



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

Monday 21 November 2016

at 7.00pm

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

Ms Noelene Duff
Chief Executive Officer

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Meeting opened at 7.00pm

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

1 PRAYER

1a Prayer for Council

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

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

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

Amen.

1b Aboriginal Reconciliation Statement

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

2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 17 October 2016 and Special Council (Statutory) Meeting, Oath of Office by newly Elected Councillors and Election of the Mayor 9 November 2016.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Ellis

That the minutes of the Ordinary Council Meeting 17 October 2016 having been circulated now be confirmed.

CARRIED

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Liu

That the minutes of the Special Council (Statutory) Meeting, Oath of Office by newly Elected Councillors and Election of the Mayor 9 November 2016 having been circulated now be confirmed.

CARRIED

5 RESPONSES TO QUESTIONS

5.1 Mrs E Pakarinen submitted two questions regarding multi-storey building developments and trees on the naturestrip.

The Chief Executive Officer, Ms Noelene Duff responded to responded to the question on multi-storey building development on behalf of Council.

A written response will be provided to Mrs Pakarinen in response to the question she raised on naturestrip trees.

6 NOTICES OF MOTION

Nil

7 PETITIONS

Nil

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 820-824 Whitehorse Road, Box Hill (Lot 1-9 PS 418535E)

FILE NUMBER: WH/2016/68
ATTACHMENT

SUMMARY

This application was advertised, with no objections received. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

- A. Being the Responsible Authority, is of the opinion that the granting of a Planning Permit for buildings and works to construct a building comprising a residential tower of 30 storeys, use of the land for accommodation and associated reduction of car parking is acceptable and should be supported.**
- B. Issue a Planning Permit under the Whitehorse Planning Scheme to the land described as 820-824 Whitehorse Road, BOX HILL (LOT 1-9 PS 418535E) for Use of land for accommodation, buildings and works for the construction of a 30 storey building, comprising retail premises, office, café and dwellings, with basement car parking, and associated reduction in the car parking requirements of Clause 52.06, subject to the following conditions:**
 - 1. Before the use and development starts, amended plans and documents (two full size copies and one A3 size copy) must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale generally in accordance with plans dated 5 September 2016, TP00a, TP098 to TP111, TP127 to TP130, TP210 to TP213 and TP230, Revision 1, prepared by Fender Katsalidis Architects, but modified to show:**
 - a) A minimum of ten (10) apartments to be clearly designated as being for social or affordable housing.**
 - b) The eastern end wall of the south facing landscape area on Level 6 is to be reduced to not protrude beyond the pool services room.**
 - c) All doors that open out onto Fairbank Lane over the carriageway easement must open 180 degree flat against the building wall.**
 - d) Wind mitigation measures as recommended in the Wind Report in accordance with Condition 13.**
 - e) Change the wording Level 6 from Gaming Room to Games Room.**
 - f) Corridors on Levels 2 to 5 providing access from lift lobby to the main corridor must be at least 1.8 metres in width.**
 - g) Internal rearrangement of the sole west facing apartments on Levels 02 to 05 immediately to the north of the office area to ensure the southernmost bedroom achieves the handle to light source ratio of 1:2.**
 - h) Provision of publicly accessible artwork in the commercial and residential lobbies, abutting the Young Street Urban Park, in accordance with the requirements of Condition 21.**

9.1.1
(cont)

- i) Provision of play equipment or playable elements for children, such as sculpture or seating elements on podium level.*
- j) Notation that no part of the building is to encroach into the road reserve.*
- k) The provision and location of a minimum of two car share spaces to be made available to residents, staff and the public.*
- l) Provision of a minimum of five (5) motor bicycle parking spaces within the basement.*
- m) Demonstrate that a minimum 4.5 metre height clearance is provided at the entrance to the car park at the street level and the canopy above the entrance.*
- n) Development plans to show the requirements of the approved Parking Management Plan and Green Travel Plan, where relevant.*
- o) Provision of access to toilet facilities for all commercial tenancies.*
- p) Location of grease pits and exhaust flues serving all of the food and drink premises and connection point for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*
- q) Development plans updated to include all of the relevant requirements of the Lighting Strategy in accordance with Condition 22.*
- r) A detailed schedule and samples of all external cladding materials, colours and finishes, including fine grain details of façade treatments such as door and window opening at all levels but particularly at the ground and first floor levels which interface with Whitehorse Road, Young Street and Fairbank Lane. Consideration must be given to energy efficiency properties, durability and maintenance requirements of selected colours and finishes.*
- s) Specification of glazing materials to be used on all external walls, including details demonstrating that they will not reflect unreasonable glare when viewed from any nearby road network, to the satisfaction of the Responsible Authority.*
- t) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 18. Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).*
- u) The following reports to be amended as required will form part of the endorsed documentation:*
 - i. Landscape Plan in accordance with Condition 8.*
 - ii. Landscaping Maintenance Plan in accordance with Condition 9.*
 - iii. Wind Report in accordance with Condition 13.*
 - iv. Amended Sustainability Management Plan in accordance with Condition 18.*
 - v. Art Strategy in accordance with Condition 21.*
 - vi. Lighting Strategy in accordance with Condition 22.*
 - vii. Green Travel Plan in accordance with Condition 26.*

9.1.1
(cont)

viii. An amended Waste Management Plan in accordance with Condition 29.

ix. Detailed Engineering Design Drawings for treatment of land within Fairbank Lane in accordance with Condition 31.

All of the above 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 and operation of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and documents, and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. The use of the land for accommodation as approved, must not commence until all of the buildings and works and landscaping hereby approved are completed to the satisfaction of the Responsible Authority.*
- 4. Notwithstanding signage that can be displayed as of right or as approved by a planning permit, any transparent glazing for the retail and food and drink premises facades must be retained without visual obstruction, to the satisfaction of the Responsible Authority.*
- 5. The garden and recreational areas, including the swimming pool and gardens at Level 06, must be available for use by all residents and employees.*

Affordable Housing

- 6. A minimum of ten (10) dwellings within the development are to be made available to a registered housing association for the purpose of social or affordable housing to the satisfaction of the Responsible Authority.*
- 7. Prior to the commencement of buildings and works the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:*
 - a) Upon registration of the plan of subdivision for the development, the title to ten (10) dwellings is to be donated to a registered housing association/provider to the satisfaction of the Responsible Authority to be used for the purpose of providing affordable housing;*
 - b) The dwellings are to be made available to rent to a tenant who (unless with the further written consent of the Responsible Authority):*
 - i. Would qualify as an eligible tenant under the Victorian Community Housing Federation criteria (or equivalent).*
 - c) The dwellings must be made available to rent at a rate that is at least 25 per cent below the market value rent (as determined by a licenced valuer every three years).*
 - d) That all dwellings will at all times be managed and tenanted in accordance with the relevant performance standards set pursuant to Section 94 of the Housing Act 1983 (Vic) or other applicable legislation, as amended from time to time.*
 - e) The cost of preparing and registering the agreement is to be paid by the permit holder.*

9.1.1
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Landscaping

8. *No building or works are to be commenced until an amended landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed will form part of this permit. This plan must show:*

- *Details of all street frontage features and footpath areas from the building façade to the kerbs of Whitehorse Road and Young Street. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment.*
- *Details of all proposed landscaping within the communal area of Level 06.*
- *Nomination of all proposed services, e.g. street lights and all existing infrastructure services, and street furniture.*
- *Details of all containerised planting infrastructure.*
- *Play equipment or playable elements such as sculptures for children residing or visiting the building.*
- *Cross section of proposed swimming pool.*
- *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.*

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

Once approved this plan will become part of the endorsed plans of this permit.

9. *Prior to the occupation of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:*

- a) *Details in relation to the transportation of substrates and proposed species onto the garden areas at Level 06.*
- b) *Irrigation system for street trees and street level garden beds, including details of frequency and water delivery method.*
- c) *Details of the ongoing maintenance procedures to ensure that the garden areas at Level 06 remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
 - i. *Irrigation frequency and delivery method.*
 - ii. *Drainage.*
 - iii. *Pruning and mulching.*

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

Once approved this plan will become part of the endorsed plans of this permit.

10. *The garden and recreation areas shown on the endorsed plan and schedule must only be used as gardens and recreational areas and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety.*

9.1.1
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11. *Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along the Whitehorse Road and Young Street frontages must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*
12. *No street tree may be removed without the prior written consent of the Responsible Authority.*

Wind Report

13. *Prior to the commencement of the development, a Wind Report prepared by an experienced firm must be submitted to the satisfaction of the Responsible Authority and endorsed by the Responsible Authority. The Wind Report must achieve the following:*
 - a) *Walking comfort along Whitehorse Road pedestrian and Fairbank Lane.*
 - b) *Standing comfort at offices entrance on Whitehorse Road and residential entrance on Young Street.*
 - c) *Walking comfort along Young Street plaza area and sitting comfort at where seating is provided.*
 - d) *Sitting comfort at the café alfresco area along Young Street.*
 - e) *Sitting comfort at the landscape and pool areas on Level 06.*
 - f) *Standing comfort at all balconies.*
14. *The recommendations of the wind report must be implemented such that:*
 - a) *There is no cost to the Responsible Authority.*
 - b) *There is no reliance on the provision of street trees for wind mitigation.*
 - c) *There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.*
 - d) *Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over the west, and east property boundaries.*

Building Services

15. *All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is 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, down pipes, aerials, satellite dishes, telecommunication facilities, 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.*
16. *All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.*

9.1.1
(cont)

- 17. Mail boxes are to be accessible for deliveries between the hours of 6am – 6p Monday to Friday.**

Environmentally Sustainable Development

- 18. Prior to the commencement of any buildings or works, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority.**

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

The requirements of the Sustainability Management Plan 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.

- 19. Prior to the occupation of the approved building under this permit, a report from the author of the Sustainability Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.**
- 20. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority, and the approved uses and building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the Sustainability Management Plan may occur without the prior written consent of the Responsible Authority.**

Art Strategy

- 21. Prior to the occupation of the building, an Artwork Strategy must be prepared to the satisfaction of the Responsible Authority. The Artwork Strategy must provide details of a process to allow review of the conceptual design of artwork by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:**

- a) To activate the façade of the building and facilitate pedestrian activity at this interface;**
- b) To be constructed in a safe and structurally sound manner and of durable and appropriate materials; and**
- c) To display appropriate content.**

The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with the Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer, as appropriate.

9.1.1
(cont)

The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.

Lighting Strategy

- 22. Prior to the commencement of the development, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Whitehorse Road, Young Street, and Fairbank Lane, and must be prepared in accordance with the Safer Design Guidelines for Victoria, Department of Sustainability and Environment, June 2005, to the satisfaction of the Responsible Authority.**

All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to surrounding road network, adjoining properties or nearby residents.

This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.

Car Parking & Traffic

- 23. The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways must be maintained to the satisfaction of the Responsible Authority.**

- 24. Prior to occupation of the approved building, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays will be allocated and managed, must be submitted to and approved by Council.**

This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

- a) Allocation of spaces generally in accordance with that shown on plans TP098 – TP0105.**
- b) Details of car share, accessible (disabled) or motorcycle parking spaces to be nominated within the basement car parking areas.**
- c) Allocation of a short term visitor drop off/pick up/taxi zone and details as to how this space will be managed to allow access and advise residents and customers as to its location.**
- d) Allocation of all parking spaces (except short term, visitor, accessible, and car-share spaces) to individual dwellings and tenancies and commercial uses. Each space within any tandem parking bays must be allocated to the same unit / commercial tenancy.**
- e) Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directions signs and/or physical barriers.**
- f) Allocation of bicycle spaces to tenancies and visitors.**
- g) Provision of some of the bicycle parking hoops in front of the entrances to the food and drink premises, gymnasium and retail areas.**

9.1.1
(cont)

- h) As per the recent update to AS 2890.3:2015, Bicycle Parking Facilities are required to include a minimum of 20% of ground level (horizontal) Bicycle Parking Devices (BPD) in any bicycle parking facility. This is to provide for those riders unable to lift a bicycle to a hanging BPD and for parking of non-standard bicycles. Currently, all bicycle parking spaces are provided in the form of a 'Ned Kelly' style wall hanging system.*
- i) Location and details of bicycle parking signs in accordance with Clause 52.34-5.*
- j) Line marking of car parking spaces.*
- k) Details of how access to car spaces, accessible (disabled) car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.*
- l) Details of the car share scheme.*
- m) Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.*
- n) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
- o) Details of signage or alternate measures to ensure that delivery and waste vehicles reverse into the loading area and exit the site in a forwards direction.*
- p) STOP/GIVE WAY Controls are to be provided at cross intersections within the car park, particularly at intersections with ramps where there is no control.*
- q) Centre lines to be provided along curved sections of the access ramp to guide motorists and keep vehicles to the left of the ramp.*
- r) Accessibility and parking for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*

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

- 25. Prior to the commencement of the use a detailed Traffic Impact Assessment must be provided to the satisfaction of the Responsible Authority assessing the impact of the traffic associated with the development on:**
 - a) Fairbank Land, Young Street, Prospect Street, Elgar Road and Whitehorse Road.*
 - b) The intersections of:*
 - i. Young Street and Prospect Street.*
 - ii. Prospect Street and Whitehorse Road.*
 - iii. Prospect Street and Elgar Road.*
 - iv. Whitehorse Road and Nelson Road.*
 - c) Investigate in detail potential options to alleviate the traffic impacts of the development to the local road network and to maintain pedestrian and cyclist priority.*

9.1.1
(cont)

Green Travel Plan

26. *Prior to the commencement of buildings or works on the land, a Green Travel Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include the following:*
- a) *A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;*
 - b) *Outline Green Travel Plan measures for the development including, but not limited to:*
 - i. *Household welcome packs - tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;*
 - ii. *Include a zone one / two myki pass and registration information to the value of one week travel;*
 - iii. *Bicycle parking and facilities available on the land;*
 - iv. *Pedestrian routes to key destinations.*

The Green Travel Plan must not be amended without written consent of the Responsible Authority following consultation with Public Transport Victoria.

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

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

Car Share

27. *A minimum of two car-share spaces as shown on the endorsed plans must be retained onsite unless otherwise agreed in writing by the Responsible Authority. The share cars must be made available to building residents, staff and the public at all times. The share cars must use fuel efficient technology.*

Loading/unloading

28. *The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site or a dedicated loading bay and must not affect the function of Fairbank Lane.*

Waste Management Plan

29. *Prior to the commencement of buildings and works, an amended Waste Management Plan prepared by a suitably qualified consultant, must be submitted to the satisfaction of the Responsible Authority. The amended Waste Management Plan must be generally in accordance with the submitted Waste Management Plan, but updated to include:*
- a) *The collection vehicle must exit the development onto Fairbank Lane in an easterly direction.*
 - b) *Allocation of space for:*
 - i. *Bin lifting equipment.*
 - ii. *Show details/location to house this equipment.*

9.1.1
(cont)

- iii. Bin washing facilities with details / locations / area to house this equipment.*
 - iv. Balers for cardboard and soft plastic.*
 - v. Electronic waste disposal.*
 - vi. Details of how these materials will be stored / removed from the site.*
 - vii. Liquid waste and charitable materials. Reference to how these materials will be handled from within the development.*
- c) The waste configuration of the development amended to implement the above waste components/facilities to match the scale of the development and the variety of tenancies.*

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

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

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

Construction Management Plan

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

The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans.

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.

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

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

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.

9.1.1
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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.

Alterations/Reinstatement of Assets

- 31. Prior to the commencement of works detailed engineering drawing must be prepared to the satisfaction of the Responsible Authority detailing the full reconstruction of Fairbank Lane. The plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and street lighting.*
- 32. The developer/contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary, and will be based on the approved access routes, pending on the approved Traffic Management Plan.*
- 33. If any works are to be undertaken in the road reserve related to the project, the applicant is required to obtain the Consent to Undertake Works in the Road Reserve (Road Opening Permit) for any new, altered or deleted vehicle crossing, water or drain tapping or other opening within a road reserve or laneway. Please note that this is a separate process to the Asset Protection Permit.*
- 34. If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council Parkswide Department prior to the commencement of works.*

Drainage and assets

- 35. Council's existing stormwater pipe and pits within Fairbank Lane must be protected and all times. Any proposal to alter the Council drainage assets in any way must be submitted to Council for approval and if approved by Council be undertaken at the expense of the applicant.*
- 36. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.*
- 37. 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 building.*
- 38. Detailed civil plans and computations for stormwater drain must be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval for the Responsible Authority prior to the commencement of any works. Dual Certification by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) for design of the on-site detention must be provided to Council prior to the approval of the civil plan.*

9.1.1
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39. *As constructed civil drawings that are computer drafter are to be provided to Council after the completion of civil works prior to the occupation of the building.*
40. *Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
41. *The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.*

Amenity

42. *The amenity of the area must not be detrimentally affected by the use or development, through:*
 - a) *Transportation of materials, goods or commodities to or from the land,*
 - b) *Appearance of any building, works or materials,*
 - c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam,*
 - d) *In any other way.*
43. *The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.*
44. *All food and drink premises must be provided with a filter system to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.*
45. *The deliveries to the commercial tenancies must occur between the following hours:*
 - a) *7.00am to 10.00pm Monday to Saturday.*
 - b) *9.00am to 10.00pm Sundays and Public Holidays**Unless with the further written consent of the Responsible Authority.*

Expiry

46. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within three (3) years from the date of issue of this permit;*
 - b) *The development is not completed within three (3) years from the commencement of the development.*
 - c) *The accommodation use have not commenced within one year of the completion of the development.*

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.

9.1.1
(cont)

PERMIT NOTES

Affordable Housing

- A. Prior to the certification of the plan of subdivisions, the owner of the dwellings that are nominated as affordable or social housing must enter into an agreement with Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:**
- a) The dwellings are to be used for the purpose of providing social or affordable housing;**
 - b) Unless with the further written consent of the Responsible Authority, the dwellings are to be made available to rent to a tenant who:**
 - i. Would qualify as an eligible tenant under the Victorian Community Housing Federation criteria (or equivalent).**
 - c) Will at all times be managed and tenanted in accordance with the relevant performance standards set pursuant to Section 94 of the Housing Act 1983 (Vic) or other applicable legislation, as amended from time to time.**
 - d) The cost of preparing and registering the agreement is to be paid by the permit holder.**

Engineering and Assets

- B. 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.**
- C. 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.**
- D. 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. The developer is requested to provide existing levels on the surrounding road reserve and footpath areas to show how exiting and entering the development will be undertaken with the proposed floor levels shown on the plans.**
- E. Any alteration to existing interface levels in the road reserve along Whitehorse Road will require the prior approval of VicRoads, and is not supported by Council.**
- F. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.**
- G. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right-of-way, reservation or other land owned or managed by Council as may be applicable.**
- H. Access doors to the development must not open out onto Fairbank Lane.**

9.1.1
(cont)

- I. All stormwater drainage within the development site and associated with the buildings (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.*
- J. 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.*

Street Trees

- K. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.*

DDA Access

- L. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right-of-way, reservation or other land owned or managed by Whitehorse City Council as may be applicable.*

Property

- M. This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the adjacent Road Reserve, the owner of the property may be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Young Street and Fairbank Lane. In respect to any intrusions into the Whitehorse Road Reserve, permission must be obtained from Vic Roads.*

Residential Parking Permit

- N. Residents of this development and their visitors will not be eligible for Residential Parking Permits.*
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

9.1.1
(cont)

MOTION

Moved by Cr Tescher, Seconded by Cr Liu

That Council:

- A. *Being the Responsible Authority, is of the opinion that the granting of a Planning Permit for buildings and works to construct a building comprising a residential tower of 30 storeys, use of the land for accommodation and associated reduction of car parking is not acceptable and should be refused.***
- B. *Issue a Notice of Refusal under the Whitehorse Planning Scheme to the land described as 820-824 Whitehorse Road, BOX HILL (LOT 1-9 PS 418535E) for Use of land for accommodation, buildings and works for the construction of a 30 storey building, comprising retail premises, office, café and dwellings, with basement car parking, and associated reduction in the car parking requirements of Clause 52.06, subject to the following grounds:***
- 1. *The proposal fails to provide adequate parking in accordance with the requirements of Schedule 1 to Clause 45.09 (Parking Overlay).***
 - 2. *The proposed car stacker fails to adequately provide for safe, convenient and efficient access in accordance with Clause 52.06 (Car Parking) for the volume of potential users.***
 - 3. *The proposal is inconsistent with Box Hill Transit City Activity Centre Structure Plan Activity Centre Precinct Objectives seeking to consolidate the Prospect Street Precinct as the primary office precinct in the locality.***
 - 4. *The proposal has not provided sufficient information to adequately demonstrate that it will not result in unacceptable wind outcomes in terms of pedestrian comfort (Element 2 of the Guidelines for Higher Density Residential Development).***

The motion was LOST on the casting vote of the Mayor

A Division was called.

Division

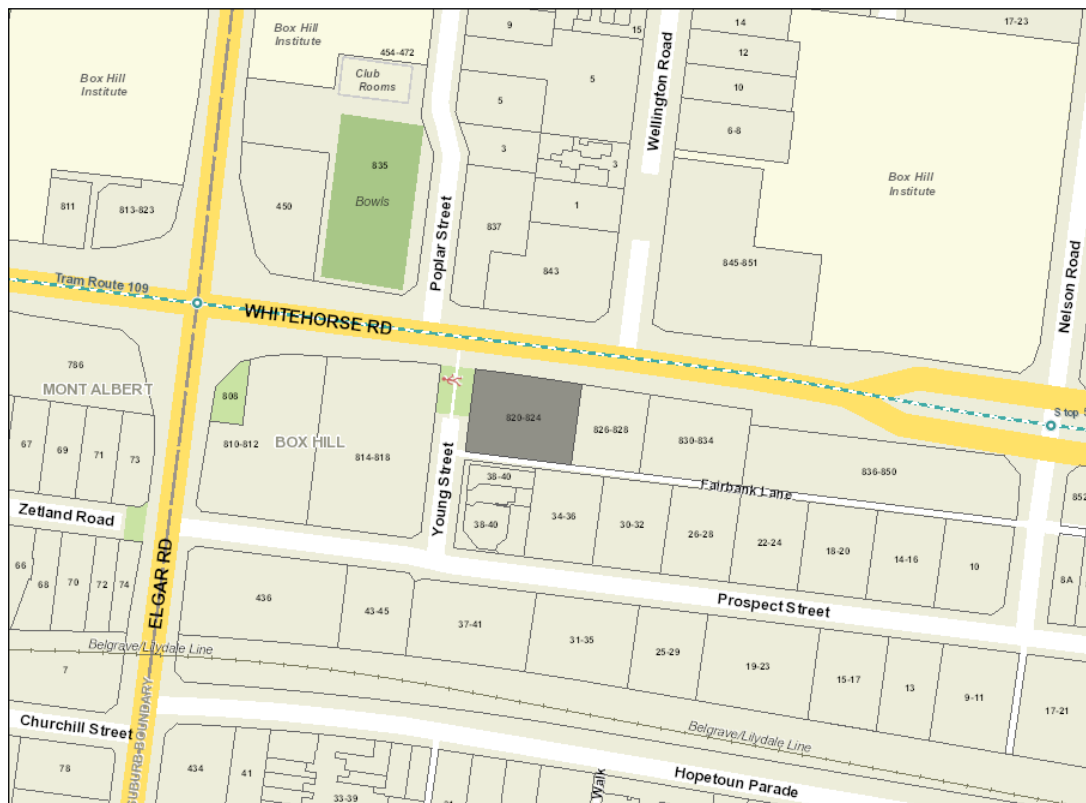
For	Against
Cr Carr	Cr Bennett
Cr Cutts	Cr Massoud
Cr Davenport	Cr Munroe
Cr Ellis	Cr Stennett
Cr Liu	
Cr Tescher	

On the results of the Division the motion was declared CARRIED

9.1.1
(cont)

MELWAYS REFERENCE 75A C3

Applicant:	Urbis Pty Ltd
Zoning:	Commercial 1 Zone
Overlays:	Clause 45.09 Parking Overlay, Schedule 1
Relevant Clauses:	Clause 9 Plan Melbourne
	Clause 11 Settlement
	Clause 12 Environment and Landscape Values
	Clause 15 Built Environment and Heritage
	Clause 17 Economic Development
	Clause 18 Transport
	Clause 19 Infrastructure
	Clause 21.05 Environment
	Clause 21.06 Housing
	Clause 21.07 Economic Development
	Clause 22.06 Activity Centres
	Clause 22.07 Box Hill Central Activities Area
	Clause 34.01 Commercial 1 Zone
	Clause 45.09 Parking Overlay, Schedule 1
	Clause 52.06 Car Parking
	Clause 52.07 Loading and Unloading of Vehicles
	Clause 52.34 Bicycle Facilities
	Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys
	Clause 52.36 Integrated Public Transport Planning
	Clause 65 Decision Guidelines
Ward:	Elgar



		Subject site		No objections received	 North
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9.1.1 (cont)

BACKGROUND

The Site and Surrounds

The subject site is located on the south side of Whitehorse Road east of the intersection with Elgar Road. The site is rectangular in shape with a frontage of 47.8 metres to Whitehorse Road, a depth of 39.6 metres and an overall site area of 1,835 square metres.

Roads bound the site on three sides, with Whitehorse Road forming the north boundary, Young Street (and reserve) forming the west boundary and Fairbank Lane forming the south boundary.

The site has a slope of approximately 3.1 metres from the south-east to the north-west and contains an elevated two-storey office building with basement car parking.

In terms of the immediate interfaces:

- To the east, at 826 Whitehorse Road, is a three-storey office building. Further east, construction of the land at 836-850 Whitehorse Road (on the south west corner of Nelson Road) is currently underway for a mixed-use development comprising two towers at 26 and 36 storeys approved by Planning Permit WH/2014/763.
- To the south Fairbank Lane runs in an east-west axis and provides back of house access to sites fronting Whitehorse Road, Young Street, Prospect Street and Nelson Road. The lane is approximately 4.6 metres wide and allows for traffic in both directions. Commercial buildings of varying heights line both sides of Fairbank Lane, all being within the Commercial 1 Zone.
- To the west is Young Street which is a cul-de-sac with car parking at the end of the street (preventing vehicular access to Whitehorse Road). The section of Young Street with an interface with the subject site is landscaped and provides for access to Whitehorse Road. Further west, opposite Young Street is a three-storey office building.
- Whitehorse Road to the north, is classified as a 'Road Zone – Category 1', and contains two lanes of traffic in either direction, separated by a central median containing tram tracks. Tram stops are present nearby at the intersections with Elgar Road and Nelson Road.
- Further north, opposite Whitehorse Road is a BP Petrol Station, which adjoins a Tyre and Auto Service Centre to its west, and to the east of the petrol station is the former Spotlight site that has approval for the buildings and works to construct a mixed use high density development comprising three towers (37 storeys – Tower 1, 30 storeys – Tower 2 and 17 storeys – Tower 3) .

The site is located within the Major Development Precinct designated by the Box Hill Activity Centre Transit City Structure Plan 2007. The Box Hill Metropolitan Activity Centre (MAC) provides retail, education, office, civic, medical, community facilities, entertainment, dining and recreational opportunities for the regional population, as well as a hub for local community activities. It is strategically located along the Melbourne to Lilydale and Belgrave rail line, Whitehorse Road and the 109 tram route, which jointly form the spine of an area of intensive economic activity that extends through Melbourne's eastern suburbs. The Box Hill Train Station and Bus Interchange are located approximately 800 metres by pedestrian routes to the south-east of the subject site.

Box Hill Gardens is located 700 metres to the north-east of the subject site, and Kingsley Gardens is located 500 metres to the west. Surrey Park, located approximately 800 metres to the south of the site, includes both formal and informal recreation activities.

9.1.1 (cont)

The Box Hill MAC is experiencing significant redevelopment, with the following nearby sites either approved, under construction, or completed:

- 836-850 Whitehorse Road (Whitehorse Towers) – mixed use development comprising two towers of 36 storeys (114 metres) and 26 storeys (83 metres).
- 845-851 Whitehorse Road (former Spotlight) – mixed use development comprising three towers of 17 (57 metres), 30 (94 metres) and 37 storeys (117 metres).
- 913 Whitehorse Road (Australian Taxation Office) – Office development of 20 storeys (81 metres).
- 545 Station Street ('Sky One') – mixed use development of 36 storeys (123 metres).
- 12-14 Nelson Road – mixed use development part 19 and 20 storeys (61 metres).

Planning Controls

Commercial 1 Zone

The site is within the Commercial 1 Zone. The purpose of the zone includes creation of vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses, and providing for residential uses at densities complementary to the role and scale of the commercial centre. Permits are required as follows:

- Clause 34.01-4 – Buildings and works.
- Clause 34.01-1 – Use of land for accommodation (due to frontage at ground level exceeding 2 metres).

It is noted that the use of commercial uses (food and drink premises, retail and offices) do not require a permit as they are 'as of right' in the zone.

Clause 45.09 (Car Parking)

A permit is required under Clause 45.09 (Parking Overlay, Schedule 1) to reduce the car parking requirements.

PROPOSAL

It is proposed to construct a 30 storey mixed-use development comprising 280 apartments, commercial uses (food and drink premises, retail and offices) and associated car parking. The office floor space is provided over five levels with the food and drink premises oriented towards Young Street. Initially, the proposal sought a car showroom fronting Whitehorse Road, however this has been amended to provide for three retail tenancies.

The key features of the proposal includes:

- Commercial uses (office, retail and food and drink premises) at ground level fronting Whitehorse Road and the Young Street road reserve.
- The podium will have a maximum overall building height of 25 metres and contains car parking, commercial (office) across all levels and residential uses (levels 2 to 5). The tower form exclusively contains residential uses and reaches an overall height of 99.7 metres.
- The total commercial floor area comprises 2,993 square metres.
- The apartments proposed include a mix of one, two and three bedroom apartments.
- Level 6 of the podium, includes recreation areas for the residents including a 60 square metre pool, landscaping, dining spaces, a theatre and gymnasium.

9.1.1 (cont)

- Fairbank Lane will provide all vehicular entrances. Two levels of basement parking are proposed which will contain car parking for 82 car parking spaces, motorcycle spaces, bicycle spaces, storage and services. An automated car parking system will comprise approximately half of the podium floor areas of Levels 1 to 5 and caters for 190 spaces, accessed via three ground level transfer cabins for the fully automated car parking system. A total of 272 car parking spaces and 92 bicycle spaces are provided.
- The architectural response incorporates a range of materials and finishes, including extensive glazed elements, textured concrete, metal cladding and applied timber, render and carbon fibre finishes.

CONSULTATION

Public Notice

The application was advertised by mail (245 letters) on the 14 April 2016 to the adjacent and nearby property owners and occupiers and by erecting three large notices on 6 May 2016, one each to the Whitehorse Road, Young Street and Wellington Road Street frontages. The advertising period formally finished on 24 May 2016. It is noted that given the time difference between erecting the signs and letters being sent the formal statutory advertising process extended from the required 14 days to 41 days. Following the advertising period no objections were received.

Referrals

External

Vic Roads

The application was referred to Vic Roads (under Section 52 of the *Planning and Environment Act 1987*) who advise that they do not object to the proposal with no conditions required.

Public Transport Victoria

The application was referred to the Director of Public Transport under Section 55 of the *Planning and Environment Act 1987* who advise that they do not object to the proposal with no conditions required.

Internal

Engineering and Environmental Services Department

- Transport Engineer
The proposal was referred to Council's Transport Engineers who do not object subject to the inclusion of conditions on any approval issued.
- Waste Engineer
The proposal was referred to Council's Waste Services Engineers who do not object subject to the inclusion of an amended Waste Management Plan condition on any approval issued.
- Assets Engineer
The proposal was referred to Council's Asset Engineers who do not object subject to the inclusion of conditions on any approval issued.
- Design and Construction Engineer
The proposal was referred to Council's Design and Construction Team who do not object subject to the inclusion of conditions on any approval issued.

9.1.1 (cont)

ESD Advisor

The proposal was referred to Council's ESD Advisor who does not object subject to the inclusion of conditions on any approval issued.

Box Hill Activity Centre Manager

The proposal was referred to the Box Hill Activity Centre Manager. All issues raised including interface at street level, provision of employment to the precinct, podium height along Fairbank Lane and building entrances have been addressed by amended plans.

Urban Design Advisor

The proposal has been reviewed by Council's Urban Design Advisor. All issues raised in relation to maximising ground level interaction on the street, apartment internal amenity, conflict between residential and commercial entrances and podium height along Fairbank Lane have been addressed by amended plans.

Strategic Planning

The proposal was referred to Council's Strategic Planning Team. All issues raised including limited commercial floor space, car sales showroom fronting Whitehorse Road, podium height and architectural details have been addressed by amended plans.

Landscape Architect

The proposal was referred to Council's Landscape Architect who requires a landscape plan to be submitted. This can be addressed by way of condition on any approval issued.

Property and Rates

The proposal was referred to Council's Property and Rates Department who do not object subject to the inclusion of a note (Section 173 Agreement) on any approval issued.

ParksWide

The proposal was referred to ParksWide who do not object to the proposal and recommend removal of the existing street trees and their replacement at the completion of construction. This can be addressed by way of condition on any approval issued and would complement the requirements for detailed drawings for the public realm and road reserve treatment required by Council's Transport Engineers, Design and Construction Officers, and Council's Landscape Architect.

Building

The proposal was referred to Council's Building Team who have advised that a Construction Management Plan is required which will be addressed by way of condition on any approval issued.

DISCUSSION

Consistency with State and Local Planning Policies

Plan Melbourne – The Metropolitan Planning Strategy identifies Box Hill as a major regional centre and amongst Melbourne's largest centres of activity with a wide variety of uses and functions including commercial, retail, housing, highly specialized personal services, education, government and tourism. State policies encourage the intensification of Box Hill as a commercial and employment hub, supported by one of Melbourne's biggest transport interchanges.

Clause 16 (Housing) of the State planning policy framework also strongly advocates the need to provide substantial new housing (in a diversity of housing types) ensuring developments are integrated with infrastructure and services. Higher density housing is to be located in or close to activity centres, employment corridors and public transport. Such new development is to match changing demand by widening housing choice, and improving affordability.

9.1.1 (cont)

Clause 17 (Economic development) further encourages development which meets community needs for office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities within existing or planned activity centres.

Clause 18 (Transport) has objectives to encourage higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges and tramways. Clause 18.02-1 promotes the use of sustainable personal transport, including walking and cycling whilst Clause 18.02-5 requires that an adequate supply of car parking is provided, that is appropriately designed and located to protect amenity of residential precincts.

Clause 19.01 (Renewable energy) promotes renewable energy use in development and Clause 19.03-05 seeks to minimise waste and encourage recycling within new development.

In terms of State planning policy, the subject site represents a significant strategic redevelopment opportunity to deliver higher density residential uses and complementary commercial activity given its location within the Box Hill Metropolitan Activity Centre, its frontages to Whitehorse Road and its proximity to a broad range of urban infrastructure including public transport services, employment opportunities and commercial facilities.

Local Planning Policy Framework

Clause 21.06 (Housing), notes that the City of Whitehorse is under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities. The Box Hill Metropolitan Activity Centre is identified to accommodate increased housing growth while providing high levels of amenity for residents. In this regard the proposal meets the policy objectives and will contribute to the overall diversity of housing in the area, including a mix of one, two and three bedroom tenures. The development will also be required to include a component of 'affordable housing' which will comprise ten dwellings. This will achieve the objective of Clause 16.01-5 (Housing affordability), which seeks to, *'deliver more affordable housing closer to jobs, transport and services'*.

Council's *Housing Strategy 2014* identifies areas of substantial, natural and limited growth. The subject site is included within a Substantial Change area which will provide for housing growth with increased densities, in accordance with the *Box Hill Transit City Activity Centre Structure Plan 2007* (Box Hill Structure Plan).

Clause 21.07 (Economic Development), identifies Box Hill as a Central Activities Area (CAA), which provides significant opportunities for investment in terms of retail, public transport, entertainment and higher density residential development. Although the overall use of the site is largely residential, the amended plans have ensured a significant area of commercial floor space is provided. This includes an office floor area of 2,519 square metres (constructed over five levels), a food and drink premises of 154 square metres, and three retail tenancies comprising a total of 320 square metres fronting Whitehorse Road. This is an increase from the current floor space of approximately 2090 square metres in the existing building.

Clause 22.06 (Activity Centres Policy) includes objectives to ensure that new development maintains and enhances the role of the activity centre as a community focus and to improve the appearance and amenity of the activity centre.

9.1.1 (cont)

Clause 22.07 (Box Hill Central Activities Area Policy), expands upon Clause 22.06 in providing policy direction relating to open spaces, pedestrian mobility and bicycle spaces, road traffic management, car parking, land use mix and built form. The policy further seeks to implement the Box Hill Structure Plan. The vision for the Centre is that *'Box Hill will be sustainable, safe and accessible to all. It will be a distinctive, vibrant, diverse, inclusive, participatory, caring and healthy community where you live, work and enjoy – day and night'*. The subject site is located within Activity Precinct B (Prospect Street Precinct) and Built Form Precinct F (Major Development Precinct).

Activity Precinct B (Prospect Street Precinct) is identified for:

- *Consolidation as the primary office precinct in the activity centre.*

Built Form Precinct F (Major Development Precinct) seeks to achieve the following:

- *Major Development Precinct: Taller buildings permitted, enabling increased density. Heights must not cause overshadowing of Key Open Spaces, Residential Precincts A or B or residential areas beyond the study area. Transitional heights to be provided at edges of the precinct to respect the scale of neighbouring precincts.*

The subject site and its immediate environs are earmarked for major development with taller buildings and increased densities. Precinct F is the only precinct within the Box Hill MAC where no specific preferred or maximum height limit applies. This area therefore represents a significant opportunity to deliver the proposed mixed-use development without impacting on the amenity of any residential neighbourhood or identified key public open space.

Design and Built Form

The site forms part of an area that acts as a gateway into central Box Hill from the west and is large enough to accommodate a mix of commercial floor space and a new residential tower. The design has been amended to sufficiently address each street frontage with activation including commercial tenancies fronting Whitehorse Road and Young Street. The height and scale of the proposal is consistent with the recently approved development opposite at 845-851 Whitehorse Road and the development further east at 850 Whitehorse Road, which consists of towers of up to 36 levels. These significant redevelopments enhance the pronounced 'gateway' effect into the Box Hill Activity Centre.

The building form will include a podium that extends along Whitehorse Road, Young Street and Fairbank Lane frontages for six storeys (varying the height between 18.2 and 25 metres), generally adopting a zero setback to the streets as encouraged by the Precinct Guidelines. The podium has a distinct different architectural treatment to the tower, which serves to break up the building bulk, provides for finer grade detailing of the streetscape, and provides for a clear sense of address.

A 22 storey tower is found above Level 8, with a setback of 3 metres from the Young Street frontage, 7.28 metres from Fairbank Lane and 8.4 metres from the eastern side boundary. While the setback to the Whitehorse Road frontage is between 0 and 0.8 metres, these setbacks are fully supported by Council's Urban Design Advisor, as the building will provide its occupants with excellent internal amenity with appropriate daylight access to all habitable rooms, as well as exceptional residents' amenity on Level 6, which includes facilities such as multi-use room, gaming room, theatre, dining rooms, wine cellar, family room, resident's lounge, gym, swimming pool and outdoor landscaping area with appropriate weather protection offered by the tower form above. It is considered good planning and urban design outcomes to support a mix of building forms and designs within the Box Hill MAC. This ensures buildings do not appear to be uniform and further enhances visual and architectural interest on the appearance of the building along Whitehorse Road.

9.1.1 (cont)

The ground floor of the podium provides for commercial activities to activate the Whitehorse Road and Young street frontages, with extensive use of glazed elements at the ground level. Electricity substation, other services and vehicle access is located back of house via Fairbank Lane away from the primary street frontages. This treatment enhances the pedestrian environment, in line with Whitehorse Road's identification as a Priority Pedestrian Corridor within the Structure Plan.

The proposed development is not considered to have any unacceptable adverse impact on any existing significant landmarks, views or vistas. As discussed above, the development incorporates a distinct podium and tower form with the massing and articulation of each component carefully considered to ensure that they present well resolved contemporary architectural detailing. The proposal, together with the other developments along Whitehorse Road will mark a key entrance point into the Box Hill Metropolitan Activity Centre.

To minimise the visual impact of the building form to Fairbank Lane, there will be a permit condition requiring the two storey high wall extending into the south facing landscape area on Level 6 beyond the pool services to be deleted.

Amenity

Overlooking and Access to Light

The site has one non-sensitive interface to the east, which is currently used as an office building. Notwithstanding that the site has no direct residential abuttals, the proposal has been cognisant of this interface, should it be redeveloped in the future in line with the Structure Plan. As such, above the podium level, the tower is setback 8.5 metres from the east boundary (with one apartment adopting a zero setback in the south-east corner at Level 7). The generous setback will allow for any future development on this adjoining site to have an appropriate separation between both buildings at the upper levels and provides an appropriate separation from an internal amenity perspective.

Equitable tower setbacks will also be incorporated to the south. Above Level 7, a 7.3 metre setback (with increased setbacks at Levels 27, 28 and 29) will provide an appropriate separation from those lots further south of Fairbank Lane.

Overshadowing

The proposed building will cast shadows across other commercial frontages. The winter shadow diagrams (9am to 3pm on June 22nd) demonstrate that the shadow implications are acceptable, having regard to the preferred built form character and streetscape vision for the site and the surrounding area. The proposed development does not result in any shadow being cast onto any key public open space or other spaces identified in the Structure Plan.

The shadows have a very minor impact to the established residential areas to the south fronting Hopetoun Parade, however this is not considered to result in any unreasonable detrimental impact.

Wind Impact

To ensure that the residents and visitors of the building, as well as the general public enjoys reasonable wind amenity within and around the building, there will be a permit condition requiring a Wind Report to be prepared and submitted to Council for review. The report must demonstrate an appropriate level of wind comfort in association with the propose use of those areas.

Energy Efficiency

The orientation of the building on the lot has maximised available solar access. The use of shared roofs, floors and walls also promotes energy and resource efficiency.

A Sustainability Statement was submitted with the application. Council's ESD Officer has advised that the development can achieve an acceptable level of energy efficiency, subject to some amendments to the submitted Sustainability Management Plan.

9.1.1 (cont)

Internal Amenity

The development will deliver a good level of internal amenity to future occupants of the residential apartments given:

- The separation achieved between the tower and the east and south boundaries will provide the apartments with a satisfactory outlook. The separation will allow appropriate levels of daylight and sunlight into the apartments.
- The internal layout of floors are designed to respond to the features of the site, including the interface with Whitehorse Road and Young Street and the opportunity for a northern outlook. Wherever possible, apartments have been sited with a northern, eastern or western aspect; with those with a solely southerly orientation limited to a small number (39) of apartments (14%).
- Privacy between apartments, in particular balcony locations and separation, have been satisfactorily addressed.
- Alternate lift and stair access linking all floor levels including the car parking is provided.
- Each apartment has generous storage areas including within the secured car parking areas in the form of 2.5 cubic metres of above bonnet storage and cages of 6 cubic metres on each level throughout the building. There are also reasonable amounts of storage provided within each apartment.
- All habitable rooms have direct access to daylight and ventilation. No habitable rooms rely on borrowed light.
- The dwellings include a mix of one, two and three bedroom dwellings. The indicative furniture layouts demonstrate that there are a range of layout options possible for the rooms.
- Each apartment has an area of private open space in the form of a balcony or terrace that all achieve an area of 8 square metres or greater. The areas of private open space are further supplemented by the rooftop communal open space at Level 6. The rooftop space comprises a number of landscaped areas including communal furniture and a swimming pool.
- Internal rearrangement of a sole west facing apartment on Levels 02 to 05, immediately to the north of the office area is required, as the apartment includes a saddleback bedroom which does not meet the 1:2 ratio in terms of handle width to distance from light source. This can be addressed by way of condition.

Landscaping/Urban Art

The application includes a concept landscape plan which shows proposed pavement treatment and new landscaping within the Whitehorse Road and Young Street road reserves which will provide some softening and visual interest to the facades. This addition of street planting will require additional Council approval, which will be dealt with as a condition. Landscaping treatments at the top of the podium will also need to be included in detailed landscape plans. It is also recommended that play equipment or playable elements for children, such as sculpture or seating elements are included within the podium area.

It is considered that in order to be consistent with other approvals of this scale in this locality in terms of activation of the streetscape, community benefit, and high quality built finish outcomes that the proposal should include an element of integrated urban art to the ground level. As such, it is recommended that Council impose an Integrated Art Plan by way of condition.

9.1.1 (cont)

Uses

Initially, the proposed commercial floor area was considered insufficient in addressing the strategic importance of the site within the primary business precinct of the Box Hill MAC. To address this concern, the amended plans increased the office floor area from 843 square metres to 2,519 square metres. In addition, the food and drink premises and tenancies bring the total commercial floor area to 2,993 square metres. The extent of commercial floor space will now appropriately support the role of the Commercial 1 Zone within the Box Hill MAC, with no net loss from the existing floor space of approximately 2090 square metres.

It is noted that the use of the land for retail (including food and drink premises) and office within the proposed Commercial 1 Zone are as-of-right, and no limitation is required on operating hours, although a general amenity condition will be included on the permit. However before the building is constructed, consideration must be given to the infrastructure associated with food and drink premises, such as flues and a grease trap with connection point for emptying the grease trap, so that these can be incorporated into the built form, and this will form a condition of approval.

Planning approval is required for the residential uses. The provision of a ground level lobby area is acceptable, as it provides a sense of address and street presentation to the residential uses on Young Street. Consistent with other recent approvals, a condition of the permit will require the provision of 10 residential apartments to be designated as 'affordable housing units'.

Car Parking, Traffic & Access

The proposed car parking provision is as follows:

Level	Car Parking Provision	Motorcycle Parking Provision
Basement 2	47 spaces (incl. 10 tandem spaces & 1 accessible space)	
Basement 1	35 spaces	4 spaces
Levels 1, 2, 3, 4 and 5	38 spaces to each level	
Total	272 spaces	4 spaces

9.1.1 (cont)

The proposal would generate the following parking requirement under Clause 45.09.

Use	Size / Number	Car Parking Rate Clause 45.09 Rate	Car Parking Demand	Car Parking Provision
Dwellings	45 x one bedroom	0.5 spaces per dwelling	22 spaces	22 spaces
	226 x two bedroom	0.75	169 Spaces	169 Spaces
	9 x three bedroom	1 space per dwelling	9 spaces	9 spaces
	280 dwellings (visitor)	0.2 spaces per dwelling for first 5 dwellings, and 0.1 spaces thereafter per dwelling	28 spaces	11 spaces
Retail	320sqm (3 tenancies)	3.5 spaces / 100sqm	11 spaces	9 spaces
Food and Drink Premises	154sqm	3.5 spaces / 100sqm	5 spaces	2 spaces
Office	2,519 sqm	2 spaces / 100sqm	50 spaces	50 spaces
Total			294 spaces	272 spaces

Given that a total of 272 parking spaces are proposed the development seeks a parking reduction of 22 spaces.

As part of the proposed parking allocation, it is proposed that 17 of the 50 spaces allocated for the office use be made available for visitors outside of business hours (between 7:00pm and 6:00am Monday to Friday and all day on Saturdays and Sundays). These spaces will be appropriately signed and line-marked to prevent visitors parking in them during normal business hours. On this basis at least 33 of the 50 office spaces would always be available for office staff outside of standard business hours. In addition office staff would not be 'prohibited' from parking in the visitor bays.

The proposal to share some office and visitor spaces during non-business hours is not uncommon and given the proximity to public transport, the implementation of a Green Travel Plan and the requirement for 2 share spaces, the proposed parking provision for various uses is considered acceptable in this context.

Council's traffic engineers have no objection to the proposed empirical parking generation of 1 space per convenience restaurant staff member, and whilst they are seeking a cap on the maximum staff numbers permitted this is not consistent with other approvals for similar uses in the area. Furthermore staff numbers cannot be limited in this permit as the uses do not require permission.

The proposal also provides for 4 motorcycle parking spaces and makes provision for 92 bicycle parking spaces as required by Clause 52.34 of the Whitehorse Planning Scheme. Comparing the rate of provision of motor cycle spaces per dwelling in this proposal to the rate of provision per dwelling in the approval at 845-851 Whitehorse Road, results in a short fall of 5 spaces. This can be addressed by way of condition.

Council's Transport Engineers have requested additional information about traffic generation in the local road network which is addressed by way of condition.

9.1.1
(cont)

CONCLUSION

The proposal for the construction of a mixed used development comprising a mix of commercial uses within the podium and a residential tower of 30 storeys and associated reduction of car parking requirements is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies and the Commercial 1 Zone.

In addition to making a contribution to meeting Whitehorse's future housing needs, the proposal provides for a mixture of uses consistent with the sites commercial zoning and local policies applicable for the Box Hill MAC. The building has been designed to respond to the site's varying interfaces, to provide a high level of amenity for future residents and to activate the street frontages. The proposal provides community benefits in the form of the provision of ten affordable dwellings to be given to a registered housing provider.

It is considered that the application should be approved.

ATTACHMENT

- 1 Development Plans
- 2 Landscape Plans
- 3 Shadow Diagrams

Strategic Planning

9.1.2 Amendment C192 to the Whitehorse Planning Scheme - Rezoning 119 Surrey Road and 150-152B Springfield Road, Blackburn

SUMMARY

On 11 October 2016 Council received a request to consider an amendment to the Whitehorse Planning Scheme. The request concerns land at 119 Surrey Road and 150-152B Springfield Road, Blackburn. The request seeks to rezone the sites from the General Residential Zone - Schedule 1 to the Commercial 1 Zone and apply Design and Development Overlay - Schedule 4 to the land. The request also seeks to apply an Environmental Audit Overlay to 119 Surrey Road, Blackburn.

This report discusses the amendment request and recommends that Council seek authorisation from the Minister for Planning to prepare and exhibit the amendment to the Whitehorse Planning Scheme.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Davenport

That Council:

- 1. Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme to:***
 - Rezone 119 Surrey Road and 150-152B Springfield Road, Blackburn from the General Residential Zone - Schedule 1 to the Commercial 1 Zone;***
 - Apply Design and Development Overlay - Schedule 4 to 119 Surrey Road and 150-152B Springfield Road, Blackburn; and***
 - Apply an Environmental Audit Overlay to 119 Surrey Road, Blackburn.***

CARRIED

BACKGROUND

On behalf of Maged Nardine Joy Pty Ltd, ARG Planning (the proponent) has submitted a request to Council to amend the Whitehorse Planning Scheme (Planning Scheme) by rezoning land at 119 Surrey Road and 150-152B Springfield Road, Blackburn from the General Residential Zone – Schedule 1 (GRZ1) to the Commercial 1 Zone (C1Z) and apply Design and Development Overlay – Schedule 4 (DDO4) to the land. The request also seeks to apply an Environmental Audit Overlay (EAO) to 119 Surrey Road, Blackburn.

The sites and surrounds

The rezoning request relates to six adjoining sites at the intersection of Surrey Road and Springfield Road, Blackburn being:

- 119 Surrey Road, Blackburn:** a large parcel of land located on the south-eastern corner of the intersection of Surrey Road and Springfield Road. The site is currently used as a car wash and has previously been used as a petrol station. The site has one vehicle crossover from both Surrey Road and Springfield Road. The site is currently zoned GRZ1 and there are no overlays on the site.

9.1.2

(cont)

- **150-152B Springfield Road, Blackburn:** are located on the southern side of Springfield Road approaching Surrey Road from the east and adjoin 119 Surrey Road, Blackburn. The sites are developed with single storey attached buildings that have historically been used for commercial uses, including shops and offices. The sites are currently used for shops, offices, food and drink premises and a beauty salon. The sites do not have on-site parking and access is from the pedestrian footpath along Springfield Road. The sites are currently zoned GRZ1 and there are no overlays on the sites. The sites are part of a fine grain subdivision pattern that is typical of many Neighbourhood Activity Centres (NACs) in the municipality.

The Springfield and Surrey Road Shops NAC is located on the west side of Surrey Road, immediately opposite the land at 119 Surrey Road. The NAC is currently zoned C1Z and is included within DDO4. The NAC is a small scale neighbourhood shopping strip fronting onto a standard width local street. The existing built form is low scale buildings of one storey and is comprised of commercial uses, including shops and offices.

The sites are located within a residential area that is part of Neighbourhood Character Precinct Garden Suburban 13. This precinct is proposed to retain its classic garden suburban characteristics however infill development including unit developments will be common. Residential areas surrounding the NAC and subject sites exhibit the preferred neighbourhood character of brick or weatherboard dwellings within an open space/landscaped setting.

Current planning controls

The six sites are currently zoned GRZ1 which also covers the residential properties in the immediate surrounding area. The sites were previously zoned Residential 1 prior to the State Government zone reforms implemented via State-wide Amendment VC116 on 1 July 2014 and the subsequent Whitehorse Amendment C160 on 14 October 2014.

The sites and the residential areas to the south are located within Neighbourhood Character Precinct Garden Suburban 13 which is outlined above. The residential area on the northern side of Springfield Road is located in Neighbourhood Character Precinct Garden Suburban 9. The preferred character of this precinct is low set, pitched roof dwellings set in spacious garden settings. Similar to Garden Suburban 13, infill development including unit developments will be common, however new building additions will be set back at upper levels.

9.1.2
(cont)



Figure 1 – Aerial photo of sites and surrounding area

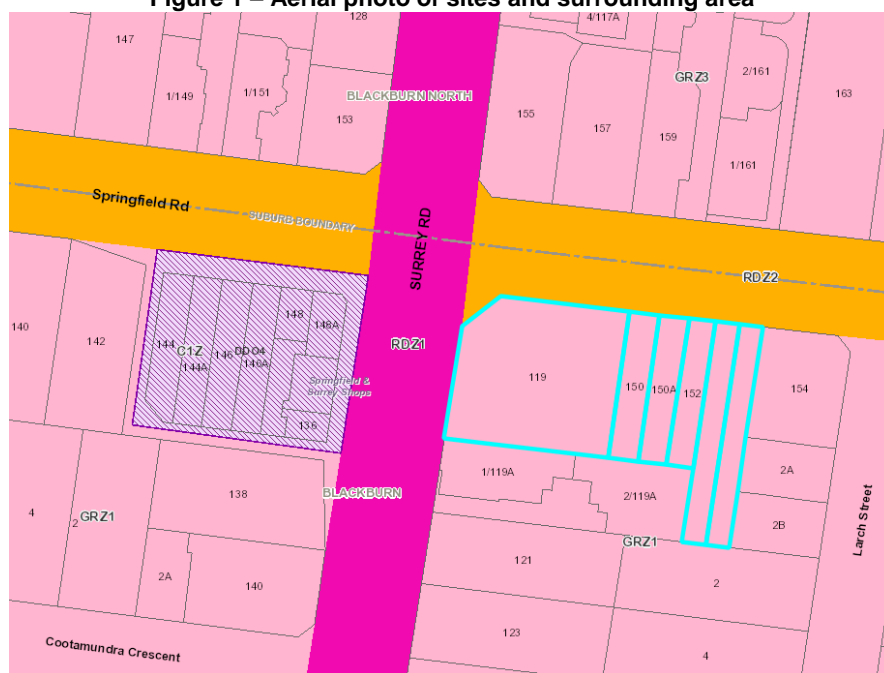


Figure 2 – Current zone and overlays on sites and surrounding areas

9.1.2

(cont)

Proposal

The amendment request seeks to:

- Rezone 119 Surrey Road and 150-152B Springfield Road, Blackburn from GRZ1 to C1Z;
- Apply DDO4 to 119 Surrey Road and 150-152B Springfield Road, Blackburn; and
- Apply an EAO to 119 Surrey Road, Blackburn.

Officers have reviewed the amendment request and are satisfied that the proposed rezoning of the sites from GRZ1 to C1Z is an appropriate outcome, as the proposed zone will reflect the historical and ongoing use for commercial and retail purposes and the location of the sites adjacent to an existing NAC. The proposed zone will also recognise the similarity of commercial uses and the fine grain subdivision in the existing NAC.

The C1Z facilitates a variety of uses for the site that could broaden the range of businesses in the local area. The purpose of the C1Z is “to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses” and “to provide for residential uses at densities complementary to the role and scale of the commercial centre”. Section 1 uses (no permit required) include, amongst others, accommodation, child care centre, office, retail premise and shop. The uses that exist currently on the sites are similar to the uses that do not require a permit under the proposed zone.

DDO4 applies to all land designated as a NAC throughout the municipality and currently applies to the sites included in the Springfield and Surrey Shops NAC. The objectives of DDO4 are:

- 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; and
- 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 request proposes the application of an EAO to 119 Surrey Road, Blackburn as a result of the current use of the site as a car wash and the previous use as a petrol station. Under Clause 45.03-1 of the Planning Scheme a certificate of environmental audit must be issued or the land must be declared suitable before any sensitive use such as a residential dwelling or child care centre commences, or construction or building works are carried out in association with any sensitive use.

Officers are satisfied with the application of DDO4 to the six sites and the EAO to 119 Surrey Road, Blackburn. The amendment acknowledges the historical use of the land and incorporates the existing commercially orientated properties into the Springfield and Surrey Shops NAC through the application of DDO4. The EAO will ensure any future sensitive use of the land will be suitably protected from potential contamination resulting from the former uses of the site at 119 Surrey Road, Blackburn.

9.1.2

(cont)

DISCUSSION

In considering the proposed amendment, Council must have regard to the Strategic Assessment Guidelines as required by Ministerial Direction No. 11. This general Practice Note outlines issues which should be addressed to establish the need for an amendment and whether the proposed provisions are appropriate for the purpose for which they have been developed. These issues are each discussed below and the assessment that follows will form the basis of the Explanatory Report for the amendment.

Why is the Amendment required?

The amendment seeks to rezone the sites from the GRZ1 to the C1Z and apply DDO4. The amendment also seeks to apply an EAO to 119 Surrey Road, Blackburn.

The subject land is currently occupied by a car wash and five shops and has a long history of being used for commercial and retail purposes. The amendment proposes to rezone the sites together as they are included in a residential zone but are not used for residential purposes. The proposed rezoning of the land from GRZ1 to C1Z will reflect the ongoing use for commercial purposes.

The land is adjacent to the Springfield and Surrey Road Shops which is a designated NAC under Council's Strategic Framework Plan. The proposed rezoning will facilitate the use of the subject land in a manner which is consistent with the NAC. DDO4 applies to land designated as a NAC throughout the municipality and applying the overlay to the subject land will ensure a consistent approach is taken to its future development in accordance with other NACs within the municipality, in particular, to the Springfield and Surrey Road Shops NAC opposite. It will also ensure that development preserves the amenity and character of abutting residential areas.

Given the historical use of the land at 119 Surrey Road, Blackburn as approved, past and present, and acknowledging the surrounding residential land; it is proposed to apply an EAO as per Clause 45.03 of the Planning Scheme to ensure any future development and use of the land and surrounding residential properties are effectively protected. The EAO will manage potentially sensitive land uses at 119 Surrey Road, Blackburn given the car wash and previous service station uses at the site.

How does the Amendment implement the objectives of planning in Victoria?

The objectives of planning in Victoria are outlined within Section 4(1) of the *Planning and Environment Act 1987*. They include:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- To balance the present and future interests of all Victorians.

The sites have a long standing history of commercial uses and are strategically located adjacent to a designated NAC at the intersection of a road designated as Road Zone 1 (Surrey Road) and a road designated as Road Zone 2 (Springfield Road). The amendment will facilitate future development of the land for commercial or residential uses in accordance with this site context. Additionally, the rezoning will allow for the fair and orderly development of the land that is close to existing facilities in the community such as shops, services, schools and parkland.

9.1.2

(cont)

The application of the DDO4 will provide certainty to future built form outcomes. DDO4 has a preferred maximum height of 3 storeys in a small-medium neighbourhood centre, with a preferred maximum height on a boundary adjoining a residential area of 2 storeys. The third storey of a building is required to be setback a preferred minimum of 5 metres at the rear boundary. This will ensure a pleasant and safe living and recreational environment, as the setbacks will allow development to respect the low scale built form of surrounding residential areas and reduce or prevent overshadowing to adjoining residential properties.

The application of the EAO will also ensure a safe environment for all, by ensuring any contaminated land is remediated prior to the development of any sensitive land use.

How does the Amendment address any environmental, social and economic effects?

The amendment is unlikely to have any significant impacts on the environment due to the site's location in an established urban area. Preliminary site investigations were undertaken at 119 Surrey Road, Blackburn as it has operated as a car wash in recent years and in the past, a petrol station. The investigations identify low level contamination and an EAO will be applied to the site so that it can be remediated and then developed for sensitive land uses in the future if desired.

The rezoning of the sites to C1Z will allow the sites to be developed for commercial and residential uses that serve and complement the immediate area. Any future development of the sites will need to be cognisant of the interfaces to the surrounding residential area and respect the character of the surrounding area.

The C1Z facilitates a variety of uses for the site that will broaden and provide certainty for the range of businesses and increase employment opportunities, which will provide economic and social benefit to the surrounding area. The DDO4 will ensure future development of the sites will be cognisant of abutting residential interfaces and respect the existing and preferred neighbourhood character.

Does the amendment address relevant bushfire risk?

There is no bushfire risk considered relevant to this amendment. The sites are located in a well-established urban area and abut two roads and existing residential development.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

The proposed amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes and Strategic Assessment Guidelines. Other Ministerial Directions that are applicable include:

- *Ministerial Direction No.1 - Potentially Contaminated Land* requires the planning authority to be satisfied that any land proposed for sensitive uses is free from potential contamination. Preliminary site investigations have identified low level contamination at 119 Surrey Road and an EAO will be applied to the site as part of the Amendment to ensure compliance with this Direction.
- *Ministerial Direction No.9 – Metropolitan Strategy* relates to *Plan Melbourne* which is in turn reflected in Clause 11 of the State Planning Policy Framework (SPPF). The Ministerial Direction requires planning scheme amendments to address the extent to which they are consistent with any of the directions or policies in *Plan Melbourne*. The amendment is consistent with the directions of *Plan Melbourne* as outlined below:
 - Jobs and Investment: The C1Z will support growth within the activity centre, providing for uses and job opportunities appropriate to the site context.
 - Housing Choice and Affordability: The Amendment will facilitate the rezoning of the land for housing uses which will assist in providing additional accommodation within an accessible urban location.

9.1.2

(cont)

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The SPPF supports land use and development that takes advantage of existing settlement patterns. This is to be achieved by consolidating established urban areas, particularly those around activity centres, as a result of the services they provide. Relevant policies include:

- Clause 11.01-2 Activity Centre Planning aims to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community. The amendment applies to land that is accessible by public transport, active transport and private vehicle. The amendment will concentrate land uses in an existing NAC and will allow for the future development of additional retail, residential or commercial land uses.
- Clause 11.02-1 Supply of urban land discusses the supply of urban land and notes the objective “to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses”. The rezoning of the sites to C1Z will provide opportunity for future residential or commercial development on the sites.
- Clause 16.01-2 Location of residential development aims to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. The proposed rezoning and application of DDO4 will allow for residential uses to be developed close to existing shops, services and public transport. There are bus routes that travel along Springfield Road and Surrey Road and the sites are within 2km of Blackburn railway station. The sites are approximately 1km from the Eastern freeway and there are pedestrian footpaths on Springfield Road and Surrey Road.
- Clause 17.01-1 Business sets strategies to “provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres” and “provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations”. The amendment will allow for the continued use of the sites for convenience shopping facilities adjacent to residential areas and an existing NAC. The amendment also provides for the future development of additional commercial and retail shopping opportunities that will meet the needs for local residents at a location that is accessible by a variety of transport methods.
- Clause 18.01-1 Integrated Transport has the objective to “create a safe and sustainable transport system by integrating land-use and transport”. The sites are located at the intersection of two roads and are adjacent to bus routes which traverse the area. This allows for access to the sites by private vehicle, public transport and active transport and integrates the land uses on the site with the surrounding uses and transport modes.

Rezoning of the land to C1Z will support these objectives by more effectively facilitating commercial and residential development around the Springfield and Surrey Shops NAC. The DDO4 to be applied to the land will ensure this is done in a manner whereby future development addresses the character of the area and amenity of abutting properties as sought by Clause 15 (Built Environment and Heritage).

9.1.2

(cont)

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Clause 21.07 Economic Development of the Municipal Strategic Statement (MSS) identifies that there are 60 Neighbourhood Centres within the municipality that play an important social and community role. Well performing centres such as the Springfield and Surrey Road Shops should be further enhanced, including their ability to provide a diversity of housing choices and greater certainty for their future commercial use.

The amendment will allow development and uses commensurate to the specific 'attributes' afforded to the sites and is responsive to the existing use as a car wash and adjoining NAC.

The proposed rezoning will facilitate outcomes in a manner that does not jeopardise the municipality's retail hierarchy given the limited number of properties affected by the rezoning, and their existing use for commercial purposes. Other objectives of the Local Planning Policy Framework that require commercial development to sensitively address surrounding residential areas will be achieved through the application of the DDO4 that will guide the design of new development.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment is consistent with the intent and use of the Victorian Planning Provisions (VPPs) as it seeks to apply the C1Z to residentially zoned land which has historically operated and presented as commercial uses. The proposed application of the DDO4 and EAO is consistent with the form and content of the VPPs and reflects the existing and future land use pattern of the affected land as well as its location adjacent to an existing NAC that is included in DDO4.

How does the Amendment address the views of any relevant agency?

There are no additional referral authorities or requirements resulting from the amendment and no views from referral authorities or any agencies have been sought. If the amendment is exhibited, the views of any relevant agencies and public authorities will be sought during the exhibition stage of the amendment process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

There is no impact on the transport system created by the proposed amendment. The subject sites are located adjacent to bus routes along Surrey Road and Springfield Road and there is unlikely to be a growth in private vehicle usage or public transport patronage substantially higher than what the transport network currently experiences.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

There will be limited additional impacts on resources or administration costs associated with this proposed amendment. The Planning and Building Department is resourced to assess any future planning permit applications that follow the proposed rezoning and application of DDO4 and the EAO.

CONSULTATION

If Council resolves to prepare an amendment, it will be placed on public exhibition for a minimum of one (1) calendar month. The exhibition will include the advertising of the proposed amendment to the owners and occupiers of the subject sites and surrounding properties. These requirements are in addition to the need to publish a notice in the Whitehorse Leader and the Government Gazette and to notify specific Ministers and referral authorities.

At the end of the exhibition period Council will consider any submissions received about the amendment and if necessary refer them to an independent panel appointed by the Minister for Planning. Following a public hearing, any panel will report back to Council and Council will then have to determine whether to adopt the amendment. The Minister for Planning may then decide whether or not to approve the amendment.

9.1.2

(cont)

The landowners of the sites at 150-152B Springfield Road, Blackburn have been advised by the proponent about the proposed amendment. A letter was sent on 7 October 2016 advising that the owner of 119 Surrey Road, Blackburn has sought an amendment to the Planning Scheme.

No views from referral authorities or any agencies have been sought in relation to this proposed amendment. If the amendment is exhibited, the views of relevant agencies and public authorities will be sought during the exhibition stage of the amendment process.

FINANCIAL IMPLICATIONS

The amendment will have minimal financial implications for Council. The proponent has paid the initial fee for Council's assessment of the amendment. If the amendment is authorised by Council to be prepared and exhibited, the proponent will be required to bear all subsequent fees associated with the amendment, including consideration of submissions and Planning Panel costs.

Council requested written receipt of agreement to pay all costs prior to preparing the amendment and lodging it with the Minister for exhibition.

POLICY IMPLICATIONS

The proposed amendment will meet two strategic objectives in the Council Plan, including:

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

This direction is proposed to be achieved by improving the links and usage of transport modes with regard to efficiency, sustainability and safety. Rezoning the land to C1Z supports this as the sites are located at the intersection of Surrey Road and Springfield Road, near to bus routes and with pedestrian access along both Surrey Road and Springfield Road. This allows for sustainable access to the sites by using public transport and active transport and will maintain the built environment in this area. The amendment also allows for the potential future development of the sites which would utilise local transport modes to access the broader area.

DDO4 aims to ensure that new development is designed to facilitate an attractive activity centre and that new buildings create a complementary interface to enhance the public realm. Therefore the application of the DDO4 will assist in new development enhancing the built environment in the local area.

Strategic Direction 5: Support a healthy local economy

This direction is proposed to be achieved by supporting the development of a sustainable, growing local economy and supporting the commercial and retail sectors. The proposed rezoning to C1Z will support this direction as it recognises the existing uses and allows for the future development of commercial and residential uses. This will support the local and broader economy and provide complementary uses to the current services and shops in the surrounding area, including the existing NAC. The C1Z also allows for future commercial and residential uses, which will also support the local economy through construction and commercial jobs.

9.1.2

(cont)

CONCLUSION

The proposed rezoning of the land from the GRZ1 to the C1Z is considered appropriate. The rezoning will facilitate the future development of the sites with uses that are consistent with the strategic location adjacent to an existing NAC. The rezoning will allow development that provides for a range of uses which complement the function of the location.

Officers are satisfied with the application of DDO4 to the six sites and the EAO to 119 Surrey Road, Blackburn. The amendment acknowledges the historical use of the land and incorporates the existing commercially orientated properties into the Springfield and Surrey Shops NAC through the application of DDO4. The EAO will ensure any future sensitive use of the land will be suitably protected from potential contamination resulting from the former uses of the site at 119 Surrey Road, Blackburn.

It is therefore recommended that Council proceed with the Amendment request, and seek authorisation from the Minister for Planning to prepare and exhibit the Amendment to the Whitehorse Planning Scheme.

9.2 INFRASTRUCTURE

9.2.1 Tender Evaluation Report (Contract 16001) – Bennettswood Reserve Sports Pavilion

FILE NUMBER: SF16/650

SUMMARY

The implementation of Councils Building Asset Management Plan has identified that the pavilions at Bennettswood Reserve require replacement. Council Officers consulted extensively with key stakeholders in the development of the design of the new pavilion.

To consider tenders received for the proposed Bennettswood Reserve Sports Pavilion and to recommend the acceptance of the tender received from FIMMA Constructions Pty Ltd trading as FIMMA Constructions Pty Ltd, for the amount of \$3,416,980 including GST and to consider the overall project expenditure.

MOTION

Moved by Cr Ellis, Seconded by Cr Carr

That Council accept the tender and sign the formal contract document (Contract 16001) for the construction of the new Bennettswood Reserve Sports Pavilion received from FIMMA Constructions Pty Ltd (ABN 22 101 232 320), of 87 – 97 Ricketts Road, Mount Waverley VIC 3149, for the tendered amount of \$3,416,980, including GST; as part of the total expected project expenditure of \$3,794,571, excluding GST.

PROCEDURAL MOTION

Moved by Cr Davenport, Seconded by Cr Tescher

That this item be adjourned to the December 2016 Ordinary Council Meeting

LOST

**The motion moved by Cr Ellis, Seconded by Cr Carr was then put and
CARRIED UNANIMOUSLY**

BACKGROUND

The Bennettswood Reserve, located at 175A Burwood Highway adjacent to Deakin University Campus in Burwood, currently consists of a north and south oval, and three brick buildings built in the early 1960's. The ovals, existing buildings and proposed site of the new sports pavilion are located on a former landfill site, requiring specialist design considerations for foundation design and management of the environmental land matters. Recent building audits as part of the implementation of Councils Building Asset Management Plan identified these aging existing buildings as no longer compliant with current building codes, regulations and standards, and based on current best practice, do not offer the required functionality from the community or tenant clubs' perspectives.

A \$300,000 State Government grant from Sports and Recreation Victoria has been received, and this grant money was used to fund the Design and Documentation phase of the project, most of which was undertaken in the 2015/16 financial year. The design of the sports pavilion has taken into account the current use of the southern oval and the future facility requirements of the northern sports field. In addition, flexibility has been incorporated into the design to allow for a future partnership with Deakin University to construct a stage 2 expansion of the sports pavilion if required.

9.2.1 (cont)

The existing southern oval and associated facilities are currently used by the Deakin Cricket Club during summer months and the Emmaus St. Leos Football Club during winter months.

The proposed new sports pavilion will consolidate the function of the existing three facilities into a single building designed to provide enhanced access and spectator viewing to both the south and north ovals, whilst also providing a multi-purpose space for community use. The design incorporates provision for a stage 2 development of the facility that would potentially serve the northern oval.

The external architectural features of the new sports pavilion have been designed to sit comfortably amongst the high profile architectural buildings within the Deakin University precinct.

The new sports pavilion will include:

- Two unisex change rooms and facilities for home and away teams
- Kitchen and kiosk for club and community functions
- Multipurpose hall and facilities for club and community use
- First aid room
- Umpire changing facilities
- Scorer's room
- Storage for clubs and community groups using the facility
- Accessible toilet facilities which are internally and externally accessed
- Spectator viewing windows and covered verandas to both south and north ovals
- Environmentally sustainable design features including rainwater collection tanks, PV solar panels, double glazing and LED light fitting.
- Universal access parking and bike racks

Following the construction and handover of the new sports pavilion, the existing three brick buildings currently used by the clubs will be demolished and the area reinstated with suitable landscaping.

DISCUSSION

Six pre-qualified tenderers were selected from the State Government's Construction Supplier Register to tender for the project. Further pre-qualification was carried out to ascertain the Tenderers' experience with managing environmentally sensitive sites. A critical element of the tender requirements and evaluation process was the engagement of a highly experienced geo-membrane subcontractor for the installation of the geomembrane lining and gas management system under the new building footprint.

Tenders were invited on 12th July 2016 and closed 9th August 2016. Two invited contractors withdrew from the tender process due to their work load constraints. The remaining four of the six shortlisted contractors submitted conforming tenders

- FIMMA Constructions Pty Ltd
- 2Construct Pty Ltd
- Melbcon Pty Ltd
- SJ Higgins Pty Ltd

The tenders were evaluated against the following criteria:

- The tender offer,
- Nominated methane lining contractor to have a mandatory 10 years' experience;

9.2.1 (cont)

- Tenderers' experience and expertise in key aspects of OH&S in relation to land fill/methane gas sites;
- Quality of works and ability to deliver; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

Tenderers with the lowest two tender offers were interviewed by Council's Tender Evaluation Panel which included external Architect and Environmental Management consultant representatives. All tenders received had nominated the same specialist geomembrane subcontractor for the project with the necessary experience and expertise to meet Council requirements. Following detailed assessment and clarifications to confirm tender prices and suitable work method practices, the Tender Evaluation Panel concluded that the tender received from FIMMA Constructions Pty Ltd was considered to provide the best value for money outcome and management ability for construction of this project. FIMMA Constructions Pty Ltd. is a well-established and respected building contractor who has undertaken many similar profile sports pavilion projects.

It is expected that construction works will commence in February 2017 with completion of the new sports pavilion expected within 12 months.

CONSULTATION

Council officers have consulted extensively with Parks, Planning and Recreation, Parkside, relevant sporting clubs, Deakin University, the Design Architect and Environmental Management consultants with respect to:

- Facility design to best satisfy current and future pavilion requirements
- Architectural design elements consistent with existing Deakin University facilities
- Implementation of best practice management of existing landfill and methane considerations relevant to this site
- The OH&S specification for safe onsite work practices

The preferred tenderer's business viability has been investigated and considered.

FINANCIAL IMPLICATIONS

The construction program will run over two financial years. Works completed up to FY 2016/17 is fully funded by current Capital Works Program account T577. Funding for the balance of the construction work will require an adjustment to the budget and required to be provided in the 2017/18 Capital Works Program.

	Budget	Expenditure
Capital Works Funding Account No.(10 T577 6708) Bennettswood Reserve Sports Pavilion	\$ 2,875,000	
Sports and Recreation Victoria grant for design (balance of \$ 300,000 grant)	\$ 105,798	
Total Budget (Excl. GST)	\$ 2,980,798	
Preferred tenderer's lump sum offer (including GST)		\$ 3,416,980
Less GST		-\$ 310,635
Net cost to Council		<u>\$ 3,106,345</u>
Plus Contingencies		\$ 310,635
Plus Expected Consultants Fees		\$ 100,000
Plus Incurred Consultant Fees to date		\$ 82,591
Plus External Works and Landscaping		\$ 95,000
Plus Project Management Fee		\$ 100,000
Total Expenditure (Excl. GST)		\$ 3,794,571
Estimated Funding Shortfall	\$ 813,773	

9.2.1
(cont)

The additional funding requirements above the allocated 2016/17 budget sum are primarily due to a range of factors.

Existing landfill / latent ground conditions requiring specialist consultants, and the inclusion of driven steel piles for foundations and sewer infrastructure.

In addition, as a former landfill site, a geotechnical lining membrane is required under the building footprint to control methane gas build up. Specialist third party supervision and audit services are also required to monitor the installation of these unusual building components.

Architectural design features affecting construction preliminaries, structural steel, carpentry, roofing, security, electrical and hydraulic services.

The removal of asbestos materials and demolition of the three existing brick buildings.

Additional funds, estimated at \$ 820,000, will be required to be allocated in the 2017/18 budget to ensure Council has sufficient resources to complete the project as designed and tendered.

9.3 CORPORATE REPORTS

9.3.1 2018 General Valuation – Statutory Requirements and Valuation Services Contract Extension

FILE NUMBER: SF16/746
ATTACHMENT

SUMMARY

This report presents the necessary statutory processes and requirements for the making of the next general valuation of all rateable and non-rateable leviable land within the municipality including the appointment of qualified Valuers to make that valuation.

Further the report considers, in accordance with the terms of the current contract, an extension of Contract 12022 for the provision of Valuation Services currently held by The Trustee for N Haines Family Trust and the Trustee for RL and JL Stephen Family Trust ABN 67 346 228 934), trading as Matheson Family Trust and RL & JL Stephen Family Trust (also known as Matheson Stephen Valuations), on a lump sum basis to undertake the 2018 general valuation plus a schedule of rates for other valuation services for a period of two years commencing on 1 January 2017.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Stennett

That Council:

- 1. Cause a general valuation, including Net Annual Value, Capital Improved Value and Site Value, of all rateable and non-rateable leviable land within the City of Whitehorse to be made as at 1 January 2018 and such valuation to be returned to Council before 30 April 2018.**
- 2. Give notice to the following authorities of the resolution to carry out the general valuation; Valuer General Victoria, State Revenue Office, Yarra Valley Water and the Cities of Knox, Maroondah, Manningham, Monash and Boroondara.**
- 3. In accordance with the terms of the current contract, extend Contract 12022 for the provision of Valuation Services with The Trustee for N Haines Family Trust and the Trustee for RL and JL Stephen Family Trust (ABN 67 346 228 934), of Level 1 Suite 13 40 Burgundy Street, Heidelberg 3084 trading as Matheson Family Trust and RL & JL Stephen Family Trust (also known as Matheson Stephen Valuations), for a period of two years, commencing on 1 January 2017 at a lump sum cost of \$463,333 including GST to undertake the 2018 general valuation, plus a schedule of rates for other valuation services.**
- 4. Appoint Briony Stephen, Nicholas Haines, and Andrew Brennan of Matheson Stephen Valuations, and also appoint Tony Peak, Rohan Fiedler and Teck Ian Chew of Whitehorse City Council to carry out the general valuation and any necessary supplementary valuations, including (to such members of Council staff) to carry out all and any administrative procedures necessary to enable Council to carry out its functions under the Valuation of Land Act 1960.**
- 5. Note that Messrs Stephen, Haines, and Brennan of Matheson Stephen Valuations, and Messrs Peak, Fiedler and Chew of Whitehorse City Council have made and submitted statutory declarations relating to the making of valuations as required by section 13DH (2) and section 13O(2) of the Valuation of Land Act 1960.**

CARRIED UNANIMOUSLY

9.3.1 (cont)

BACKGROUND

All statutory valuations in Victoria are made on a biennial basis every even calendar year. The new valuations must include the Net Annual Value, Capital Improved Value and the Site Value of each rateable and non-rateable leviable property. The next general valuation will be made as at 1 January 2018 and is due to be returned to Council before 30 April 2018. Previously the return date for general valuations was before 30 June of the revaluation year; however Sections 11b and 13H(b) of the *Valuation of Land Act 1960* (VLA) have been legislatively amended to now require a valuation to be returned before 30 April of the revaluation year.

Council as the valuation authority is required to resolve “to cause” a new valuation of rateable and non-rateable leviable land to be made. Section 11 of the VLA enables the valuations to be used for rating purposes in accordance with the *Local Government Act 1989* (LGA), while section 13H of the VLA enables the valuations to be used for levying the fire services property levy under the *Fire Services Property Levy Act 2012*.

Council is also required to give notice of its decision to cause a valuation to the Valuer General, all adjoining municipalities and other interested rating authorities, namely the State Revenue Office and Yarra Valley Water.

Under section 13DA of the VLA, Council may appoint qualified property Valuers to complete the required valuations. The appointed Valuers are also required to make a statutory declaration declaring that the valuations made for statutory purposes will be “*impartial and true to the best of that person’s judgement and will be made by that person or under that person’s immediate personal supervision*”.

On 10 December 2012 following a public tender process in accordance with the LGA, Council awarded Contract 12022 (the Contract) for the provision of valuation services to The Trustee for N Haines Family Trust and the Trustee for RL and JL Stephen Family Trust, trading as Matheson Family Trust and RL & JL Stephen Family Trust (also known as Matheson Stephen Valuations). The contract allowed at Council’s discretion for two further extensions to complete the 2016 and the 2018 general valuations respectively. The Contract was extended in late 2014 to complete the 2016 general valuation, and the current two year term of the Contract will expire on 31 December 2016; however, Council (under the terms of the existing contract) may now extend the Contract to enable the present contract Valuers to complete the 2018 general valuation.

The Contract provides for a lump sum payment to undertake the 2018 general valuation, and also provides for a schedule of rates for other valuation services such as supplementary valuations, valuation objections and appeals, public open space valuations, asset valuations and insurance valuations.

DISCUSSION

Matheson Stephen Valuations (MSV) has delivered an excellent standard of service over the first two terms term of the Contract with its performance having been closely monitored.

MSV has successfully completed the 2016 general valuation in a professional manner. The 2016 general valuation was completed in accordance with the timeframes and standards contained in the *Valuation Best Practice Specifications Guidelines (VBP)* and was subsequently certified by the Valuer General Victoria with a “*Generally True and Correct*” issued by the Minister for Planning in July this year.

Other services, such as supplementary valuations, objections and public open space valuations have been provided within agreed timetables and have been of a high standard of service.

9.3.1 (cont)

MSV's customer service performance over the period has been of a high standard. Following the issue of the 2016/2017 rate notice, 374 valuation enquiries have been handled by MSV and 103 objections received. Annually in excess of 3,000 supplementary valuations are undertaken generating in the vicinity of \$1,150,000 of supplementary valuation rate income. Public open space valuations undertaken in 2015/2016 resulted in approximately of \$7,500,000 of developer funds being levied to the Open Space fund, with a similar result expected in 2016/2017.

It is considered that Council will benefit from continuing with the same contractor, as the intellectual knowledge built up over time regarding property values in Whitehorse will facilitate continuous improvement and better valuation outcomes.

It is recommended to Council that, in accordance with the terms of the current contract, it extend Contract 12022 for the provision of valuation services to The Trustee for N Haines Family Trust and the Trustee for RL and JL Stephen Family Trust, trading as Matheson Family Trust and RL & JL Stephen Family Trust for a further period of two years.

Ms Briony Stephen, Mr Nicholas Haines, and Mr Andrew Brennan of Matheson Stephen Valuations are recommended to be appointed to undertake the valuation in accordance with the requirements of the VLA and the State Government's Best Practice Guidelines.

It is also proposed that Council employees Tony Peak, Rohan Fiedler and Teck Ian Chew, qualified property Valuers, also be appointed to carry out any valuations.

All six appointees have made the necessary statutory declarations and these declarations need to be noted in the minutes of Council to comply with the requirements of the VLA.

CONSULTATION

The general valuation is a statutory requirement, and therefore no separate and prior consultation is required. The service specification is linked to the *2018 Valuation Best Practice Specifications Guidelines*.

MSV have confirmed their interest to extend the contract to undertake 2018 general valuation in accordance with the original terms and the original tendered lump sum price of \$463,333 (GST inclusive), along with the original tendered schedule of rates for the calendar years 2017 and 2018. They have also confirmed they are able to undertake the contract extension in compliance with the requirements of the *2018 Valuation Best Practice Specifications Guidelines*.

FINANCIAL IMPLICATIONS

The extension of the contract for the provision of Valuation Services will be for the agreed lump sum of \$463,333 including GST to undertake the 2018 general valuation. The sum is spread over the two year valuation cycle. The lump sum amount represents a 7.75% increase over the cost to complete the previous general valuation. This represents an annual increase of 3.8% over the term. Approximately 50% of the general valuation cost is expected to be recovered by re-imbursement from the State Revenue Office (SRO) for their use of the valuation for Land Tax purposes.

The schedule of rates for the other valuation services also increases by approximately 7.75% and will not change further during the two year term of the extension. The annual estimated amount payable for these other valuation services is estimated to be \$200,000 GST inclusive. Approximately 50% of the schedule of rates is expected to be recovered annually from fees paid to Council by the SRO and Yarra Valley Water for the provision of supplementary valuations and SRO valuation objections and appeals.

The costs incurred under this contract will be charged to the relevant recurrent budget within the Property & Rates Department.

ATTACHMENT

- 1 Statutory Declarations of Valuation Impartiality and Trueness

9.3.2 Proposed Road Discontinuance and Sale of Land Adjacent 23 & 25 Bentley Street and the Rear of 32 Erasmus Street, Surrey Hills

FILE NUMBER: SF16/746

SUMMARY

To commence the statutory procedures for the discontinuance and sale of the unmade right of carriageway (road) adjoining 23 and 25 Bentley Street and the rear of 32 Erasmus Street, Surrey Hills. The section of road proposed to be discontinued and sold is shown hatched on Plan A below.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Ellis

That Council:

- 1. Being of the opinion that the road adjoining 23 and 25 Bentley Street and rear 32 Erasmus Street, Surrey Hills, shown hatched on the plan below, is not reasonably required as a road for public use, commence procedures under section 206 and clause 3 of schedule 10 of the Local Government Act 1989 ("the Act") to discontinue and sell the road.***
- 2. In accordance with sections 82A, 207A and 223 of the Act give public notice of the proposed discontinuance and sale in The Age newspaper and on Council's website.***
- 3. Pursuant to section 223 (1) of the Act, Council's Special Committee hear any person who in their written submission to Council has requested that they be heard in support of their written submission.***
- 4. The Manager Property and Rates be authorised to give public notice and to carry out the necessary administrative procedures to enable the Council or its Special Committee to meet and to carry out its functions under section 223 of the Act.***

CARRIED UNANIMOUSLY

BACKGROUND

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

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

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

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

In regards to the laneway in this report, its original creation was to provide access to four properties, and formed a dead end with no through access on the lane's eastern end.

9.3.2

(cont)

The lane appears to have been occupied by three abutting properties for numerous decades, predating the purchase of the properties by the current owners.

Aerial photography indicates that the lane became occupied after 1945 but before 1956. Subsequent aerial photography and notes from land surveys confirm the ongoing occupation of the lane from the 1950s to present day.

A recent site inspection by a Council Officer has confirmed that the unconstructed road is enclosed within the fence line of three adjoining properties and appears to be no longer used for access.

The owners of 32 Erasmus Street, Surrey Hills recently enquired about constructing a shed at the rear of their property on the section of lane within their occupation, this section of lane forms part of the title to the laneway. The owners were informed by Council that in order to make application to construct the shed they would need to obtain ownership of the relevant section lane, and that a means of doing this is for Council to discontinue the road and sell the land to them upon the successful completion of Council's statutory obligations.

In order to gauge adjoining property owners' views on this proposal, a survey of all adjoining property owners advising of the procedures and circumstances under which Council could formally discontinue and sell the road has been undertaken. General agreement for closure of the road was forthcoming and the three abutting property owners' have agreed to purchase part of the land from Council if the road is discontinued.

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

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

Plan C below shows an aerial photo and photos of the section of road proposed for discontinuance and the abutting properties.

DISCUSSION

All three adjoining property owners have confirmed their interest in purchasing the land they currently occupy if the road is discontinued by Council.

CONSULTATION

Council and all necessary service authorities have been consulted in respect to the proposal and no objections are held to the proposed road discontinuance. Yarra Valley Water has a sewer pipe and Council has a storm-water drain within the road. Both authorities require an easement to be 'saved' over the road.

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

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

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

Key processes that are proposed if agreed by Council are:

- | | |
|-------------------------|--|
| 1. Friday November 25: | Public Notice advertisement |
| 2. Friday December 23: | Public Notice submissions close |
| 3. Monday February 13: | Special Committee to hear any submission/s (if required) |
| 4. Monday February 20 : | Report to Council for consideration |

9.3.2

(cont)

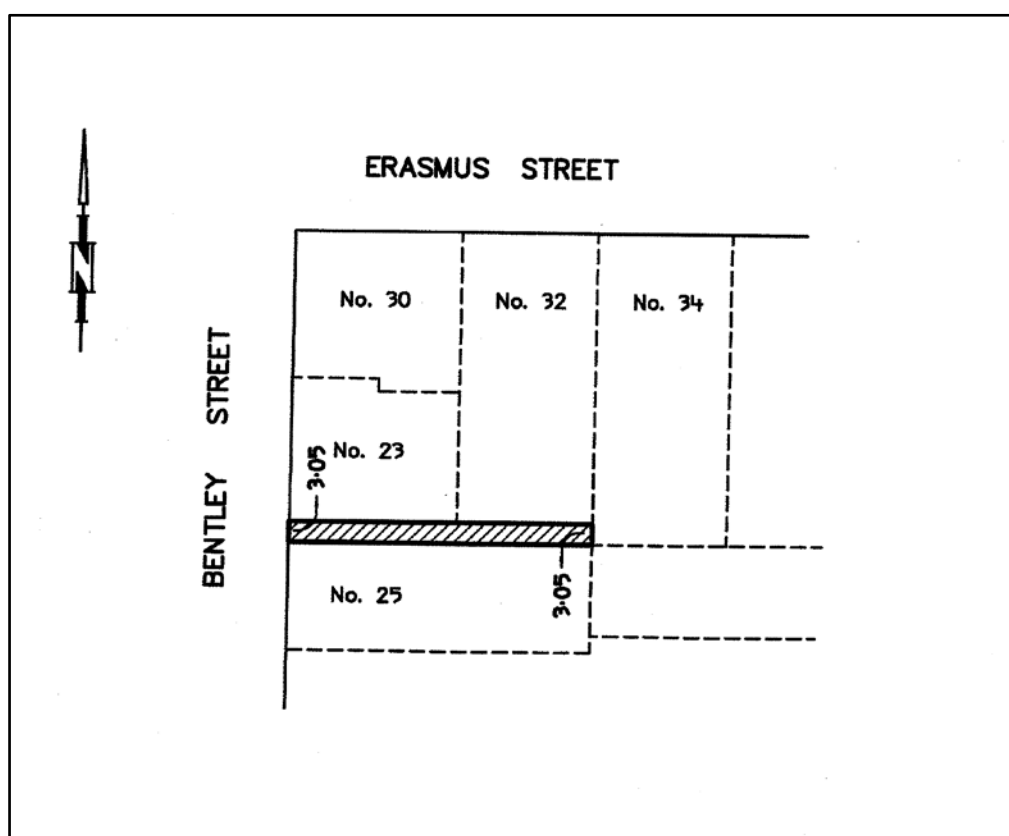
FINANCIAL IMPLICATIONS

Gross proceeds from the proposed sale of the land will be \$47,250 inclusive of GST. After expenses, the net proceeds to Council will be approximately \$35,750 inclusive of GST. The gross proceeds will be included in the Open Space Fund in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy.

POLICY IMPLICATIONS

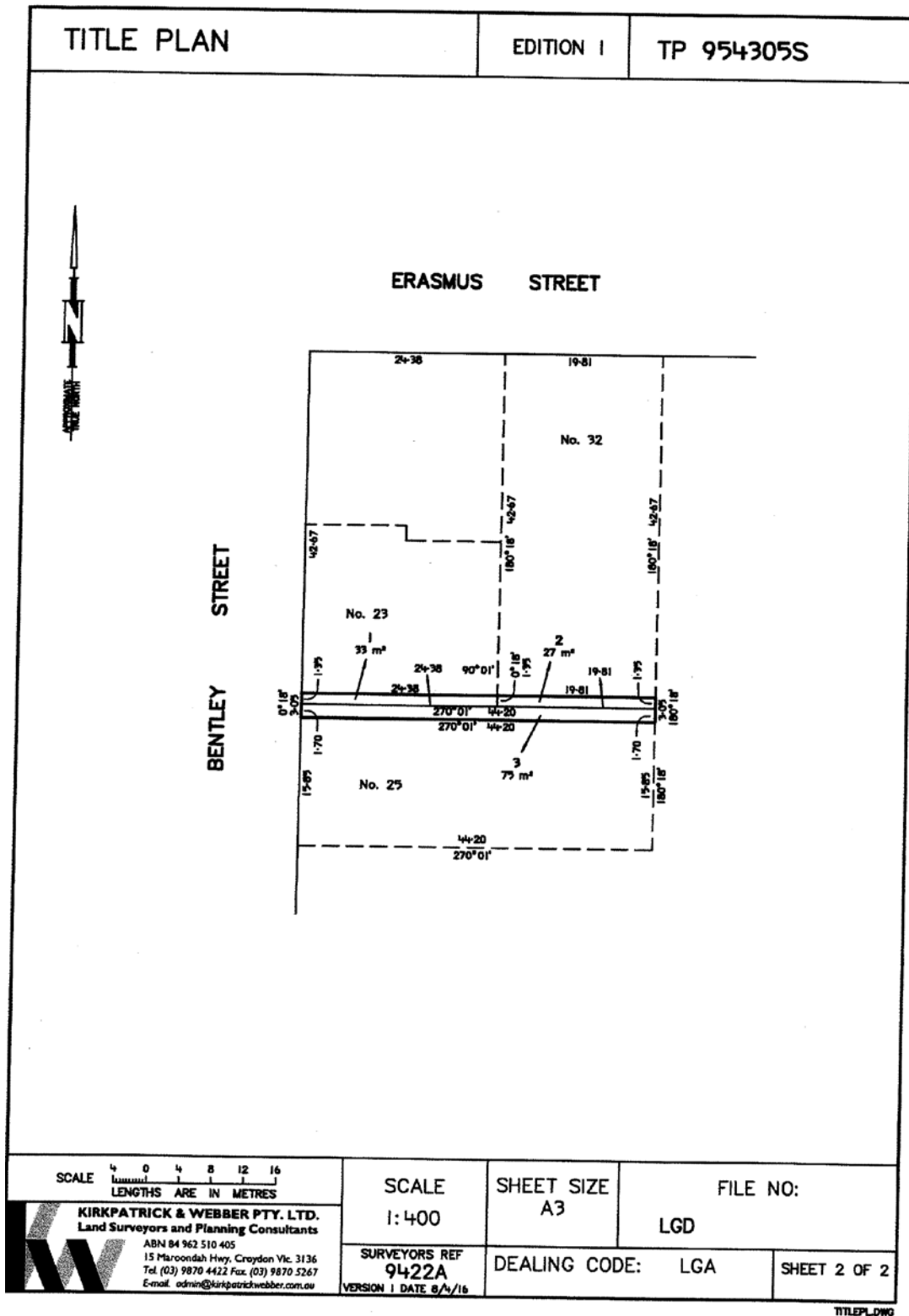
The recommendations are made in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy.

PLAN A



9.3.2
(cont)

PLAN B



9.3.2
(cont)

PLAN C

Aerial photo overview of the road and abutting properties in occupation



**Photo of occupied laneway and adjoining frontage of properties
23 & 25 Bentley Street**



9.3.2
(cont)

Photo of part of occupied laneway with dividing fence along middle of laneway taken from the rear of 23 Bentley Street



9.3.3 Adoption of Instrument of Appointment and Authorisation under the Planning and Environment Act 1987

SUMMARY

The purpose of this report is to recommend approval of an Instrument of Appointment and Authorisation under the Planning and Environment Act 1987, from the Council to positions in the organisation.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Cutts

That Council approve the proposed appointment of authorised officers pursuant to the Planning and Environment Act 1987 as attached to this report.

CARRIED UNANIMOUSLY

BACKGROUND

The proposed Instrument of Appointment and Authorisation (pursuant to the *Planning and Environment Act 1987*) has been prepared following advice received from Council's solicitors Maddocks and is similar to that used by many Victorian municipalities.

The Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to enforcement of the *Planning and Environment Act 1987* and to act and commence proceedings in Council's name.

These appointments must be made by resolution of the Council; section 3(6) of the *Local Government Act 1989* defines 'resolution of the council' as including a power exercised under delegation (ie: by the Chief Executive Officer), however section 188 (2) (c) of the *Planning and Environment Act 1987* prohibits authorisations being made under delegation.

The Instrument of Appointment and Authorisation would come into force once the common seal is affixed to the Instrument.

CONSULTATION

Relevant staff including General Manager City Development and Manager Planning and Building were consulted during the preparation of the proposed Instrument of Appointment and Authorisation.

FINANCIAL IMPLICATIONS

There are no financial implications.

POLICY IMPLICATIONS

There are no policy implications.

9.3.3
(cont)

Whitehorse City Council
Instrument of Appointment and Authorisation
under the Planning and Environment Act 1987

STAFF	
Surname	Given name
Abeyasinghe	Wick
Bayly	Karen
Galpin	Robert
Little	Fiona

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

- a) Wick Abeyesinghe
- b) Karen Bayly
- c) Robert Galpin
- d) Fiona Little

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

- a) comes into force immediately upon its execution; and
- b) remains in force until varied or revoked.

**THE COMMON SEAL OF THE
WHITEHORSE CITY COUNCIL** was hereunto
affixed this
21st day of November 2016 in the presence
of:

Councillor

Chief Executive Officer

9.3.4 Delegation Decisions September 2016

SUMMARY

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

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Munroe

That the report of decisions made by officers under Instruments of Delegation for the month of September 2016 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for September 2015	Number for September 2016
Planning and Environment Act 1987	Delegated Decisions	147	134
	Strategic Planning Decisions	1	1
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		46	24
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	72	79
Liquor Control Reform Act 1998	Objections and Prosecutions	1	Nil
Food Act 1984	Food Act Orders	10	7
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	7	2
Local Government Act 1989	Temporary Road Closures	3	11
Other Delegations	CEO Signed Contracts between \$150,000 - \$500,000	3	4
	Property Sales and Leases	9	7
	Documents to which Council seal affixed	1	1
	Vendor Payments	973	1098
	Parking Amendments	3	5
	Parking Infringements written off (not able to be collected)	283	365

9.3.4
(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS SEPTEMBER 2016

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

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
284	01-09-16	Application Lapsed	16 Wickham Ave, Forest Hill	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
286	08-09-16	Application Lapsed	18 Heather Grv, Nunawading	Springfield	Proposed boarding house behind an existing with proposed garages	Multiple Dwellings
436	01-09-16	Application Lapsed	14 Barwon St, Box Hill North	Elgar	Construction of two double storey, side by side dwellings	Multiple Dwellings
504	20-09-16	Application Lapsed	7 Chapman St, Blackburn North	Central	Construction of two (2) dwellings on a lot (one new double storey dwelling and buildings and works to the existing dwelling), the subdivision of the land into two (2) lots and the partial removal of Easement E-1 as shown on PS44869	Multiple Dwellings
612	15-09-16	Application Lapsed	8/27 Laburnum St, Blackburn	Central	Decking and verandah	Single Dwelling < 300m2
1045	29-09-16	Application Lapsed	37 Fulton Cres, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
8	15-09-16	CMP Approved	34 Dorking Rd, Box Hill	Elgar	Construction Management Plan for Construction of 221 bed residential aged care facility and ancillary adult day over three levels plus basement in two stages	CMP Process
9	15-09-16	CMP Approved	269 Canterbury Rd, Forest Hill	Springfield	Use and development of land for a child care centre and alteration of access to a road in a Road Zone, Category 1	CMP Process

9.3.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
10	05-09-16	CMP Approved	71 Severn St, Box Hill North	Elgar	Construction of eight (8) dwellings, comprising one (1) double storey and seven (7) three storey dwellings and reduction of visitor car parking requirements	CMP Process
13	06-09-16	CMP Approved	520-528 Mitcham Rd, Mitcham	Springfield	Construction Management Plan WH/2014/4	CMP Process
14	19-09-16	CMP Approved	545-563 Station St, Box Hill	Elgar	Construction Management Plan WH/2011/986	CMP Process
94	08-09-16	Delegate Approval - S72 Amendment	57 Glenburnie Rd, Vermont	Springfield	2 lot subdivision with removal of vegetation	Permit Amendment
172	29-09-16	Delegate Approval - S72 Amendment	12 Karen St, Box Hill North	Elgar	Construction of two double storey dwellings	Permit Amendment
239	12-09-16	Delegate Approval - S72 Amendment	8A Clarice Rd, Box Hill South	Riversdale	Amendment to Planning Permit WH/2015/239 to delete office use, increase warehouse floor area, relocate the loading bay, reduce the size of the loading bay and alter building facade	Permit Amendment
265	23-09-16	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
279	01-09-16	Delegate Approval - S72 Amendment	21 Canterbury Rd, Blackburn	Central	Construction of three (3) double storey dwellings	Permit Amendment

9.3.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
355	13-09-16	Delegate Approval - S72 Amendment	20 Britannia Mall Mitcham	Springfield	Buildings and works and reduction in the standard car parking requirements (associated with the use of land for a restaurant)	Permit Amendment
683	28-09-16	Delegate Approval - S72 Amendment	6-8 Wellington Rd, Box Hill	Elgar	Development for a nine storey building containing 82 dwellings, use and development for a food and drink premises (cafe) and a reduction in the standard car parking requirement	Permit Amendment
692	15-09-16	Delegate Approval - S72 Amendment	55 Railway Rd, Blackburn	Central	Construction of a three-storey building (plus basement), use of the land for dwellings, reduction of the car parking requirements associated with the use of the land for shops and dwellings, and waiver of the loading bay requirement	Business
712	06-09-16	Delegate Approval - S72 Amendment	14 Goodwin St, Blackburn	Central	Construction of two double storey dwellings	Permit Amendment
897	22-09-16	Delegate Approval - S72 Amendment	11 Penrose St, Box Hill South	Riversdale	Construction of one double storey dwelling to the rear of an existing single storey dwelling on a corner lot	Permit Amendment

9.3.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
913	09-09-16	Delegate Approval - S72 Amendment	25 Dalmor Ave, Mitcham	Springfield	Amendment to plans to Planning Permit WH/2015/913 (issued for the Buildings and works associated with an extension and alterations to the existing dwelling and removal of three (3) trees) to reduce the extent of the verandah roof on the northern elevation, extend bedroom three to the south, modifications to the internal layout and alteration of the study window to a glazed door and addition of a new south facing highlight window.	Permit Amendment
978	12-09-16	Delegate Approval - S72 Amendment	44 Efron St, Nunawading	Springfield	Construction of three double storey dwellings	Permit Amendment
1015	06-09-16	Delegate Approval - S72 Amendment	7 Boxleigh Grv, Box Hill North	Elgar	Construction of two double storey dwellings and subdivision into two lots	Permit Amendment
1054	29-09-16	Delegate Approval - S72 Amendment	1/810-812 Whitehorse Rd, Box Hill	Elgar	Display of advertising signs (for medical centre use)	Permit Amendment
1153	08-09-16	Delegate Approval - S72 Amendment	11 Park Close Vermont	Springfield	Extension to one dwelling on a lot	Permit Amendment
1242	07-09-16	Delegate Approval - S72 Amendment	2 Henders St, Forest Hill	Central	Use of the land for the purpose of a residential hotel and associated buildings and works	Permit Amendment

9.3.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
986	05-09-16	Delegate NOD - S72 Amendment	545-563 Station St, Box Hill	Elgar	Amendment to permit WH/2011/986 (issued for building & works for the construction of a 34 storey building including 5 levels of basement car parking, comprising mixed used retail, restaurants, food & drink premises, office, use for multiple dwellings, a reduction in the standard requirements for car parking & bicycle facilities & alteration of access to a road in a Road Zone, Category 1) to amend the building design, mix of use & one additional storey	Permit Amendment
89	08-09-16	Delegate NOD Issued	9 Glengarry Ave, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
106	28-09-16	Delegate NOD Issued	1/12 Narallah Grv, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
144	08-09-16	Delegate NOD Issued	2/15 Ronald St, Mitcham	Springfield	Buildings and works to extend the existing dwelling (to construct a first floor addition)	Vegetation Protection Overlay
155	23-09-16	Delegate NOD Issued	88 Creek Rd, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
197	20-09-16	Delegate NOD Issued	1 Glengarry Ave, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
203	28-09-16	Delegate NOD Issued	98 Clyde St, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
211	19-09-16	Delegate NOD Issued	27 Bronte Ave, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
227	28-09-16	Delegate NOD Issued	18 Gordon St, Mont Albert	Elgar	Construction of two (2) double storey side by side dwellings	Multiple Dwellings
245	29-09-16	Delegate NOD Issued	9 Reid St, Box Hill North	Elgar	2 unit development	Multiple Dwellings

9.3.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
247	29-09-16	Delegate NOD Issued	10 Boardman Close Box Hill South	Riversdale	Extension to the existing dwelling	Residential (Other)
253	09-09-16	Delegate NOD Issued	52 Bonview Cres, Burwood East	Riversdale	Development of the land for two double storey dwellings	Multiple Dwellings
290	14-09-16	Delegate NOD Issued	22 Calypso Crt, Forest Hill	Morack	Construction of one (1) double storey dwelling to the rear of an existing dwelling	Multiple Dwellings
330	15-09-16	Delegate NOD Issued	3 Tudor St, Burwood	Riversdale	Amendment to permit for development of three double storey dwellings to include variation to covenant 1841971 to allow not more than three dwelling houses	Permit Amendment
411	26-09-16	Delegate NOD Issued	12 Loraine Ave, Box Hill North	Elgar	Construction of four (4) double storey dwellings	Multiple Dwellings
453	28-09-16	Delegate NOD Issued	11 Balmoral Crt, Burwood East	Morack	Construction of Two Dwellings	Multiple Dwellings
494	08-09-16	Delegate NOD Issued	3 Clydesdale St, Box Hill	Elgar	Construction of garage and small extension (en-suite) to house	Heritage
505	29-09-16	Delegate NOD Issued	19 Dickens St, Blackburn	Central	Buildings and works for an extension to the existing dwelling	Residential (Other)
511	27-09-16	Delegate NOD Issued	202 Burwood Hwy, Burwood	Riversdale	Construction of thirteen (13) double storey dwellings	Multiple Dwellings
537	14-09-16	Delegate NOD Issued	953 Whitehorse Rd, Box Hill	Elgar	Use of land for a 24 hour internet cafe and display of signage	Business
541	12-09-16	Delegate NOD Issued	28 Jeffery St, Blackburn	Central	Removal of four (4) trees	Special Landscape Area
613	26-09-16	Delegate NOD Issued	24 Albert St, Mitcham	Springfield	Construction of three double storey dwellings	Multiple Dwellings
627	12-09-16	Delegate NOD Issued	5 Ngumby Crt, Vermont South	Morack	Removal of 29 trees (Eucalyptus nicholii) along the driveway	Vegetation Protection Overlay
892	29-09-16	Delegate NOD Issued	14 Narallah Grv, Box Hill North	Elgar	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
926	12-09-16	Delegate NOD Issued	20 Varman Crt, Nunawading	Springfield	Buildings and works for the replacement of an existing Concrete Batching Plant and display of associated business identification signage	Industrial
950	28-09-16	Delegate NOD Issued	3-5 Starling St, Burwood	Riversdale	Use and development of a two storey child care centre and reduction of car parking requirements	Child Care Centre
1022	28-09-16	Delegate NOD Issued	27 Newbiggin St, Burwood	Riversdale	Construction of four (4) double storey dwellings	Multiple Dwellings
1144	29-09-16	Delegate NOD Issued	99 Shannon St, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
81	27-09-16	Delegate Permit Issued	79 Junction Rd, Nunawading	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
82	27-09-16	Delegate Permit Issued	49 Main St, Blackburn	Central	Buildings and works for the construction of a double storey dwelling	Special Landscape Area
131	28-09-16	Delegate Permit Issued	50 Barter Cres, Forest Hill	Morack	Construction of two (2) double storey dwellings and a two (2) lot subdivision	Multiple Dwellings
141	29-09-16	Delegate Permit Issued	78 Middleborough Rd, Burwood East	Riversdale	Subdivision of the land into three superlots	Subdivision
175	19-09-16	Delegate Permit Issued	27 Percy St, Mitcham	Springfield	Construction of six (6) double storey dwellings and a reduction in visitor car parking	Multiple Dwellings
200	19-09-16	Delegate Permit Issued	42 Mill Ave, Forest Hill	Morack	Construction of two double storey dwellings	Multiple Dwellings
220	15-09-16	Delegate Permit Issued	11 Irvine St, Mitcham	Springfield	Construction of two double storey side by side dwellings and tree removal	Multiple Dwellings
235	09-09-16	Delegate Permit Issued	19 Bennett St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
249	28-09-16	Delegate Permit Issued	47 Hamel St, Box Hill South	Riversdale	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
276	15-09-16	Delegate Permit Issued	2A Stevens Rd, Forest Hill	Morack	Building and works to extend existing supermarket and reduction in car parking requirement	Business
321	28-09-16	Delegate Permit Issued	1 Cromwell Crt, Blackburn	Springfield	Removal of six (6) trees and the lopping of one (1) tree	Special Landscape Area
322	27-09-16	Delegate Permit Issued	2 Cromwell Crt, Blackburn	Central	Removal of three (3) trees	Special Landscape Area
340	28-09-16	Delegate Permit Issued	29 Glen Ebor Ave, Blackburn	Central	Removal of one (1) tree	Special Landscape Area
342	28-09-16	Delegate Permit Issued	3/31 Glen Ebor Ave, Blackburn	Central	Removal of one (1) tree	Special Landscape Area
354	28-09-16	Delegate Permit Issued	49 Glen Ebor Ave, Blackburn	Central	Remove of three (3) trees	Special Landscape Area
372	28-09-16	Delegate Permit Issued	3/17 Glen Ebor Ave, Blackburn	Central	Removal of three (3) trees	Special Landscape Area
374	28-09-16	Delegate Permit Issued	4/17 Glen Ebor Ave, Blackburn	Central	Removal of two (2) trees and lopping of one (1) tree	Special Landscape Area
379	08-09-16	Delegate Permit Issued	305 Station St, Box Hill South	Riversdale	Construction of two double storey dwellings and two lot subdivision	Multiple Dwellings
454	27-09-16	Delegate Permit Issued	13 Wingrove St, Forest Hill	Morack	Construction of a new double storey dwelling at the rear of the existing dwelling	Multiple Dwellings
490	29-09-16	Delegate Permit Issued	22 Thomas St, Mitcham	Springfield	Alterations & additions to a single dwelling in a heritage overlay	Heritage
508	29-09-16	Delegate Permit Issued	21 Wellard Rd, Box Hill South	Riversdale	Construction of two (2) double storey dwelling	Multiple Dwellings
513	19-09-16	Delegate Permit Issued	3 Ian Grv, Burwood	Riversdale	2 lot subdivision	Subdivision
514	19-09-16	Delegate Permit Issued	36 Cumming St, Burwood	Riversdale	3 lot subdivision	Subdivision
518	19-09-16	Delegate Permit Issued	13 Merle St, Blackburn North	Central	2 lot subdivision	Subdivision
522	15-09-16	Delegate Permit Issued	1 Doncaster East Rd, Mitcham	Springfield	2 lot subdivision	Subdivision

9.3.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
532	13-09-16	Delegate Permit Issued	220 Middleborough Rd, Blackburn South	Central	Buildings and works to the existing retirement village (accommodation) comprising construction of 4 x four to six storey buildings, and associated reduction of car parking requirements, and creation and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
565	26-09-16	Delegate Permit Issued	5 Mall Crt, Blackburn North	Central	Construction of two new double storey dwellings	Multiple Dwellings
575	06-09-16	Delegate Permit Issued	331 Springfield Rd, Nunawading	Springfield	Display of two (2) advertising signs	Advertising Sign
576	08-09-16	Delegate Permit Issued	51 Blackburn Rd, Blackburn	Central	Buildings and works to construct a second storey extension to the existing dwelling	Neighbourhood Character Overlay
578	22-09-16	Delegate Permit Issued	22 Frances Ave, Vermont	Morack	Construction of a carport and single garage in a SLO8	Residential (Other)
583	27-09-16	Delegate Permit Issued	74 Main St, Blackburn	Central	Development of land for the construction of two (2) double storey dwellings and removal of vegetation within a Significant Landscape Overlay	Multiple Dwellings
630	21-09-16	Delegate Permit Issued	571 Whitehorse Rd, Mitcham	Springfield	51 lot subdivision	Subdivision
642	19-09-16	Delegate Permit Issued	47 Francis St, Blackburn	Central	2 lot subdivision	Subdivision
643	08-09-16	Delegate Permit Issued	2-8 Somers St, Burwood	Riversdale	Buildings and work to the alter the existing facade and display of advertising signs	Advertising Sign
661	19-09-16	Delegate Permit Issued	19 Premier Ave, Mitcham	Springfield	2 lot subdivision	Subdivision
667	24-09-16	Delegate Permit Issued	2 Rosalind Cres, Blackburn	Central	Removal of protected trees	Special Landscape Area
679	26-09-16	Delegate Permit Issued	48 Malcolm St, Blackburn	Central	Removal of easement	Subdivision

9.3.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
680	16-09-16	Delegate Permit Issued	12 Cook Rd, Mitcham	Springfield	3 lot subdivision	Subdivision
681	20-09-16	Delegate Permit Issued	853 Whitehorse Rd, Box Hill	Elgar	2 lot subdivision	Subdivision
695	19-09-16	Delegate Permit Issued	11 Evelina St, Mont AlbertNorth	Elgar	3 lot subdivision	Subdivision
703	19-09-16	Delegate Permit Issued	3 Market St, Box Hill	Elgar	Display of advertising signs	Business
714	20-09-16	Delegate Permit Issued	41 Station St, Burwood	Riversdale	3 lot subdivision	Subdivision
751	19-09-16	Delegate Permit Issued	225 Springfield Rd, Blackburn North	Central	Construction of two double storey dwellings	Multiple Dwellings
779	12-09-16	Delegate Permit Issued	20 Will St, Forest Hill	Springfield	Removal of Easement	Subdivision
796	12-09-16	Delegate Permit Issued	51 Laburnum St, Blackburn	Central	Construction of brick fence	VicSmart - General Application
798	15-09-16	Delegate Permit Issued	78 Watts St, Box Hill North	Elgar	2 lot subdivision	Subdivision
805	08-09-16	Delegate Permit Issued	1/11 Clarice Rd, Box Hill South	Riversdale	Timber deck at front of premises being used as a cafe	VicSmart - General Application
817	14-09-16	Delegate Permit Issued	1 Dane St, Box Hill North	Elgar	2 lot subdivision	Subdivision
819	14-09-16	Delegate Permit Issued	59 O'Shannessy St, Nunawading	Springfield	4 lot subdivision	Subdivision
821	29-09-16	Delegate Permit Issued	15 Whitehorse Rd, Blackburn	Central	2 lot subdivision	Subdivision
822	22-09-16	Delegate Permit Issued	1 Cairo Rd, Mont AlbertNorth	Elgar	Building and works comprising an extension to an existing dwelling	VicSmart - General Application
823	13-09-16	Delegate Permit Issued	61 Severn St, Box Hill North	Elgar	Construction of nine three-storey dwellings and a reduction in the standard car parking (one visitor space)	Multiple Dwellings
831	29-09-16	Delegate Permit Issued	14 Perth St, Blackburn South	Central	2 lot subdivision	Subdivision
851	26-09-16	Delegate Permit Issued	943 Canterbury Rd, Box Hill	Elgar	Add two rooms to existing home in an SBO	VicSmart - General Application
857	28-09-16	Delegate Permit Issued	9 Tricia Crt, Burwood East	Riversdale	2 lot subdivision	Subdivision

9.3.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
858	27-09-16	Delegate Permit Issued	18 Trafalgar St, Mont Albert	Elgar	Demolition of an outbuilding, extension to existing carport, construction of a pool house and extension of a swimming pool	VicSmart - General Application
864	29-09-16	Delegate Permit Issued	9 Manniche Ave, Mont AlbertNorth	Elgar	2 lot subdivision	Subdivision
867	27-09-16	Delegate Permit Issued	1 Wright St, Blackburn	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
994	27-09-16	Delegate Permit Issued	3 Roselea St, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
997	27-09-16	Delegate Permit Issued	2 Tyrrell St, Mont AlbertNorth	Elgar	Construction of two double storey dwellings	Multiple Dwellings
1065	28-09-16	Delegate Permit Issued	7 Crest Grv, Nunawading	Springfield	Construction of five double storey dwellings and reduction in car parking requirement	Multiple Dwellings
1067	23-09-16	Delegate Permit Issued	5 Surrey St, Box Hill South	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
1075	27-09-16	Delegate Permit Issued	131 Nelson Rd, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
1123	13-09-16	Delegate Permit Issued	83-83A Surrey Rd, Blackburn North	Central	Construction of seven (7) double storey dwellings and alteration to access to a road in a Road Zone, Category 1	Multiple Dwellings
1147	19-09-16	Delegate Permit Issued	9 Hawkins Ave, Mont AlbertNorth	Elgar	Construction of two double storey dwellings	Multiple Dwellings
1157	20-09-16	Delegate Permit Issued	9 Chestnut St, Surrey Hills	Riversdale	Construction of two (2) double storey side by side dwellings and the subdivision of the land into two (2) lots	Subdivision
1165	14-09-16	Delegate Permit Issued	186 Morack Rd, Vermont South	Morack	Construction of two dwellings comprising a new double storey dwelling to the rear of the existing dwelling and subdivision into two lots	Multiple Dwellings

9.3.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
12	22-09-16	Delegate Refusal Issued	13 Talbett St, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
231	01-09-16	Delegate Refusal Issued	10 Court St, Box Hill	Elgar	Construction of six double storey dwellings above basement	Multiple Dwellings
254	28-09-16	Delegate Refusal Issued	3 Courbrant Crt, Mont AlbertNorth	Elgar	Construction of 2 No. double storey dwellings (with basement levels)	Multiple Dwellings
293	29-09-16	Delegate Refusal Issued	3 Saxton St, Box Hill North	Elgar	The construction of three (3) double storey dwellings, including on-site car parking and associated car parking	Multiple Dwellings
1107	19-09-16	Delegate Refusal Issued	10 Medhurst St, Burwood East	Riversdale	Construction of six double storey dwellings and reduction in car parking	Multiple Dwellings
547	02-09-16	Failure - Not Supported	13A Great Western Drv, Vermont South	Morack	Construction of a double storey dwelling to the rear of the existing dwelling	Permit Amendment
1139	02-09-16	Failure - Not Supported	761-765 Whitehorse Rd, Mont Albert	Elgar	Application to construct forty eight, one and two bedroom dwellings in a four storey development (with two basement levels), vary an easement and alter access to a road in a Road Zone Category 1	Multiple Dwellings
50	06-09-16	Failure - To Be Confirmed	462-468 Middleborough Rd, Blackburn	Central	Construction of 27 two and three storey dwellings and the alteration of access to a road in a Road Zone Category 1.	Multiple Dwellings
1010	23-09-16	Permit Corrected	29 Norma Rd, Forest Hill	Morack	Construction of two double storey dwellings	Multiple Dwellings
317	14-09-16	Withdrawn	161 Central Rd, Nunawading	Springfield	Nunawading Christian College upgrade to the existing Library	Permit Amendment
543	09-09-16	Withdrawn	23 Heather Grv, Nunawading	Springfield	Proposed garage and deck	Residential (Other)
694	19-09-16	Withdrawn	11 Evelina St, Mont AlbertNorth	Elgar	3 lot subdivision	Subdivision

9.3.4
(cont)

BUILDING DISPENSATIONS/APPLICATIONS SEPTEMBER 2016

Address	Date	Ward	Result
36 Shafer Road, BLACKBURN NORTH	05-09-16	Central	Amendment Approved R409
45 Koonung Road, BLACKBURN NORTH	15-09-16	Central	Amendment Refused R409
1 Harcourt Street, BLACKBURN NORTH	09-09-16	Central	Consent Granted R427
14 McCracken Avenue, BLACKBURN SOUTH	12-09-16	Central	Consent Granted R424
19 Pope Road, BLACKBURN	14-09-16	Central	Consent Granted R417
2 Kathleen Street, BLACKBURN NORTH	06-09-16	Central	Consent Granted R409
22 Shawlands Avenue, BLACKBURN SOUTH	27-09-16	Central	Consent Granted R417, R411, R415
25 Majtli Street, BLACKBURN NORTH	06-09-16	Central	Consent Granted R409
36 Shafer Road, BLACKBURN NORTH	01-09-16	Central	Consent Granted R420
51 Laburnum Street, BLACKBURN	26-09-16	Central	Consent Granted R424
67 Canterbury Road, BLACKBURN	09-09-16	Central	Consent Granted R415
22 Shawlands Avenue, BLACKBURN SOUTH	27-09-16	Central	Consent Refused R410
49 Main Street, BLACKBURN	16-09-16	Central	Consent Refused R415
6 Belvedere Court, BLACKBURN NORTH	14-09-16	Central	Consent Refused R414
24 Heathfield Rise, BOX HILL NORTH	15-09-16	Elgar	Amendment Approved R409
1 Cairo Road, MONT ALBERT NORTH	26-09-16	Elgar	Consent Granted R414
12 York Street, MONT ALBERT	01-09-16	Elgar	Consent Granted R414
16 Briggs Street, MONT ALBERT NORTH	26-09-16	Elgar	Consent Granted R409
16 Parkside Avenue, BOX HILL	26-09-16	Elgar	Consent Granted R409
18 Tyrrell Street, MONT ALBERT NORTH	19-09-16	Elgar	Consent Granted R414
3/57 Strabane Avenue, MONT ALBERT NORTH	05-09-16	Elgar	Consent Granted R414, R411
5 Irving Avenue, BOX HILL	19-09-16	Elgar	Consent Granted R604, R604
50 Strabane Avenue, MONT ALBERT NORTH	14-09-16	Elgar	Consent Granted R409, R414
6 Tie Street, MONT ALBERT NORTH	12-09-16	Elgar	Consent Granted R414
62 Kenmare Street, MONT ALBERT	26-09-16	Elgar	Consent Granted R414
16 Briggs Street, MONT ALBERT NORTH	26-09-16	Elgar	Consent Refused R424
2 Cunningham Street, BOX HILL	01-09-16	Elgar	Consent Refused R409
2/110 Windsor Crescent, SURREY HILLS	19-09-16	Elgar	Consent Refused R424
5 Irving Avenue, BOX HILL	13-09-16	Elgar	Consent Refused R513
67 Ranfurly Court, FOREST HILL	16-09-16	Morack	Amendment Approved R409
126 Boronia Road, VERMONT	05-09-16	Morack	Consent Granted R422
17 Rutherglen Road, VERMONT SOUTH	12-09-16	Morack	Consent Granted R415
3 Lucerne Street, VERMONT	19-09-16	Morack	Consent Granted R604
49 Ashmore Road, FOREST HILL	01-09-16	Morack	Consent Granted R409
49 Robinlee Avenue, BURWOOD EAST	26-09-16	Morack	Consent Granted R424
5 Radiant Crescent, FOREST HILL	09-09-16	Morack	Consent Granted R416
54 Sevenoaks Road, BURWOOD EAST	01-09-16	Morack	Consent Granted R416, R421
8 Silverene Court, VERMONT SOUTH	01-09-16	Morack	Consent Granted R415

9.3.4
(cont)

Address	Date	Ward	Result
11 Shalimar Court, VERMONT SOUTH	26-09-16	Morack	Consent Refused R424
13 Ferncroft Street, VERMONT	16-09-16	Morack	Consent Refused R424
3 Sylvan Court, FOREST HILL	19-09-16	Morack	Consent Refused R426
3 Carver Street, BURWOOD EAST	15-09-16	Riversdale	Amendment Approved R409
46 Roberts Avenue, BOX HILL SOUTH	15-09-16	Riversdale	Amendment Approved R409
1/21 Linden Street, BOX HILL SOUTH	05-09-16	Riversdale	Consent Granted R414, R421, R415
144 Elgar Road, BOX HILL SOUTH	26-09-16	Riversdale	Consent Granted R604
179 Burwood Highway, BURWOOD EAST	05-09-16	Riversdale	Consent Granted R414
21 Roberts Avenue, BOX HILL SOUTH	16-09-16	Riversdale	Consent Granted R409
25 Clanbrae Avenue, BURWOOD	26-09-16	Riversdale	Consent Granted R424, R409
34 Leonard Street, BURWOOD	26-09-16	Riversdale	Consent Granted R416
35 Hill Street, BOX HILL SOUTH	28-09-16	Riversdale	Consent Granted R409
45 Frank Street, BOX HILL SOUTH	16-09-16	Riversdale	Consent Granted R409
81 Elgar Road, BURWOOD	19-09-16	Riversdale	Consent Granted R424
1/16 Linden Street, BOX HILL SOUTH	19-09-16	Riversdale	Consent Refused R409
20 Worrall Street, BURWOOD	05-09-16	Riversdale	Consent Refused R409
4 Sherwood Road, SURREY HILLS	16-09-16	Riversdale	Consent Refused R409
45 Frank Street, BOX HILL SOUTH	16-09-16	Riversdale	Consent Refused R417
1/36 Luckie Street, NUNAWADING	21-09-16	Springfield	Consent Granted R409, R411
16 Joanna Street, NUNAWADING	05-09-16	Springfield	Consent Granted R409, R414
1C Alern Court, NUNAWADING	27-09-16	Springfield	Consent Granted R411
3 Holly Court, MITCHAM	08-09-16	Springfield	Consent Granted R414
33 Carinya Road, VERMONT	27-09-16	Springfield	Consent Granted R414
44 Rosstrevor Crescent, MITCHAM	09-09-16	Springfield	Consent Granted R414
479 Whitehorse Road, MITCHAM	09-09-16	Springfield	Consent Granted R604
60 Creek Road, MITCHAM	26-09-16	Springfield	Consent Granted R409
67 Churinga Avenue, MITCHAM	21-09-16	Springfield	Consent Granted R424
13 Burnett Street, MITCHAM	01-09-16	Springfield	Consent Refused R409
17 Glenburnie Road, MITCHAM	26-09-16	Springfield	Consent Refused R424
43 Venice Avenue, MITCHAM	14-09-16	Springfield	Consent Refused R409

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – September 2016

Decision Date	Act Section	Decision	Street Address	Ward	Proposal	Reference
1/9/2016	20(2)	Delegate Approval	Municipality	All	Request the Minister for Planning to give authorisation to prepare Amendment C189 and provide exemption under Section 20(2) of the Planning and Environment Act 1987 from the notification requirement of Section 19 of the Act, to correct fifty-nine (59) identified errors and anomalies in the Whitehorse Planning Scheme.	Amendment C189

9.3.4

(cont)

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION September 2016

Contract	Service
15040	Walker Park Drainage and Irrigation Installation
15046	Hotham Street, Mont Albert - Road Reconstruction
15050	Sports Field Lighting Upgrades
16016	Bennettswood Reserve Resurfacing

REGISTER OF PROPERTY DOCUMENTS EXECUTED September 2016

Property Address	Document Type	Document Detail
Leases		
Room 8, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 5-Oct-16)
Surrender of Lease		
835 Whitehorse Road, Box Hill - Box Hill RSL Sub-Branch Incorporated	Deed of Surrender	Landlord (surrender time 30-Sep-16)
Licences		
556-566 Canterbury Road, Vermont - Vermont Primary School Council	Licence	Licensor (expires 2-Oct-21)
Fire Services Property Levy (FSPL)		
121-123 Terrara Road, Vermont South		Changed from Commercial to Residential
22 Rutland Road Box Hill		Changed from Industrial to Vacant Land
Rateability Changes (Section 154 of the Local Government Act 1989)		
835 Whitehorse Road, Box Hill	Exempt-Public Purpose	Former Bowling Club now unoccupied Council land
18 Hone Avenue, Blackburn South	Exempt-Charitable	Owned by The Salvation Army and occupied as a Ministers residence.

9.3.4

(cont)

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – SEPTEMBER 2016

Instrument of Appointment of Authorised Officer under the Planning and Environment Act 1987 (Council Resolution 19-09-16)

PARKING RESTRICTIONS APPROVED BY DELEGATION SEPTEMBER 2016

Address: **Queen Street, Blackburn:** from northern boundary 1 Queen Street to southern boundary of 5 Queen Street – east side

Previously: 3 '3-Hour, 8am to 6pm, Monday to Friday' parking spaces

Now: 3 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

Address: **Witt Street, Mitcham:** from Whitehorse Road South Service Road to Walter Street – west side

Previously: 10 'Unrestricted' parking spaces

Now: 10 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Gissing Street, Blackburn South:** from northern boundary of 51 Gissing Street to southern boundary of 51 Gissing Street – east side

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

Now: 2 'Unrestricted' parking spaces

Address: **Barwon Street, Box Hill North:** from western boundary of 24 Barwon Street to northern boundary of 13 Wattle Street – east side

Previously: 3 'Unrestricted' parking spaces

Now: 3 'No Stopping' parking spaces

Address: **Eley Road, Blackburn South:** from 10m east of Glenice Avenue to 15m east of Glenice Avenue – north side

Previously: 1 'Unrestricted' parking space

Now: 1 'No Stopping' parking space

9.3.4
(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING SEPTEMBER 2016

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
01/09/2016	\$6,375.10	8	EFC
01/09/2016	\$92,200.46	25	CHQ
01/09/2016	\$253,695.97	45	EFT
01/09/2016	\$296,499.00	2	CHQ
02/09/2016	\$69,437.60	1	EFT
02/09/2016	\$30,125.00	1	CHQ
08/09/2016	\$13,401.04	14	EFC
08/09/2016	\$10,900.64	13	EFC
08/09/2016	\$334,830.37	48	EFT
08/09/2016	\$19,393.52	20	CHQ
08/09/2016	\$2,500.40	1	EFC
15/09/2016	\$1,362.80	5	EFC
15/09/2016	\$77,377.70	55	CHQ
Monthly Leases	\$30,000.00		DD
GROSS	\$8,710,241.19	1098	
CANCELLED PAYMENTS	-\$4,632.90	-6	
NETT	\$8,700,975.39	1086.00	

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

10.1 Reports by Delegates

(Council to appoint delegates at Council meeting 12 December 2016 following the Council Election)

Nil

**10.1 Recommendation from the Special Committee of Council
Meeting of 14 November 2016**

Nil

10.2 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
17-10-2016 4.00–7.00pm	Heritage Committee	Cr Carr Cr Harris OAM	A Egan G Pottinger I Coleman	Nil	Nil
14-11-2016 6.30-9.45pm	Councillor Briefing Session <ul style="list-style-type: none"> • Council Plan & MPHWP • 820-824 Whitehorse Road, Box Hill • Special Committee & Other Business • Draft Council Agenda 21 November 2016 	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Stennett Cr Tescher	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud C Sherwin A Egan V McLean K Mealeya D Seddon T Peak J Gorst A Ghastine S Smith	Nil	Nil
16-11-2016 6.30-9.00pm	Council Plan Workshop <ul style="list-style-type: none"> • Other Matters <ul style="list-style-type: none"> • Development of Box Hill Multi Storey Tower and other community matters 	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Munroe Cr Stennett Cr Tescher	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud S Smith D Seddon J Gorst A Ghastine M Tate	Nil	Nil

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Carr

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

11.1 Victorian Local Governance Association (VLGA) Welcome for Councillors

Cr Davenport advised the he, along with Councillors Liu and Munroe attended the VLGA Councillors Welcome with the Minister for Local Government the Hon Natalie Hutchins MP in attendance.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Munroe

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

CARRIED UNANIMOUSLY

12 CLOSE MEETING

Meeting closed at 8.12pm

Confirmed this 12th day of December 2016

CHAIRPERSON