Elgar	Construction of a three storey building comprising eight dwellings and reduction of car parking requirement	Permit Amendment
795	16-06-16	Delegate Approval - S72 Amendment	32 William St, Box Hill	Elgar	Demolish the existing garage and develop the land for the construction of a new front fence and carport in a Heritage Overlay	Permit Amendment
800	29-06-16	Delegate Approval - S72 Amendment	41A Thames St, Box Hill	Elgar	Amendment to WH/2014/800 (Issued for the Construction four double storey dwellings) to alter finished floor levels.	Permit Amendment
894	14-06-16	Delegate Approval - S72 Amendment	11 Alexander St, Box Hill	Elgar	Single storey extension to the existing dwelling and construction of an outbuilding	Permit Amendment
916	29-06-16	Delegate Approval - S72 Amendment	5 Market St, Box Hill	Elgar	Amendment to Planning Permit (Issued for the display of signage) to provide for a new above verandah sign	Permit Amendment
923	24-06-16	Delegate Approval - S72 Amendment	65 Jolimont Rd, Forest Hill	Morack	Construction of two new single storey dwellings	Permit Amendment
1010	29-06-16	Delegate Approval - S72 Amendment	49 Springvale Rd, Nunawading	Springfield	Construction of a double storey dwelling to the rear of an existing dwelling	Permit Amendment

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1171	27-06-16	Delegate Approval - S72 Amendment	28 Junction Rd, Blackburn North	Central	Amendment to Planning Permit WH/2014/1171 (Issued for buildings and works to construct a double storey dwelling to the rear of the existing dwelling) for modifications to the design and layout of the garage and car space to Dwelling 2	Permit Amendment
143	24-06-16	Delegate NOD - S72 Amendment	12 Little St, Box Hill South	Riversdale	Amendment to Planning Permit WH/2012/143 (Issued for the construction of one (1) double storey dwelling to the rear of the existing dwelling) for modifications to the approval layout of Dwelling 2 (52 Begonia Street)	Permit Amendment
17	08-06-16	Delegate NOD Issued	33 Broughton Rd, Surrey Hills	Riversdale	Construction of one (1) double storey dwelling to the rear of an existing dwelling and alterations to the existing dwelling	Multiple Dwellings
18	07-06-16	Delegate NOD Issued	45 Gillard St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
63	14-06-16	Delegate NOD Issued	80 Shafer Rd, Blackburn North	Central	Construction of a double storey dwelling to the rear of the existing double storey dwelling	Multiple Dwellings
94	22-06-16	Delegate NOD Issued	57 Glenburnie Rd, Vermont	Springfield	2 lot subdivision with removal of vegetation	Subdivision
98	15-06-16	Delegate NOD Issued	32 Douglas St, Blackburn North	Central	Demolition of the existing dwelling and construction of two new townhouses	Multiple Dwellings
121	28-06-16	Delegate NOD Issued	18-18A Laburnum St, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
292	23-06-16	Delegate NOD Issued	37 Glen Ebor Ave, Blackburn	Central	Removal of one tree and lopping of one tree	Special Landscape Area
298	30-06-16	Delegate NOD Issued	511 Elgar Rd, Mont AlbertNorth	Elgar	Buildings and works for construction of four double storey dwellings and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
323	29-06-16	Delegate NOD Issued	1 Oliver Ave, Blackburn	Central	Removal of two (2) trees	Special Landscape Area
345	22-06-16	Delegate NOD Issued	41 Glen Ebor Ave, Blackburn	Central	Removal of five (5) trees and lopping of four (4) trees	Special Landscape Area
346	27-06-16	Delegate NOD Issued	3/43 Glen Ebor Ave, Blackburn	Central	Removal of one (1) tree and lopping of four (4) trees	Special Landscape Area
347	27-06-16	Delegate NOD Issued	47 Glen Ebor Ave, Blackburn	Central	Lopping of two (2) trees	Special Landscape Area
582	17-06-16	Delegate NOD Issued	12 Francesca St, Mont AlbertNorth	Elgar	Construction of four double storey dwellings and building and works in a Special Building Overlay	Multiple Dwellings
594	30-06-16	Delegate NOD Issued	39 Simpsons Rd, Box Hill	Elgar	Construction of five double storey dwellings, comprising four x four bedroom dwellings and one x two bedroom dwelling	Multiple Dwellings
649	28-06-16	Delegate NOD Issued	85 Burwood Hwy, Burwood	Riversdale	Use and development of land for motor repairs, reduction in standard car parking requirement and display of two (2) business identification signs	Other
680	30-06-16	Delegate NOD Issued	2 Badenoch St, Blackburn	Central	Three double storey dwellings	Multiple Dwellings

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
715	03-06-16	Delegate NOD Issued	12-14 Nelson Rd, Box Hill	Elgar	Construction of a Part 19, Part 20 storey building, comprising dwellings, retail space and offices, with basement car park, use of the building for accommodation (dwellings), and reduction of the parking requirements of Clause 52.06 of the Whitehorse Planning Scheme.	Multiple Dwellings
723	30-06-16	Delegate NOD Issued	133 Mount Pleasant Rd, Forest Hill	Springfield	Construction of two double storey dwellings	Multiple Dwellings
872	29-06-16	Delegate NOD Issued	10 Kilsyth Ave, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
888	28-06-16	Delegate NOD Issued	209 Dorking Rd, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
917	30-06-16	Delegate NOD Issued	50-52 Blackburn Rd, Blackburn	Central	Use and development of a childcare centre, alteration of access to a road in a Road Zone Category 1 and associated reduction of car parking requirements	Child Care Centre
934	30-06-16	Delegate NOD Issued	11 Skene St, Burwood East	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
945	09-06-16	Delegate NOD Issued	341-343 Elgar Rd, Surrey Hills	Elgar	3 lot subdivision	Subdivision
983	09-06-16	Delegate NOD Issued	6 Darook St, Blackburn South	Central	Construction of two double storey dwellings	Multiple Dwellings
984	30-06-16	Delegate NOD Issued	7 Alwyn St, Mitcham	Springfield	Construction of a double storey dwelling to the rear of an existing dwelling	Multiple Dwellings
993	29-06-16	Delegate NOD Issued	43 Cumming St, Burwood	Riversdale	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1021	08-06-16	Delegate NOD Issued	17 Dorothy St, Burwood East	Riversdale	Construction two (2) double storey dwellings	Multiple Dwellings
1048	08-06-16	Delegate NOD Issued	21 Bass St, Box Hill	Elgar	Buildings and works for part demolition to the rear and extension to the existing dwelling	Residential (Other)
1068	30-06-16	Delegate NOD Issued	18 Walker Ave, Mitcham	Springfield	Construction of a new double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
1072	22-06-16	Delegate NOD Issued	123 Surrey Rd, Blackburn	Central	Construction of a two-storey building comprising three dwellings and a basement car park, and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
1111	21-06-16	Delegate NOD Issued	1179 Riversdale Rd, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
1129	30-06-16	Delegate NOD Issued	37 Pine St, Surrey Hills	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
1145	28-06-16	Delegate NOD Issued	13 Allison Rd, Mont AlbertNorth	Elgar	Demolition of existing dwelling & construction of 2 new dwellings & associated garages	Multiple Dwellings
1152	20-06-16	Delegate NOD Issued	7 Langtree Crt, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
1156	30-06-16	Delegate NOD Issued	157 Dorking Rd, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
1158	28-06-16	Delegate NOD Issued	3 Horfield Ave, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
1170	30-06-16	Delegate NOD Issued	629 Elgar Rd, Mont AlbertNorth	Elgar	Construction of two (2) double storey dwellings and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
15	24-06-16	Delegate Permit Issued	41-51 Burwood Hwy, Burwood	Riversdale	Use and development of the land for a child care centre, reduction in the statutory car parking rate and alteration of access to a road in a Road Zone, Category 1	Child Care Centre
43	24-06-16	Delegate Permit Issued	47 Roslyn St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
68	21-06-16	Delegate Permit Issued	427 Elgar Rd, Mont Albert	Elgar	Development of the land for two double storey dwellings incorporating the existing dwelling and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
85	23-06-16	Delegate Permit Issued	22 Daniel St, Burwood	Riversdale	Proposed dual occupancy (construction of two double storey dwellings on one allotment)	Multiple Dwellings
91	17-06-16	Delegate Permit Issued	5/59 Scott St, Vermont	Springfield	Buildings and works comprising the construction of a louvred roof over an existing deck	Special Landscape Area
104	14-06-16	Delegate Permit Issued	16 Highland Ave, Mitcham	Springfield	3 lot subdivision	Subdivision
145	29-06-16	Delegate Permit Issued	770 Whitehorse Rd, Mont Albert	Elgar	Installation of an illuminated sign for serviced apartments	Advertising Sign
146	23-06-16	Delegate Permit Issued	275-277 Burwood Hwy, Burwood East	Morack	Use of the land as a Shop (Cosmetic and laser centre)	Other
150	16-06-16	Delegate Permit Issued	19 Talbett St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
158	16-06-16	Delegate Permit Issued	6 Ian Cres, Mitcham	Springfield	2 lot subdivision	Subdivision

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
170	24-06-16	Delegate Permit Issued	437 Belmore Rd, Mont AlbertNorth	Elgar	Construction and use of land for a medical centre, removal of protected trees, reduction in car parking requirements and alteration of access to a road in a Road 1 Zone (Category 1)	Residential (Other)
172	28-06-16	Delegate Permit Issued	62 Watts St, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
229	16-06-16	Delegate Permit Issued	645-647 Burwood Hwy, Vermont South	Morack	Display two internally illuminated business identification signs	Advertising Sign
241	23-06-16	Delegate Permit Issued	791 Station St, Box Hill North	Elgar	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
246	07-06-16	Delegate Permit Issued	2 The Mews Vermont	Morack	Tree Removal	Special Landscape Area
260	10-06-16	Delegate Permit Issued	193-195 Springvale Rd, Nunawading	Springfield	89 lot subdivision, and vesting of road in City of Whitehorse as contained in Road R1 on plan PS 719605G	Subdivision
278	03-06-16	Delegate Permit Issued	36 Naughton Grv, Blackburn	Central	Buildings and works for the construction of a verandah	Special Landscape Area
281	07-06-16	Delegate Permit Issued	Ground 951 Whitehorse Rd, Box Hill	Elgar	Use of land for the sale and consumption liquor	Business
282	16-06-16	Delegate Permit Issued	15 Cornfield Grv, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
308	30-06-16	Delegate Permit Issued	11 Deep Creek Rd, Mitcham	Springfield	Construction of a single storey dwelling to the rear of the existing dwelling	Multiple Dwellings
316	30-06-16	Delegate Permit Issued	Ground, 3 Salisbury Ave, Blackburn	Central	Reduction in car parking for use as a medical centre (massage clinic)	Business
333	07-06-16	Delegate Permit Issued	27 Carrington Rd, Box Hill	Elgar	Buildings and works (for a medical centre)	Business

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
334	24-06-16	Delegate Permit Issued	1A Gordon Cres, Blackburn	Central	Ground floor addition to two storey dwelling, neighbourhood character overlay, part demolition	Neighbourhood Character Overlay
338	22-06-16	Delegate Permit Issued	3/23 Glen Ebor Ave, Blackburn	Central	Removal of five (5) trees	Special Landscape Area
339	07-06-16	Delegate Permit Issued	12 Jaques Grv, Forest Hill	Morack	Construction of two dwellings with two lot subdivision	Multiple Dwellings
341	22-06-16	Delegate Permit Issued	3/25 Glen Ebor Ave, Blackburn	Central	Removal of four (4) trees	Special Landscape Area
344	22-06-16	Delegate Permit Issued	3/33 Glen Ebor Ave, Blackburn	Central	Lopping of five (5) trees	Special Landscape Area
352	23-06-16	Delegate Permit Issued	39 Glen Ebor Ave, Blackburn	Central	Lopping of three (3) trees	Special Landscape Area
353	24-06-16	Delegate Permit Issued	45 Glen Ebor Ave, Blackburn	Central	Lopping of six (6) trees	Special Landscape Area
375	23-06-16	Delegate Permit Issued	2 Oliver Ave, Blackburn	Central	Removal of four (4) trees	Special Landscape Area
383	29-06-16	Delegate Permit Issued	615-619 Whitehorse Rd, Mitcham	Springfield	Display of business identification signage, including a floodlit sky sign and floodlit pylon sign	Advertising Sign
389	29-06-16	Delegate Permit Issued	142 Surrey Rd, Blackburn	Central	Signage	Advertising Sign
402	03-06-16	Delegate Permit Issued	11 Morloc St, Forest Hill	Springfield	3 lot subdivision	Subdivision
405	30-06-16	Delegate Permit Issued	2B Russell St, Surrey Hills	Riversdale	Addition of a verandah to a dwelling on a lot less than 300m2	Single Dwelling < 300m2
408	24-06-16	Delegate Permit Issued	2 Ashted Rd, Box Hill	Elgar	Building and works for the erection of a portable display sales office in an SBO/PO1	Special Building Overlay
413	02-06-16	Delegate Permit Issued	1/10 Middlefield Drv, Blackburn North	Central	Construction of a dwelling extension (second storey) on a lot of less than 300 square metres	Single Dwelling < 300m2

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
421	06-06-16	Delegate Permit Issued	2 Corrigan St, Burwood	Riversdale	3 lot subdivision	Subdivision
425	30-06-16	Delegate Permit Issued	331-339 Whitehorse Rd, Nunawading	Springfield	Display of internally illuminated pole sign and business identification sign	Advertising Sign
428	28-06-16	Delegate Permit Issued	66-70 Railway Rd, Blackburn	Central	Display of internally illuminated business identification signs.	Advertising Sign
437	03-06-16	Delegate Permit Issued	49 Orchard Cres, Mont AlbertNorth	Elgar	Removal of one protected tree	VicSmart - General Application
447	17-06-16	Delegate Permit Issued	9 Johnston St, Burwood	Riversdale	3 lot subdivision	Subdivision
460	09-06-16	Delegate Permit Issued	32 Fuller St, Mitcham	Springfield	Removal of one (1) tree	VicSmart - General Application
467	28-06-16	Delegate Permit Issued	1/30 Broughton Rd, Surrey Hills	Riversdale	Extension of dwelling on a lot less than 300m2	Single Dwelling < 300m2
474	07-06-16	Delegate Permit Issued	3 Everglade Ave, Forest Hill	Morack	2 lot subdivision	Subdivision
478	07-06-16	Delegate Permit Issued	65 Jolimont Rd, Forest Hill	Morack	2 lot subdivision	Subdivision
480	08-06-16	Delegate Permit Issued	13 Garden Ave, Mitcham	Springfield	4 lot subdivision	Subdivision
483	17-06-16	Delegate Permit Issued	29 Eustace St, Blackburn	Central	Tree removal in Significant Landscape Overlay 2	VicSmart - General Application
486	21-06-16	Delegate Permit Issued	15 Wolseley Close Mont Albert	Elgar	Demolish & construct a fence	VicSmart - General Application
488	10-06-16	Delegate Permit Issued	3 Agra St, Mitcham	Springfield	Remove tree No. 17 in lot 2	VicSmart - General Application
497	16-06-16	Delegate Permit Issued	16 Mary St, Box Hill North	Elgar	3 lot subdivision	Subdivision
557	30-06-16	Delegate Permit Issued	5 Hill St, Blackburn	Central	Removal of a tree	VicSmart - General Application
613	24-06-16	Delegate Permit Issued	23 Farleigh Ave, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
858	24-06-16	Delegate Permit Issued	26 Sweetland Rd, Box Hill	Elgar	Construction of three double storey dwellings	Multiple Dwellings

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
861	27-06-16	Delegate Permit Issued	34 Murray Drv, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
889	20-06-16	Delegate Permit Issued	238 Burwood Hwy, Burwood	Riversdale	Construction of five attached three storey dwellings and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
891	03-06-16	Delegate Permit Issued	14 Peter St, Box Hill North	Elgar	Construction of two (2) double storey side by side dwellings	Multiple Dwellings
921	29-06-16	Delegate Permit Issued	7 Sussex St, Blackburn North	Central	Construction of two (2) dwellings on a lot (one double storey dwelling and buildings and works to the existing dwelling)	Multiple Dwellings
1018	27-06-16	Delegate Permit Issued	30 Melrose St, Mont AlbertNorth	Elgar	Construction of two double storey dwellings	Multiple Dwellings
1029	29-06-16	Delegate Permit Issued	14 Hibiscus Rd, Blackburn North	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
1030	25-06-16	Delegate Permit Issued	23 Clifton St, Box Hill South	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
1083	29-06-16	Delegate Permit Issued	57 Elgar Rd, Burwood	Riversdale	Construction of two double storey dwellings and alteration of access to a road in a Road Zone (Category 1)	Multiple Dwellings
1087	03-06-16	Delegate Permit Issued	18 Cumming St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
1141	30-06-16	Delegate Permit Issued	24 Rialton Ave, Blackburn North	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
1142	27-06-16	Delegate Permit Issued	2 Gilmour St, Burwood	Riversdale	Construction of two double storey dwellings and subdivision of the land into two lots	Multiple Dwellings
1146	03-06-16	Delegate Permit Issued	121 Springfield Rd, Blackburn North	Central	Construction of two (2) double storey dwellings	Multiple Dwellings

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
87	20-06-16	Delegate Refusal - S72 Amendment	43 Great Western Drv, Vermont South	Morack	Construction of a two bedroom, double storey dwelling to rear of the existing dwelling	Permit Amendment
464	23-06-16	Delegate Refusal - S72 Amendment	27 Holland Rd, Blackburn South	Central	Construction of three double storey dwellings	Permit Amendment
32	07-06-16	Delegate Refusal Issued	15 Shafer Rd, Blackburn North	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
192	28-06-16	Delegate Refusal Issued	124-126 Blackburn Rd, Blackburn	Central	Removal of 48 trees in an Significant Landscape Overlay	Special Landscape Area
351	30-06-16	Delegate Refusal Issued	12 Howard St, Box Hill	Elgar	Construction of six dwellings comprising of two three-storey dwellings and four four-storey dwellings	Multiple Dwellings
610	10-06-16	Delegate Refusal Issued	281 Mahoneys Rd, Forest Hill	Morack	Construction of three (3) double storey dwellings	Multiple Dwellings
761	30-06-16	Delegate Refusal Issued	25 Howard St, Box Hill	Elgar	Construction of four triple storey and one double storey attached dwellings	Multiple Dwellings
1161	30-06-16	Delegate Refusal Issued	41 Packham St, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
427	02-06-16	No Permit Required	10-11/10-40 Burwood Hwy, Burwood East	Riversdale	Installation of a new automatic teller machine for Comm Bank	Business
119	27-06-16	Permit Corrected	16 Deane St, Blackburn North	Central	Construction of two double storey units with double garages	Multiple Dwellings
186	29-06-16	Withdrawn	6 Edwards St, Burwood	Riversdale	Construction of three triple storey dwellings	Multiple Dwellings
332	14-06-16	Withdrawn	695 Whitehorse Rd, Mont Albert	Elgar	Japanese tutoring business - Daytime tutoring small night classes - change of use	Business
404	28-06-16	Withdrawn	13 Cornfield Grv, Box Hill South	Riversdale	2 lot subdivision	Permit Amendment

9.3.4

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
452	21-06-16	Withdrawn	1/7 Lilian St, Nunawading	Springfield	Removal of tree	VicSmart - General Application
693	22-06-16	Withdrawn	3 Madonna Crt, Vermont	Morack	Buildings and works for construction of four dwellings and tree removal	Permit Amendment
755	14-06-16	Withdrawn	29 Hamel St, Box Hill South	Riversdale	Construction of three double storey dwellings	Permit Amendment

BUILDING DISPENSATIONS/APPLICATIONS JUNE 2016

Address	Date	Ward	Result
11 Lulworth Street, BLACKBURN NORTH	01-06-16	Central	Consent Granted R411, R415
12 Chapman Street, BLACKBURN NORTH	07-06-16	Central	Consent Granted R424
14 Flora Grove, FOREST HILL	03-06-16	Central	Consent Granted R424, R427
14 Lulworth Street, BLACKBURN NORTH	27-06-16	Central	Consent Granted R604
14 McCracken Avenue, BLACKBURN SOUTH	10-06-16	Central	Consent Granted R414, R411
16 Central Road, BLACKBURN	09-06-16	Central	Consent Granted R424
19 Brazeel Street, BLACKBURN SOUTH	22-06-16	Central	Consent Granted R420, R414, R411
19 Southey Street, BLACKBURN NORTH	29-06-16	Central	Consent Granted R411
20 Vicki Street, BLACKBURN SOUTH	17-06-16	Central	Consent Granted R424
30 Aberdeen Road, BLACKBURN SOUTH	03-06-16	Central	Consent Granted R409
46 Aldinga Street, BLACKBURN SOUTH	17-06-16	Central	Consent Granted R414
55 Railway Road, BLACKBURN	27-06-16	Central	Consent Granted R604
58 Canora Street, BLACKBURN SOUTH	17-06-16	Central	Consent Granted R411
65 Railway Road, BLACKBURN	27-06-16	Central	Consent Granted R604
85 Hawthorn Road, FOREST HILL	24-06-16	Central	Consent Granted R424
15 Elmhurst Road, BLACKBURN	14-06-16	Central	Consent Refused R409
16 Norway Avenue, BLACKBURN	03-06-16	Central	Consent Refused R415
36 Shafer Road, BLACKBURN NORTH	16-06-16	Central	Consent Refused R409
9 Charlotte Street, BLACKBURN SOUTH	29-06-16	Central	Consent Refused R414
1 Patrick Street, BOX HILL NORTH	29-06-16	Elgar	Consent Granted R604
3 Corlett Street, MONT ALBERT NORTH	03-06-16	Elgar	Consent Granted R424
4 William Street, BOX HILL	01-06-16	Elgar	Consent Granted R409
2/110 Windsor Crescent, SURREY HILLS	17-06-16	Elgar	Consent Refused R414
20 Marama Street, BOX HILL NORTH	14-06-16	Elgar	Consent Refused R416, R417
12 Louise Avenue, MONT ALBERT	07-06-16	Elgar	Expired R604
20 Marama Street, BOX HILL NORTH	10-06-16	Elgar	Refused R411
20 Marama Street, BOX HILL NORTH	16-06-16	Elgar	Withdrawn R409
117 Mahoneys Road, FOREST HILL	24-06-16	Morack	Consent Granted R424
19 Manhattan Square, VERMONT	07-06-16	Morack	Consent Granted R414, R409, R411
2 Paul Road, FOREST HILL	03-06-16	Morack	Consent Granted R415
33 Woodcrest Road, VERMONT	03-06-16	Morack	Consent Granted R409

9.3.4

(cont)

Address	Date	Ward	Result
4 Nowingi Court, VERMONT	03-06-16	Morack	Consent Granted R414
465 Burwood Highway, VERMONT SOUTH	03-06-16	Morack	Consent Granted R427
54 Sevenoaks Road, BURWOOD EAST	03-06-16	Morack	Consent Granted R415
7 Adobe Court, VERMONT	17-06-16	Morack	Consent Granted R414
6 Pickford Street, BURWOOD EAST	10-06-16	Morack	Consent Refused R416
1 Bermuda Drive, BLACKBURN SOUTH	29-06-16	Riversdale	Consent Granted R427
104 Roslyn Street, BURWOOD	28-06-16	Riversdale	Consent Granted R409
13 Rochdale Drive, BURWOOD EAST	28-06-16	Riversdale	Consent Granted R418
17 Cornish Road, BURWOOD EAST	07-06-16	Riversdale	Consent Granted R409
207 Elgar Road, SURREY HILLS	01-06-16	Riversdale	Consent Granted R604
207A Elgar Road, SURREY HILLS	01-06-16	Riversdale	Consent Granted R604
6 Piedmont Street, BOX HILL SOUTH	29-06-16	Riversdale	Consent Granted R424
72 Burwood Highway, BURWOOD	01-06-16	Riversdale	Consent Granted R604
8 Clanbrae Avenue, BURWOOD	07-06-16	Riversdale	Consent Granted R421, R415
1/16 Linden Street, BOX HILL SOUTH	22-06-16	Riversdale	Consent Refused R409
11 Fletcher Street, FOREST HILL	30-06-16	Springfield	Consent Granted R411
15 Owen Street, MITCHAM	07-06-16	Springfield	Consent Granted R427, R424
17 Olwen Street, NUNAWADING	10-06-16	Springfield	Consent Granted R414, R409
18 Glen Road, MITCHAM	07-06-16	Springfield	Consent Granted R424
19 Creek Road, MITCHAM	17-06-16	Springfield	Consent Granted R409, R414
19 Lynette Street, NUNAWADING	17-06-16	Springfield	Consent Granted R417, R411
2 Mountfield Road, MITCHAM	17-06-16	Springfield	Consent Granted R424
22 Evandale Avenue, NUNAWADING	17-06-16	Springfield	Consent Granted R414
3 Holly Court, MITCHAM	03-06-16	Springfield	Consent Granted R411
38 Rosstrevor Crescent, MITCHAM	03-06-16	Springfield	Consent Granted
49A Milton Street, NUNAWADING	01-06-16	Springfield	Consent Granted R411
58-74 Station Street, NUNAWADING	03-06-16	Springfield	Consent Granted R604, R414, R427, R425
7 McKeon Road, MITCHAM	07-06-16	Springfield	Consent Granted R424
8 Brae Grove, NUNAWADING	22-06-16	Springfield	Consent Granted R420
19 Creek Road, MITCHAM	17-06-16	Springfield	Consent Refused R419
19 Lynette Street, NUNAWADING	01-06-16	Springfield	Consent Refused R415
25 Milton Street, NUNAWADING	30-06-16	Springfield	Consent Refused R414
5 Burnett Street, MITCHAM	29-06-16	Springfield	Consent Refused R414
77 Doncaster East Road, MITCHAM	01-06-16	Springfield	Consent Refused R415

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – JUNE 2016

Under the Planning and Environment Act 1987

Nil

9.3.4

(cont)

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION JUNE 2016

No contracts between \$150,000 and \$500,000 were signed by the CEO and the Acting CEO under Council Delegation during the month of June

REGISTER OF PROPERTY DOCUMENTS EXECUTED JUNE 2016

Property Address	Document Type	Document Detail
Leases		
1/470 Station Street, Box Hill - Designer Art Shop Association inc. T/A Alcove Art Shop	Renewal of Lease	Landlord (expires 30/06/2019)
521 Belmore Road, Mont Albert North - Box Hill Miniature Steam Railway Society Inc.	Lease	Landlord (expires 30/06/2025)
Licences		
Springfield Park Pavillion - 2 Springfield Road, Box Hill North - Box Hill Garden Club Incorporated	Licence	City of Whitehorse as Licensor (expires 18/11/2016)

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – JUNE 2016

Instrument of Sub-Delegation - CEO to Staff (Council resolution 28/6/16)

PARKING RESTRICTIONS APPROVED BY DELEGATION JUNE 2016

Address: **Whitehorse Road service road, Box Hill:** from 75m west of Middleborough Road to 135 west of Middleborough Road – south side

Previously: 6 '2-Minute, 8am to 3.30pm, School Days' parking spaces

Now: 6 unrestricted parking spaces

Address: **Whitehorse Road service road, Box Hill:** from 135 west of Middleborough Road to 190 west of Middleborough Road – south side

Previously: 6 'Unrestricted' parking spaces

Now: 6 '2-Minute, 8am to 3.30pm, School Days' parking spaces

Address: **Mitta Street, Box Hill North:** from Simmons Street to west boundary of 4 Mitta Street – north side

Previously: 6 'Unrestricted' parking spaces

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

Address: **Middleborough Road, Blackburn South:** from south boundary of 232 Middleborough Road to north boundary of 232 Middleborough Road – east side

Previously: 2 'Unrestricted' parking spaces

Now: 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

Address: **Scott Grove, Burwood:** from south boundary of 12 Scott Grove to north boundary of 12 Scott Grove – west side

Previously: 1 unrestricted parking space

Now: 1 'Works Zone, 7am to 5pm, Monday to Saturday' parking space

9.3.4

(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING JUNE 2016

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
02.06.2016	\$4,851.50	9	EFC
02.06.2016	\$49,886.04	56	CHQ
02.06.2016	\$259,747.01	46	EFT
09.06.2016	\$5,235.99	11	EFC
09.06.2016	\$86,952.48	35	CHQ
09.06.2016	\$23,179.27	1	EFT
09.06.2016	\$2,318,562.19	329	EFT
16.06.2016	\$9,072.61	19	EFC
16.06.2016	\$442,787.39	40	CHQ
16.06.2016	\$360,980.59	35	EFT
16.06.2016	\$128.00	1	EFC
23.06.2016	\$2,272,098.43	1	EFT
23.06.2016	\$57,476.90	13	EFC
23.06.2016	\$75,910.88	36	CHQ
23.06.2016	\$4,142,127.02	376	EFT
27.06.2016	\$109,525.00	1	EFT
30.06.2016	\$4,759.16	3	EFT
30.06.2016	\$5,638.96	17	EFC
30.06.2016	\$135,097.99	52	CHQ
30.06.2016	\$3,213,148.59	255	EFT
Monthly Leases	\$73,000.00		DD
GROSS	\$13,650,166.00	1336	
CANCELLED PAYMENTS	-\$328,351.90	-24	
NETT	\$13,321,814.10	1312	

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 Cr Bennett reported on his attendance at the Whitehorse Reconciliation Policy & Action Plan Committee workshop held on the 9 August 2016

10.1.2 Cr Stennett reported on his attendance at the Audit Advisory Committee meeting held on 15 August 2016

10.1.3 Cr Massoud reported on her attendance at the;

- Municipal Early Years Plan Implementation meeting on 25 July 2016
- Whitehorse Business Group 20th Anniversary Celebrations held on 29 July 2016
- Whitehorse Disability Advisory Committee meeting held on 3 August 2016
- Visual Arts Committee meeting held on 10 August 2016

10.1.4 Cr Harris reported on her attendance at the Audit Advisory Committee meeting held on 15 August 2016.

10.1.5 Cr Daw reported on his attendance at the;

- ERG CEO's and Mayor's Meeting held on 22 July 2016
- Delegation from Benxi City China held on 25 July 2016
- Local Government Act Review Forum held on 29 July 2016
- Whitehorse Business Week held during early August 2016

NB. Mayor congratulated Will Gerhard and the Business and Economic Development team on an extremely successful and well-run Whitehorse Business Week.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Massoud

That the record of reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendation from the Special Committee of Council Meeting of 8 August 2016

Nil

10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
18 - 07- 16 10.45- 2.00pm	Box Hill First Group <ul style="list-style-type: none"> Building a Better Box Hill Together-workshop 	Cr Daw (Mayor & Chair) Cr Carr Cr Harris OAM Cr Massoud	J Green P Warner K Marriott W Gerhard D Vincent-Smith	Nil	Nil
18- 07- 16 5.00-6.00pm	Council Owned Land Councillor Briefing	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett NB. Cr Massoud arrived at 5.10pm & Cr Munroe arrived at 5.30pm	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud T Peak	Nil	Nil
18 - 07- 16 6.30-7.00pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> 464 Burwood Highway, Vermont South & 1-3 Charlnet Drive, Vermont South Whitehorse Municipal Wide Tree Study – Consideration of Final Options report Consideration of Amendment C157 (part 2) – ATV0 studios (104-168 Hawthorn Road, Forest Hill) Mitcham Road and nearby local streets – Parking Proposal Council agenda 18 July 2016 Conflicts of Interest 	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett NB. Cr Munroe left at 8.55am	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud	Nil	Nil

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
25 - 07 - 16 3.30-5.00pm	Early Year Plan	Cr Massoud	T Johnson N Rogers P Heselev M Block	Nil	Nil
25 - 07- 16 6.00-7.00pm	Council Owned Land Councillor Briefing Session <ul style="list-style-type: none"> • Council Owned Land • EBA Negotiations Update 	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Green P Warner P Smith A De Fazio S Freud T Peak	Nil	Nil
01- 08 - 16 6.31-7.48pm	Strategic Planning Session <ul style="list-style-type: none"> • Whitehorse Business Group Annual Presentation • Capital Works • Council Land In Box Hill • ACC Chair Process • Box Hill RSL – Centenary Memorial Plaque 	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Green P Warner P Smith P Moore W Gerhard D Logan J White D Seddon	Nil	Nil
08-08-2016 6.30-8.00pm	Councillor Briefing Session <ul style="list-style-type: none"> • Land 34 to 40 Moore Rd Vermont • Morton Park Easement Acquisition • Council Land in Box Hill • Special Committee Agenda/Other Business • Draft Council Agenda 15 August 2016 	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Harris OAM Cr Munroe Cr Massoud Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio P Moore K Marriot P McAleer V Mogg S Kinsey D Seddon J White S McGarth T Peak		

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Harris

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Harris reported on her attendance at the Women in Business Expo and luncheon held on the 10 August 2016.
- 11.2 Cr Massoud reported on her attendance at the Whitehorse Business week functions;
- Understanding Trends and Opportunities in Volatile Global Conditions held on 9 August 2016
 - How Your Business can Thrive in the Digital Age held on 8 August 2016
 - Women in Business Expo and Luncheon held on 10 August 2016
- 11.3 Cr Bennett reported on his attendance at the Whitehorse Business week functions;
- Understanding Trends and Opportunities in Volatile Global Conditions held on 9 August 2016
 - Women in Business Expo and Luncheon held on 10 August 2016
 - Sponsor's Lunch held on 12 August 2016

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Massoud

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

CARRIED UNANIMOUSLY

Attendance

Cr Stennett left the Chamber at 8:45 pm, returning at 8.47pm.

12 CONFIDENTIAL REPORTS

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Bennett

That in accordance with Section 89(2) (e) and (a) of the Local Government Act 1989 the Council should resolve to go into camera and close the meeting to the public as the matters to be dealt with relate to proposed developments and personnel matters.

CARRIED UNANIMOUSLY

The meeting was closed to the public at 8.45pm.

12.1 Council Land in Box Hill

12.2 CEO Annual Performance Review for 2015/16

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Carr.

That the meeting move out of camera and be reopened to the public.

CARRIED UNANIMOUSLY

The meeting was reopened to the public at 9.06pm.

13 CLOSE MEETING

Meeting closed at 9.09pm

Confirmed this 19th day of September 2016

CHAIRPERSON