



# City of Whitehorse

## AGENDA

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### Ordinary Council Meeting

To be held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 15 February 2016**

at 7.00 p.m.

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

**Ms Noelene Duff**  
Chief Executive Officer

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## AGENDA

### 1 PRAYER

#### 1a Prayer for Council

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

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

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

***Amen.***

#### 1b Aboriginal Reconciliation Statement

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

### 2 WELCOME AND APOLOGIES

### 3 DISCLOSURE OF CONFLICT OF INTERESTS

### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 1 February 2016.

#### RECOMMENDATION

***That the minutes of the Ordinary Council Meeting of 1 February 2016 having been circulated now be confirmed.***

### 5 RESPONSES TO QUESTIONS

### 6 NOTICES OF MOTION

### 7 PETITIONS

### 8 URGENT BUSINESS

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 5 Ronald Street, MITCHAM (LOT 37 LP 17076) – Construction of two (2) double storey dwellings**

FILE NUMBER: WH/2015/637  
ATTACHMENT

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#### **SUMMARY**

*This application was advertised, and a total of twenty-two (22) objections were received. The objections raised issues with neighbourhood character, landscaping, amenity impacts, car parking and traffic. A Consultation Forum was held on Tuesday, 27 October 2015 chaired by Councillor Philip Daw, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **RECOMMENDATION**

##### ***That Council:***

- A. *Being the Responsible Authority, having caused Application WH/2015/637 for 5 Ronald Street, MITCHAM (LOT 37 LP 17076) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction of two (2) double storey dwellings is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 5 Ronald Street, MITCHAM (LOT 37 LP 17076) for the construction of two (2) double storey dwellings, subject to the following conditions:***
  - 1. *Before the development starts, or any trees or vegetation removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
    - a) *The relocation of the Dwelling 2 mailbox outside of the tree protection zone (TPZ) of Tree 5.***
    - b) *Relocate the common driveway 0.6 metres from the southern boundary where within the TPZ of Tree 5.***
    - c) *The correct location and dimensions of the garage/outbuilding located along the southern boundary of the property to the north.***
    - d) *The correct location of the dwelling located at 4 Haslemere Road, Mitcham.***
    - e) *Detailed colours and materials schedule, in line with the preferred character statement of the Bush Suburban Precinct 3.***

**9.1.1**  
(cont)

- f) Addition of one south-facing window with a minimum sill height of 1.4 metres above the accessway to the living or kitchen of Dwelling 1. A trellis must be provided above the existing southern boundary fence to allow the window to achieve compliance with Standard B22 of Res Code.*
- g) A 500mm free-standing trellis above the existing southern boundary fence opposite the garage to Dwelling 2 to address overlooking from the study of Dwelling 2 in accordance with Standard B22.*
- h) The location of the sight line triangle along the accessway in accordance with Design Standard 1 of Clause 52.06-8. A notation must be provided on the site plan stating objects and landscaping located within the sight line triangle must be no greater than 900mm in height.*
- i) The iron infill of the front fence to have at least 50 per cent transparency.*
- j) The retention of Tree 9 (Coprosma repens) and Tree 11 (Prunus cerasifera nigra).*
- k) The location of Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.*
- l) Notation on site plans indicating that all obscured glazing be manufactured from obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- m) Landscape Plan in accordance with Condition 3, including the following:*
  - i. An indigenous canopy tree capable of growing in excess of 12 metres within the front setback of Dwelling 1.*
  - ii. An indigenous canopy tree capable of growing in excess of 12 metres in the SPOS area of Dwelling 1.*
  - iii. An indigenous canopy tree capable of growing in excess of 12 metres in the SPOS area of Dwelling 2.*
  - iv. The planting of trees along the frontage of the 1.8 metre timber paling fence along the western boundary of the Dwelling 1 secluded private open space to soften the view of the fence from the street.*
  - v. All new trees must be planted at a minimum height of 1.5 metres.*

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. No building or works must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:*

**9.1.1**  
(cont)

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

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

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

- 4. *The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. *Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
  - a) *Tree protection zone distances:*
    - i. *Tree 1 – Liquidambar styraciflua – 5.4 metre radius from the centre of the tree base.*
    - ii. *Tree 5 – Liquidambar styraciflua – 4.5 metre radius from the centre of the tree base.*
    - iii. *Tree 9 – Coprosma repens – 3.0 metre radius from the centre of the tree base.*
    - iv. *Tree 10 – Agonia flexuosa – 3.0 metre radius from the centre of the tree base.*
    - v. *Tree 11 – Prunus cerasifera nigra – 3.2 metre radius from the centre of the tree base.*

**9.1.1**  
(cont)

- b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:*
  - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
  - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
  - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
  - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
  - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
  - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
  - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 6. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:*
  - a) For Tree 1 and Tree 10 no roots are to be cut or damaged during any part of the construction process.*
  - b) The plans must be amended to show the letterbox for Dwelling 2 relocated to outside the 4.5m TPZ of Tree 5.*
  - c) The plans must be amended to show the driveway setback 0.6m from the south boundary fence where within the TPZ of Tree 5.*
  - d) Any excavation within the TPZ of Tree 1 should be undertaken by hand, hydro excavation or air spading.*
  - e) The driveway where within the TPZ of Tree 5, must be constructed above the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. No roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
  - f) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 0.6m of the south boundary fence where within the TPZ of Tree 5.*
  - g) All buildings and works (soft landscaping allowable), including soil level changes and the driveway, must be setback 0.6m from the south boundary fence where within the TPZ of Tree 5.*

**9.1.1**

(cont)

- h) For Tree 5 any roots exposed during the construction process must be covered with soil or mulch as soon as possible, or covered with high strength, biodegradable natural hessian that has been watered down so it remains wet / damp at all times whilst the root(s) are not covered with soil.*
  - i) Either cut to ground level and remain in place the stump of Tree 4, or use only a mechanical stump grinder to remove the stump to a maximum depth of 150mm below the existing soil grade. The stump must not be grubbed out, pulled out or removed using a mechanical excavator, as to avoid damage to the tree roots of Tree 5.*
- 7. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.*
- 8. Stormwater connection to the nominated point of discharge must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of any of the buildings.*
- 9. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
- 10. Prior to the occupation of any of the buildings, the proposed vehicle crossing is to be constructed to the satisfaction of the Responsible Authority. There shall be a minimum clearance of 2.5 metres between any vehicle crossing and any adjacent tree.*
- 11. The redundant vehicle crossing is to be removed and replaced with concrete kerb and channel and the affected nature strip area is to be reinstated with topsoil and grass seed to the satisfaction of the Responsible Authority.*
- 12. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.*
- 13. The development shall be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting shall be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
- 14. This permit will expire if one of the following circumstances applies:*
  - a) The development is not commenced within two (2) years from the date of issue of this permit,*
  - b) The development is not completed within four (4) years from the date of this permit.*

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



**9.1.1**  
(cont)

***Permit Notes***

- 1. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.***
  - 2. The property owner/builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.***
  - 3. All stormwater drainage within the development site and associated with the building) (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.***
  - 4. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.***
- 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)

MELWAYS REFERENCE 48 J11

Applicant:	Danes Design
Zoning:	Neighbourhood Residential Zone—Schedule 3
Overlays:	N/A
Relevant Clauses:	<p>Clause 11 Settlement</p> <p>Clause 12 Environment and Landscape Values</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 21.05 Environment</p> <p>Clause 21.06 Housing</p> <p>Clause 22.03 Residential Development</p> <p>Clause 22.04 Tree Conservation</p> <p>Clause 32.09 Neighbourhood Residential Zone</p> <p>Clause 52.06 Car Parking</p> <p>Clause 55 Two or More Dwellings on a Lot or Residential Buildings</p> <p>Clause 65 Decision Guidelines</p>
Ward:	Springfield Ward



		Subject site		22 Objector Properties (2 outside of map)	 North
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### **9.1.1** (cont)

## **BACKGROUND**

### **History**

Planning application WH/2013/583 for the construction of two (2) double storey dwellings was refused by Council on 27 February 2014, for grounds relating to neighbourhood character, tree conservation, landscaping and failure to comply with the objectives of Bush Suburban areas. The permit applicant appealed Council's decision with VCAT under Section 77 of the *Planning and Environment Act 1987*. VCAT determined to uphold Council's decision, and no planning permit was granted.

It should also be noted that when the current planning application was lodged, the subject site was located within the Neighbourhood Residential Zone—Schedule 7. On 12 November 2015 Amendment C174 was gazetted, which introduced Schedules 1 to 5 into the Neighbourhood Residential Zone of the Whitehorse Planning Scheme. This amendment rezoned the subject site to Neighbourhood Residential Zone—Schedule 3. The application has therefore been reassessed against the Neighbourhood Residential Zone—Schedule 3, as will be discussed further in this report.

### **The Site and Surrounds**

The subject site is located on the eastern side of Ronald Street, approximately 70 metres south of the intersection of Ronald Street and Lucknow Street and approximately 265 metres west of Mitcham Road. It has a rectangular shape with a frontage of 16.76 metres, a depth of 40.54 metres, and an area of 677 square metres. The site is currently occupied by a single storey weatherboard dwelling with a tiled roof. There are no significant trees existing on the land, however vegetation does exist along the site's perimeter.

The surrounding properties along Ronald Street are predominantly single-storey in form, with some examples of double-storey dwellings in surrounding streets and further south along Ronald Street. Dwellings are constructed of a variety of materials including weatherboard, brick, and render, and have roof forms of varying styles that range from colorbond to tile materials. Several sites along Ronald Street and within the surrounds have established vegetation and large canopy trees within the front and/or rear yards, particularly to the east where the land is subject to the Vegetation Protection Overlay. Street trees along Ronald Street are also established and assist in defining a leafy streetscape. The use of surrounding sites is exclusively residential.

The site is located within the Bush Suburban Precinct 3 under Council's Residential Development Policy, which is described as follows:

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

Properties abutting or situated close to Gardiners Creek, the Blackburn Creeklands and Wurundjeri Walk, or with interface to Bush Environment areas will contain substantial vegetation, and development will be sited so that the overall visibility of buildings is minimised when viewed from the open space corridors.

### 9.1.1 (cont)

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

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

The site is located 800 metres from the Mitcham activity centre, 800 metres from Mitcham train station and 350 metres from the Mitcham Road bus route. There are a number of schools and parks located within two kilometres of the site.

### Planning Controls

Pursuant to Clause 32.09-5 (Neighbourhood Residential Zone), a planning permit is required to construct two or more dwellings on a lot.

### PROPOSAL

It is proposed to demolish the existing single storey dwelling on the land, and construct two (2) double storey dwellings. The dwellings will be detached, separated by a minimum of three metres, and will be accessed by a common driveway. The existing crossover has been proposed for removal, and will be relocated to the southern side of the lot, to service the common driveway. A landscaping strip a minimum of 1 metre in width has been proposed on either side of the driveway.

A front fence has been proposed along the western site boundary, which will be 1.2 metres in height and constructed of brick piers with iron infill. The fence will wrap around to the southern boundary of the front yard of Dwelling 1, to a point in line with the southern façade of the dwelling.

The below table summarises the attributes of each dwelling:

<b>Dwelling 1</b>	
Ground Floor Area (including porch and veranda)	75.4 square metres
First Floor Area	44.8 square metres
Garage	25 square metres
<b>Total Floor Area</b>	<b>145.2 square metres</b>
Secluded Private Open Space	50 square metres
Open Space (front yard)	100 square metres
<b>Dwelling 2</b>	
Ground Floor Area (including porch and veranda)	71.03 square metres
First Floor Area	46 square metres
Garage	25 square metres
<b>Total Floor Area</b>	<b>142.03 square metres</b>
Secluded Private Open Space	83 square metres

### **9.1.1**

(cont)

#### Dwelling 1

Dwelling 1 will be constructed as the front dwelling of the lot, with a frontage to Ronald Street. The dwelling will be located 9 metres from the western boundary (Ronald Street), 5 metres from the southern boundary, and 5 metres from the northern boundary. The attached single garage to Dwelling 1 will be located 1 metre from the northern boundary.

The dwelling will be double-storey in form, and will be constructed of a variety of materials. The roof will be of a hipped form, with eaves along each façade. The maximum height of Dwelling 1 will be 7.4 metres above natural ground level.

The ground floor of Dwelling 1 will contain an open living/dining/kitchen area, with a powder room and laundry also downstairs. The first floor of Dwelling 1 will contain two (2) bedrooms and a bathroom. A single car garage has been proposed to the east of the dwelling, which will be accessed by a door from the secluded private open space of Dwelling 1. The secluded private open space to Dwelling 1 is located to the north of the dwelling, and measures 5 metres long and 10 metres wide. Two (2) canopy trees have been proposed within the secluded private open space of Dwelling 1, in addition to two (2) canopy trees within the front yard.

#### Dwelling 2

Dwelling 2 will be located within the rear of the lot, with access via the central driveway along the southern boundary. The dwelling will be located 5 metres from the eastern boundary (generally), 3 metres from the southern boundary, and 1 metre from the northern boundary. The attached single garage to Dwelling 2 will also be located 1 metre from the northern boundary.

The dwelling will also be double-storey in form, and will be constructed in a similar style to Dwelling 1 with a mix of materials. The roof will be of a hipped form, with eaves along each façade. The maximum height of Dwelling 2 will be 7.5 metres above natural ground level.

The ground floor of Dwelling 2 will contain an open living/dining/kitchen area, with an open study, laundry room, store, and powder room also on the ground floor. The first floor of Dwelling 2 will contain two (2) bedrooms and a bathroom. The single car garage that services the dwelling is proposed within the western portion of the dwelling, which will be accessed by a door from the kitchen area. The secluded private open space to Dwelling 2 is located to the east of the dwelling, and measures 5 metres wide and 16.69 metres long. Three (3) canopy trees have been proposed within the secluded private open space to Dwelling 2.

#### Landscaping

The application proposes the removal of eight (8) trees on the subject site. The street tree (Sweetgum Liquidambar) will be retained, and two (2) trees on neighbouring properties, including Tree 5 (Sweetgum Liquidambar) within the adjoining property to the south and Tree 10 (Willow Myrtle) within the property to the southeast, will not be impacted by the proposed works.

### **9.1.1**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the Ronald Street frontage. Following the advertising period twenty-two (22) objections were received.

The issues raised are summarised as follows:

#### Neighbourhood Character

- Lack of dual occupancies in the area
- Overdevelopment of the site
- Negative impact on the streetscape
- Double storey nature
- Lack of space around dwellings
- Non-compliance with Bush Suburban objectives
- Non-compliance with objectives of limited change areas

#### Landscaping

- Tree removal
- Insufficient open space for landscaping and canopy tree planting
- Environmental impacts associated with vegetation removal

#### Amenity Impacts

- Low permeability and potential for flooding
- Impacts on energy efficiency of existing dwellings
- Overlooking
- Visual bulk and density of development

#### Car Parking and Traffic

- Increased traffic as a result of an additional dwellings
- Increased on-street car parking

#### Other

- Additional pressure on existing infrastructure
- Integrity of plans surrounding shadow diagrams and incorrect siting of shed on adjacent property

### **Consultation Forum**

A Consultation Forum was held on Tuesday 27 October 2015 and was chaired by Councillor Daw. In attendance were planning officers, the applicant, the property owners, and approximately eight (8) objectors.

### **9.1.1** (cont)

At the conclusion of the meeting, no consensus was reached. Generally the objectors want the site retained as a single dwelling site; were seeking a single storey development, and want the mature trees on site retained. The applicant was not willing to agree to a single dwelling or a single storey development, however agreed to retain three (3) mature trees on the land and correctly show the location of an outbuilding/garage on the property at 3 Ronald Street, Mitcham. The trees the applicant expressed willingness to retain are Tree 7 (Camphor Laurel), Tree 9 (Mirror Bush) and Tree 11 (Purple Leaf Cherry Plum), all located on the subject site.

## **Referrals**

### **External**

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

### **Internal**

#### Engineering and Environmental Services Department

- Assets Engineer

Council's Asset Engineer had no objection to the proposal, subject to conditions relating to stormwater and the construction of the vehicle crossing.

#### Planning Arborist

Council's Planning Arborist had no objection to the proposal, however required a tree root investigation be undertaken to ensure that the proposed crossover and driveway would allow Tree 5, located within the frontage at 7 Ronald Street, to remain viable if the proposed works were to go ahead.

The applicant provided a tree root investigation to Council, which recommends the tree should remain viable subject to the relocation of the Dwelling 2 mailbox outside of the tree protection zone and the relocation of the driveway 0.6 metres north of the southern boundary, in addition to other tree protection conditions.

Council's arborist is therefore satisfied with the proposal, subject to the above-mentioned changes to the plans and specific tree protection measures.

It is noted that no trees on adjoining properties will be adversely impacted as long as tree protection measures are complied with.

#### Parkswide

Council's Parkswide Department had no objection to the proposal, as it was determined there would be no impact to Council's street tree. Conditions were recommended to be placed upon the permit ensuring appropriate tree protection measures are taken when undertaking works within the tree protection zone of Council's street tree.

**9.1.1**  
(cont)

**DISCUSSION**

**Consistency with State and Local Planning Policies**

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

The subject site has an overall area of 677m<sup>2</sup>, and is well located with regard to facilities, particularly as two (2) public transport options and an activity centre are located within 1 kilometre of the site. The proposal incorporates built form and materials that are respectful of the surrounding neighbourhood character without replicating it. It provides generous opportunities for new landscaping, separation between dwellings, modest building footprints, and building heights that are consistent with the surrounding neighbourhood. It is noted that there are few double storey dwellings in the area but it is not considered that double storey dwellings would be inconsistent with or detract from the neighbourhood character.

**Neighbourhood Character and Infrastructure**

*Residential Policy*

The subject site falls within an area of Limited Change, which seeks to provide some diversity of dwelling sizes and tenures where feasible, and residential development that is of a scale, form, and character that is consistent with the surrounding area. The proposal is considered to be consistent with these objectives.

Pursuant to Clause 22.03 (Residential Development), this site also falls within a Bush Suburban Precinct 3 area. Within these areas, residential development should provide for a rhythm of dwelling spacing that appears regular from the street, with an informal and open streetscape impression. The area also seeks development that is cohesive with established gardens, providing sufficient opportunity for the planting of large shrubs and tall canopy trees. The dwelling separation, planting opportunities, built form, and setbacks from boundaries are considered to achieve the objectives of Bush Suburban Precinct 3 areas.

*Bush Suburban Precinct 3*

The preferred character statement encourages low scale, pitched roof dwellings sitting within well-established garden settings containing substantial native and exotic vegetation. The proposed development, although double storey, is considered to be low in scale, with relatively small building footprints and first floor elements that are well recessed from ground floors. The hipped roof form with eaves also allows the development to appear less dominant from the street and from neighbouring properties, due to a building height that graduates toward the centre of the site. The site contains limited vegetation of significance, therefore the development provides ample landscaping opportunities both between and around dwellings and along the accessways that will adequately accommodate the growth of new vegetation, which includes a number of canopy trees to be planted. It should also be noted that a condition has been recommended requiring the retention of one (1) larger tree (Tree 11- Cherry Plum) within the rear of the site and another tree (Tree 9- Mirror Bush) along the southern boundary of the site to both address objector concerns and to allow existing canopies to soften the new development from adjoining sites while the new, planted vegetation matures.



### **9.1.1** (cont)

The preferred character statement also encourages a rhythm of spacing between dwellings that appears regular from the street, in addition to an impression of the streetscape of openness and informality due to low, unobtrusive fences and a landscaped setting. The proposal achieves this through the provision of ample setbacks from boundaries, low front fencing, and substantial landscaping opportunities. This is discussed in further detail below.

The proposed development will be set back 9 metres from Ronald Street, with the frontage of Dwelling 1 comprising a width of 7.5 metres, which is only 45 per cent of the width of the site. The siting of Dwelling 1 will allow for the planting of substantial vegetation within the frontage of the site and on either side of Dwelling 1, including along the accessway. The proposed 1.2 metre high brick and iron front fence will complement the style of the dwelling while allowing for views into the front garden.

Spacing between and around dwellings has been achieved by the proposed development, with a setback of 1 metre from the northern boundary, 5 metres (generally) from the eastern boundary, and 3 metres from the southern boundary. The setbacks from the southern and eastern boundaries are generous enough to provide a sensitive development response to both adjoining properties, and allow for the planting of meaningful vegetation to soften the built form of the development.

The 1 metre setback from the northern boundary is also considered to be in line with the preferred neighbourhood character. The garage of Dwelling 1 has been set back 1 metre from the northern boundary, for a length of approximately 4.85 metres (including eaves). There is then a 3 metre separation before the built form for the Dwelling 2 garage and living/powder room begins, which is also set back 1 metre from the northern boundary for a length of approximately 10.4 metres (including eaves). Although the setback provided does not allow for the planting of meaningful vegetation, the position of an outbuilding and the existing driveway found on the other side of the common boundary allow this setback to be considered appropriate. It is noted that although the size of the garage/outbuilding has been shown incorrectly on the plans, and is approximately 4.6 metres long rather than the 8.4 metres shown, the length of single storey building form visible from the adjoining property to the north will be only approximately 3.7 metres, which is considered an acceptable response.

The subject site currently contains a carport and garage that are constructed against the northern boundary for the majority of the rear of the site, therefore the proposed development is considered to produce a more positive outcome in relation to landscaping opportunities between the built form and the boundary. Furthermore, the area immediately to the east of this built form is a proposed 5 metre wide open space area, which will contain an existing Cherry Tree, Tree 9, with an expansive canopy, and opportunities for further canopy tree planting. For these reasons the proposed setbacks of the development are considered to achieve the preferred neighbourhood character.

#### **Site Layout and Building Massing**

The proposed development complies with the majority of standards and objectives relating to site layout and building massing including: streetscape, building height, site coverage, permeability, energy efficiency, open space, landscaping, and access.

The development however does not meet the following standards:

### **9.1.1** (cont)

#### *Safety*

Standard B12 of Res Code states that development should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. The ground floors of both dwellings currently provide minimal surveillance into the internal accessway, due to the provision of only one (1) window that overlooks the accessway, being the study of Dwelling 2. It is considered the safety of the development could be improved through the provision of an additional window along the accessway from the ground floor of Dwelling 1, to provide increased visibility into the accessway. A condition has therefore been recommended to be included requiring the installation of one (1) south-facing window to the living or kitchen of Dwelling 1 (with a minimum sill height of 1.4 metres to comply with Standard B15), to provide better surveillance and a safer development. It is considered the safety objective will therefore be met.

#### *Parking location*

Standard B15 of Res Code states that shared accessways of other dwellings should be located at least 1.5 metres from the windows of habitable rooms, which can be reduced to 1 metre where window sills are at least 1.4 metres above the accessway. The study of Dwelling 2, considered a habitable room, has been set back 1 metre from the accessway, with a sill height of less than 1.4 metres above the accessway. Given the window is adjacent to the turning bay of the accessway, which will be more rarely traversed than the accessway itself, and as the window also provides surveillance from the ground floor to the accessway, the variation to Standard B15 is considered acceptable as the objective of protecting residents from vehicle noise within developments is considered to be met.

#### **Amenity Impacts**

The proposed development complies with the majority of standards and objectives relating to amenity impacts including: walls on boundaries, daylight to existing windows, north-facing windows, overshadowing, internal views, and noise impacts.

The development however does not meet the following standards:

#### *Side and Rear Setbacks*

Schedule 3 to the Neighbourhood Residential Zone varies Standard B17 to require a 5 metre setback from the rear boundary, with verandas permitted to encroach no more than 0.5 metres into the setback of this standard. While the ground floor of Dwelling 2 has been set back 5 metres from the rear boundary, the veranda (including eaves) encroaches approximately 1.5 metres into this setback. This setback variation from the rear boundary is considered appropriate. As the veranda is open on three sides, it adds a good level of articulation to the eastern façade without assuming the bulk of a solid wall. The veranda is also not considered to limit landscaping opportunities within the rear of the site, as canopy tree planting and layered vegetation can still be accommodated due to the large private open space area that has been provided to Dwelling 2, which includes unencumbered land. Furthermore, the retention of Tree 11 will assist in screening the view of the development from the east, particularly from the objecting property at 4 Haslemere Road. For these reasons the varied rear setback to Dwelling 2 is considered appropriate.

### **9.1.1** (cont)

The first floor of Dwelling 2 is also non-compliant with Standard B17. The varied Standard B17 requires buildings to be set back 5 metres from the rear boundary, plus 0.3 metres for every metre of height over 3.6 metres. Bedroom 1 to Dwelling 2 is therefore required to be set back 5.57 metres (as the building height is a maximum of 5.5 metres) from the eastern boundary, but has only been set back 5.075 metres. This setback variation is also considered appropriate. The first floor has been recessed from the ground floor to the east; therefore the built form when viewed from the east is graduated. Furthermore, the first floor wall that does not comply with the setback is only a width of approximately 3.9 metres, which is 23 per cent of the width of the allotment. The current setbacks of the first floor from the eastern boundary also provide a good level of articulation to the first floor of the dwelling, which would not be achieved if Bedroom 1 were set further back. Finally, as the rear of the site provides ample opportunity for canopy tree planting and the retention of a canopy tree that has the capability of reaching a height of twelve metres, it is considered the planted vegetation, once mature, will soften the development when viewed from the east. For these reasons the varied rear setback is appropriate.

#### *Overlooking*

Standard B22 requires habitable room windows to be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres of the window, with views measured within a 45 degree angle. The study window of Dwelling 2, considered a habitable room window, results in potential overlooking opportunities to the private open space of the dwelling to the south. Given the vegetation along the southern boundary of the subject site has been proposed for removal, it is recommended appropriate screening measures be implemented. A condition has therefore been recommended to be included requiring the installation of a 500mm trellis atop the existing fence where within the 9 metre, 45 degree arc of the Dwelling 2 study window. This will allow the proposed development to achieve the objectives of Standard B22.

### **On-Site Amenity and Facilities**

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

### **Detailed Design**

The proposed development complies with the design detail and common property standards and objectives relating to detailed design.

The development however does not meet the following standards:

#### *Front fences*

Schedule 3 to the Neighbourhood Residential Zone varies Standard B32, stipulating a maximum front fence height of 1 metre. The proposed front fence to the development is 1.2 metres. The front fences along Ronald Street are comprised of a mix of no fencing, fencing between 400mm and 950mm along the eastern side of Ronald Street, and fencing 700mm to 1.3 metres high along the western side of Ronald Street. The subject site currently contains a 1.5 metre high front fence. Given the variety of front fence heights along Ronald Street, and the transparent design of the front fence required by condition, the variation to Standard B32 is considered acceptable as it respects the existing and preferred neighbourhood character for the area.

**9.1.1**  
(cont)

**Landscaping**

The proposed development complies with Standard B13, in relation to providing two (2) canopy trees per dwelling that have the potential of reaching a minimum mature height of 12 metres. The development is also able to achieve the landscape objectives set out within Clause 22.03 (Residential Development) for Bush Suburban Precinct 3 areas. Generous spacing has been provided between and around dwellings and along the accessway, to provide for a reasonable level of vegetation. Furthermore, two (2) trees will be retained (one (1) along the eastern boundary and another along the southern boundary), which was a compromise resultant of the consultation forum. It should be noted that the applicant also discussed retaining Tree 7 (*Camphor Laurel*) along the southern boundary however the location of the accessway and turning bay makes the retention of this tree impractical.

The development will also not adversely impact trees on neighbouring properties, or street trees. Council's arborist is satisfied, from a tree root investigation submitted, that a tree on the neighbouring property to the south will not be impacted by the proposed development, subject to conditions. The crossover has also been set back an acceptable distance from an existing Council street tree.

For the above reasons, the proposed development will provide a positive landscaping outcome for the site and surrounds, as contributory trees will be retained on site, neighbouring trees will be protected, and landscaping opportunities exist allowing for the planting of canopy trees and layering of vegetation.

**Clause 52.06 (Car Parking)**

The proposed development meets the requirements of Clause 52.06 in regard to the provision of car parking and access arrangements.

Each dwelling has been provided with a single garage measuring 3.5 metres wide and 6 metres long, which meets the requirements for each two-bedroom dwelling. Vehicles are also able to exit the site in a forward direction. As a sight line triangle has not been shown on the plans in accordance with Design Standard 1 of Clause 52.06-8 (Car Parking), a condition has been recommended to be included ensuring no objects or landscaping within the sight line triangle are greater than 900mm in height, to prevent conflict between vehicles exiting the site and pedestrians.

**Objectors Concerns not Previously Addressed**

Objecting properties also raised concern to increases in traffic, potential for flooding, and impacts on solar and energy efficient systems.

Increases to traffic as a result of the proposal are not considered to be detrimental. The development will contain two two-bedroom dwellings and the provision of adequate car parking for each. The addition of one dwelling to the site is not considered to make a significant impact on existing or future traffic within the area.

As the site has a high level of permeable surfaces, and is not land that Council has identified as being prone to flooding, the potential for flooding is not considered to be a concern. It is also noted that prior to the commencement of buildings and works a drainage plan will be required to be submitted and endorsed by the Council Drainage Engineer.

Impacts on solar and energy efficient systems on neighbouring properties are not considered a relevant concern. Overshadowing to adjoining properties is considered to be minimal, and compliant.

### **9.1.1** (cont)

#### **Comparison to Previous Proposal**

The current planning application provides a more positive outcome for the site and surrounds than the previous planning application proposed for the site. The more significant amendments to the proposal are outlined in greater detail below.

The building footprints of both dwellings have been significantly reduced, with a decrease in the site coverage from 40.37 per cent to 29.01 per cent, a reduction of 11.36 per cent. Subsequently, the permeability of the site has also increased from 42.25 per cent to 50.66 per cent, an increase of 8.41 per cent. The first floor of Dwelling 1 has been reduced in size from 56.12 square metres to 44.8 square metres, a reduction of 11.32 square metres. The first floor of Dwelling 2 has also been reduced in size from 51.09 square metres to 46 square metres, a reduction of 5.09 square metres.

Building setbacks from side and rear boundaries have also been increased, with no walls proposed along a boundary. The building wall setback of Dwelling 1 from the northern boundary has increased from 1 metre to 5 metres, with the garage maintaining the same 1 metre setback. The setback of Dwelling 2 from the northern boundary has increased from a zero setback to a 1 metre setback. Dwelling 2 has also been further set back from the southern boundary from 1 metre to 3 metres, and the eastern boundary from 2.215 metres to 5 metres, with the exception of the veranda which slightly encroaches into this setback.

These changes have collectively resulted in a significant increase to planting opportunities on the site, with ample space provided between and around dwellings for the planting of canopy trees and vegetation. These opportunities allow the development to respect adjoining sensitive interfaces and sufficiently respond to the preferred neighbourhood character of the area. For these reasons, the current application is considered to provide a more appropriate outcome for the site than the previous proposal.

#### **CONCLUSION**

The proposal for the construction of two (2) double storey dwellings is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Neighbourhood Residential Zone—Schedule 3 and Clause 55, ResCode.

The proposal satisfies the relevant decision guidelines in terms of providing generous landscaping opportunities and spacing between and around dwellings, a modest building footprint, and a dwelling design and built form that respects the Bush Suburban character of the area.

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

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

**9.1.2 173-175 Whitehorse Road, Blackburn (Crown L 74d Pp 3337) – Use of the land for dwellings and buildings and works to construct a five storey building with basement car parking comprising two offices, a café and forty-four (44) apartments, waiver of the loading bay requirements and alteration of access to a road in a Road Zone, Category 1**

FILE NUMBER: WH/2015/370  
ATTACHMENT

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**SUMMARY**

*This application was advertised, and a total of thirteen (13) objections were received. The objections raised issues with amenity, neighbourhood character, traffic and parking. A Consultation Forum was held on Tuesday, 15 December 2015 chaired by Councillor Munroe, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

**RECOMMENDATION**

***That Council:***

- A** *Being the Responsible Authority, having caused Application WH/2015/370 for 173-175 Whitehorse Road, BLACKBURN (Crown L 74D PP 3337) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use of the land for dwellings and buildings and works to construct a five storey building with basement car parking comprising two offices, a café and forty-four (44) apartments, waiver of the loading bay requirements and alterations to access to a road in a Road Zone, Category 1 is acceptable and should not unreasonably impact the amenity of adjacent properties.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 173-175 Whitehorse Road, BLACKBURN (Crown L 74D PP 3337) for the Use of the land for dwellings and buildings and works to construct a five storey building with basement car parking comprising two offices, a cafe and forty-four (44) apartments, waiver of the loading bay requirements and alterations to access to a road in a Road Zone, Category 1, 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, with dimensions, and be generally in accordance with the plans submitted with the application, but modified to show:*
    - a)** *The width of crossover and driveway increased to no less than 6.8 metres from the garage door through to the Surrey Road road formation.*
    - b)** *The length of accessible parking bay to be increased to 5.4 metres.*
    - c)** *The existing vehicle crossover on Surrey Road to be reinstated.*
    - d)** *Provision of a wide splay on the approaching side of the vehicle crossover.*
    - e)** *Provision of at least one (1) rainwater tank with a minimum total capacity of 20,000 litres.*

**9.1.2**  
(cont)

- f) Provision of at least four (4) visitor bicycle parking spaces at the office entry porch area.*
- g) Unless otherwise approved by the Responsible Authority, the habitable room windows of all dwellings to be double glazed or have similar acoustic protection measures installed.*
- h) All service piping (excluding downpipes), ducting and heating/cooling appliances above the ground floor storey of the building to be concealed from view where possible.*
- i) Development plans updated to include all of the relevant requirements of the Lighting Strategy and Parking Management Plan.*
- j) Provision of a light coloured roof.*
- k) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 13. 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.). These features must include, unless otherwise agreed with the Responsible Authority:
  - i. Minimum width of 1.2 metres provided to the daylight access corridor to "battle-axe" configured bedrooms.*
  - ii. Rainwater tank locations, capacity and end uses (connection to all toilets for flushing).*
  - iii. Area of roofs to be connected to rainwater tanks.*
  - iv. Annotation of the timber species intended for use as cladding, decking and other outdoor timber, noting that unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan and Teak) must not be used.**
- l) The following reports to be amended or submitted as required will form part of the endorsed documentation:
  - i. Amended Sustainability Management Plan in accordance with Condition 13.*
  - ii. Lighting Strategy in accordance with Condition 16.*
  - iii. Parking Management Plan in accordance with Condition 18.*
  - iv. Amended Waste Management Plan in accordance with Condition 20.*
  - v. Construction Management Plan in accordance with Condition 21.**
- m) A Landscape Plan in accordance with Condition 3, including the following:
  - i. Details of all containerised planting infrastructure.*
  - ii. Provision of shallow rooted vegetation along the northern boundary of the subject site to provide visual relief to the adjoining property.*
  - iii. All trees are to have a minimum height of 1.5 metres at the time of planting.**

*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.*

**9.1.2**  
(cont)

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.*

**Landscaping and Tree Protection**

3. *No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -*
  - a) *The vehicle crossover and driveway must be increased to no less than 6.8 metres from the garage door through to the Surrey Road road formation. This must not result in reduction to Street Tree A on Surrey Road.*
  - b) *A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
  - c) *Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
  - d) *Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
    - i. *Providing a complete garden scheme,*
    - ii. *Softening the building bulk,*
    - iii. *Providing some upper canopy for landscape perspective,*
    - iv. *Minimising the use of lawn except within communal areas, with mulch and/or ground cover plantings utilised instead.*
  - e) *A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of Condition No. 1.*
  - f) *The proposed design features such as paths, planting containers, paving, mulch, and street furniture.*
  - g) *A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

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

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

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



**9.1.2**  
(cont)

5. ***Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained on the subject land during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:***
  - a) ***Tree Protection Zone distances:***
    - i. ***Tree A (Street tree) – 3.0 metre radius from the centre of the tree base.***
  - b) ***Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:***
    - i. ***Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.***
    - ii. ***Signage placed around the outer edge of the perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.***
    - iii. ***Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.***
    - iv. ***No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.***
    - v. ***All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.***
    - vi. ***All sub surface utilities and utility connection points, inspection pits and associated infrastructure trenching and installation are to be designed so that they are located outside the TPZs of retained trees, to the satisfaction of the Responsible Authority. Utility conduits can be located beneath TPZs but must be installed using trenchless excavation (eg: boring) and installed to a minimum depth of 0.6 metres below natural grade.***
    - vii. ***Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.***
    - viii. ***Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.***
6. ***During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:***
  - a) ***All buildings and works in association with the construction and widening of the vehicle crossover within the 3.0 metre TPZ of Tree A must be conducted by hand.***
  - b) ***No roots greater than 40mm in diameter of Tree A may be cut or damaged at any time.***

### **9.1.2**

(cont)

#### **VicRoads**

- 7. Prior to the commencement of the development, the variable speed sign located in the Surrey Road road reserve must be relocated to the satisfaction of, and at no cost to, VicRoads. VicRoads approval under the Road Safety (Traffic Management) Regulations 2009 must be obtained prior to commencing these works. Please contact VicRoads on 9854 2781.**
- 8. Prior to the occupation of the dwellings, all redundant or disused crossovers are to be reinstated with kerb and channel to the satisfaction of the Responsible Authority, and at no cost to VicRoads.**
- 9. Vehicles must enter and exit the land in a forward direction at all times.**

#### **Building Services**

- 10. The building must provide the capacity for television signal distribution to each dwelling unit and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.**
- 11. 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, 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.**
- 12. 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.**

**9.1.2**  
(cont)

**Environmentally Sustainable Development**

**13. Prior to the commencement of any buildings or works, amended documents are required as follows:**

- a) Sustainability Management Plan and STEPS assessment amended to address the following:**
  - i. Commit to control common, service & lift area ventilation with occupancy sensors and/or timers.**
  - ii. In order to substantiate STEPS greenhouse score, provide a preliminary sample set of NatHERS results for at least 20% of the apartments (or 9 dwellings) as per Guide to NatHERS Sample Sizes - <http://bit.ly/NatHERS-sampleset>. Ensure the revised sample set includes Apartments 202, 306 and 404.**
  - iii. The minimum commitments for heating & cooling system performance in terms of COP and EER values associated with the systems specified in the Sustainability Management Plan. Note that all MEPS star rating values are to be consistent with AS/NZS 3823.2-2011.**
  - iv. Improve energy score through adjusting the energy efficiency and/or type of heating/cooling systems, or equivalent measures.**
- b) Storm Rating Report amended as follows:**
  - i. Provision of a rainwater tank.**
  - ii. Maximize roof area connect to rainwater tanks and plumbing all down pipes to the tanks.**
  - iii. Submit a water balance calculation justifying the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with the AS6400 standard of 1 full- and 4 half-flushes per person per day (giving 16.5 L/person/day for 4 star WELS rated toilet). A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained. Alternately, increase the size of the rainwater collection to 100 kL in total, which would enable a longer period of water security.**
  - iv. All treatment types identified in the STORM rating to be shown and noted in plans.**
  - v. Include all roof and paved areas left untreated; the "Treatment Type" should be listed as "None".**

**The requirements of the above Sustainability Management Plan must be illustrated (as appropriate) on the plans and elevations submitted for endorsement.**

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

**14. 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 written consent of the Responsible Authority.**

**9.1.2**  
(cont)

15. *Prior to the occupation of any dwelling approved 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.*

**Lighting Strategy**

16. *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 lighting of internal roadway and the north-west pedestrian path, and must be prepared in accordance with the Safety By Design Guidelines and the relevant Australian Standards, and utilise energy efficient fittings, to the satisfaction of the Responsible Authority.*

*All external lights must ensure no unreasonable nuisance or lighting spill is caused to adjoining or nearby residents.*

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

**Car Parking and Loading and Unloading**

17. *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 shall be maintained to the satisfaction of the Responsible Authority.*
18. *Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, and accessways 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 all parking spaces (except visitor spaces) to individual dwellings.*
- b) Provision of eight (8) car spaces dedicated to visitors.*
- c) Signage and/or alternate measures are required to deter resident, visitor, office and café parking within the proposed basement level 1 loading area.*
- d) Allocation of the ten on-street bicycle spaces to visitors, and signage to indicate this.*
- e) Signing of car and bicycle parking spaces.*
- f) Location and face of bicycle parking signs in accordance with Clause 52.34-5.*
- g) Line marking of parking spaces.*
- h) Details of how access to visitor car spaces in the basement will be achieved by visitors (i.e. an intercom) and how parking will be secured.*

**9.1.2**  
(cont)

- i) Details of how access to the loading area for commercial uses and waste collection area will be achieved by delivery vehicles and waste collection vehicles (e.g. an intercom), how obstructions to the accessway parking spaces are minimized and how these areas will be secured.*

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

*When approved the Parking Management Plan will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.*

- 19. All loading and unloading of vehicles must be conducted by vehicles no larger than Standard B99 vehicle and must be conducted within the basement.*

**Waste Management Plan**

- 20. Prior to the commencement of buildings and works, an amended Waste Management Plan prepared by a suitably qualified consultant, including the changes listed below for endorsement must be submitted to the satisfaction of the Responsible Authority.*

- a) Provision of a floor based bin storage area, for both general waste and recycling, on each level.*
- b) Revise quality and/or type of mega garbage bins as a result of the provision of floor based bin storage areas.*
- c) Consider the needs of tug or bin lifter.*

*The requirements and outcomes of the updated 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 must form part of the documents endorsed as part of this planning 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**

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

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

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

**9.1.2**  
(cont)

*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.*

**Asset Engineering**

- 22. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.**
- 23. Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.**
- 24. Detailed civil plans and computations for stormwater on-site detention and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.**
- 25. Stormwater connection to the nominated point of discharge and stormwater on-site detention must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.**
- 26. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 27. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**

**Expiry**

- 28. 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.**

*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.*

**9.1.2**  
(cont)

**PERMIT NOTES**

**Asset Engineering**

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

**Road Safety Camera**

1. *An existing road safety camera is located on the footpath within the Whitehorse Road road reserve in close proximity to the boundary of the subject site. Consent from the Department of Justice will be required for any works that may affect the operation of this camera.*

**Environmentally Sustainable Development**

1. *Suggested additional ESD measures include:*
    - a) *Consider a light or reflective roofing material to minimise potential heat wave impacts.*
    - b) *Consider small skylights on top floor common areas and dwellings for natural daylight.*
    - c) *Further enhance ventilative cooling by incorporating ceiling fans as an add-on feature.*
    - d) *Consider having a shut-down switch for each dwelling unit near each entry area.*
    - e) *To aid passive ventilation and exhaust in car park, also consider a permeable garage door.*
    - f) *Consider providing insect screens and security locks to encourage natural ventilation for all operable windows and balcony doors.*
- 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.*
-

**9.1.2**  
(cont)

MELWAYS REFERENCE 48 A9

Applicant:	Pebble Development Pty Ltd
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay, Schedule 8
Relevant Clauses:	<p>Clause 9 Plan Melbourne</p> <p>Clause 11 Settlement</p> <p>Clause 12 Environment and Landscape Values</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 21.05 Environment</p> <p>Clause 21.06 Housing</p> <p>Clause 22.03 Residential Development</p> <p>Clause 22.04 Tree Conservation</p> <p>Clause 34.01 Commercial 1 Zone</p> <p>Clause 52.06 Car Parking</p> <p>Clause 52.07 Loading and Unloading of Vehicles</p> <p>Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p> <p>Clause 52.34 Bicycle Facilities</p> <p>Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys</p> <p>Clause 65 Decision Guidelines</p>
Ward:	Central



	Subject site	13 Objector Properties (10 outside of map)	North
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### 9.1.2 (cont)

#### BACKGROUND

##### The Site and Surrounds

The subject site is located on the northwest corner of Whitehorse Road and Surrey Road in Blackburn. The site has a frontage to Whitehorse Road along its southern boundary of 36.07 metres and a frontage to Surrey Road along its eastern boundary of 31.96 metres. The site also has a northern rear boundary of 30.43 metres in length and a western side boundary length of 48.77 metres. These dimensions form a total site area of 1257 square metres. The subject site also has an upward slope of 1.4 metres from the southwest towards the northwest corner.

The subject site is currently vacant, but previously supported a single storey building, used as a police station, which has since been demolished.



**Figure 1 – Aerial images of 2013 (left) and 2015 (right) of the subject site.**

The subject site currently has two (2) vehicle crossovers off Surrey Road, one near the northeast corner, while the other one is located adjacent to the turning lane on Surrey Road. A 2 metre wide sewage easement is located along the northern rear boundary. The subject site currently does not contain any vegetation.

### **9.1.2** (cont)

The subject site is surrounded by a number of different uses, including a single storey detached dwelling to the north, known as 200 Surrey Road. The adjoining property to the west is occupied by two buildings currently used as a furniture store. On the southern side of Whitehorse Road is land used for motor vehicle sales and repair by Blackburn Lexus and UltraTune Auto Service Centre respectively. Blackburn Primary School is located on the opposite side of Surrey Road. The school property is very well vegetated along the Surrey Road frontage and the school's outdoor playground area is located over 70 metres to the east of the subject site and beyond a single storey school building.

#### **Planning Controls**

Pursuant to Clause 34.01 (Commercial 1 Zone), a permit is required for the use of land for dwellings and buildings and works to construct or carry out works.

Pursuant to Clause 52.07 (Loading and Unloading of Vehicles), a permit can be sought for the waiver or reduction of a loading bay requirement.

Pursuant to Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road), a permit is required for the alteration of access to a road in a Road Zone, Category 1.

#### **PROPOSAL**

It is proposed to construct a five (5) storey mixed used building on the subject site. The building comprises of two (2) offices, with a leasable floor area of 180 and 107 square metres respectively fronting Whitehorse Road, and a food and drink premises (café) with a leasable floor area of 95 square metres fronting Surrey Road on the ground level.

There will be total of forty-four (44) apartments, including one (1) studio, nineteen (19) one bedroom apartments, and twenty-four (24) two bedroom apartments.

The proposed apartments are accessed via Surrey Road, while the offices' lobby is located off Whitehorse Road. A double width vehicle crossover is located towards the north east corner of the site providing access to 66 car spaces across two (2) levels of basements. Total car parking is made up of three (3) car spaces for the café, ten (10) for the offices, 45 for residents and eight (8) for visitors.

The proposal also includes the provision of twelve (12) secured bicycle parking spaces within the basement.

#### **CONSULTATION**

##### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Whitehorse Road and Surrey Road frontages. Following the advertising period thirteen (13) objections were received.

The issues raised are summarised as follows:

##### **Amenity**

- Concern on noise generated from the site during construction and after occupation of the building.
- Potential noise from the underground car park.
- Poor onsite amenity as residents won't have access to open areas and the subject site is not located within close proximity to any park or gardens.

### **9.1.2**

(cont)

#### **Neighbourhood Character**

- A five (5) storey building is unsightly when viewed from residential properties to the northwest.
- This building will look out of place in Blackburn.

#### **Traffic and Parking**

- This mixed use development will result in further burden on the current problematic traffic condition.
- Insufficient car parking is provided for visitors, café customers, etc.
- Concern on potential illegal parking in school or church property.
- Concern on traffic management arrangement during construction, especially during school drop off and pick up times.
- Concern that waste collection may result in safety concern to students passing the subject site.
- Concern on student and pedestrian safety.

#### **Other**

- Concern on possible view from the apartments into the school.
- Concern on impact to existing problematic drainage system.
- The proposal is purely based on profit making.

#### **Consultation Forum**

A Consultation Forum was held on 15 December 2015. Two objectors representing the Blackburn Primary School Council, the permit applicant, owner of the subject site and the architect attended the meeting.

The main concerns raised in the forum relate to the provision of car parking and safety of pedestrians, especially school children, when crossing the vehicle crossover.

No resolution was reached in the forum.

#### **Section 57A amendment**

Subsequent to the advertising period and Consultation Forum a Section 57A amendment was lodged on 13 January 2016 to address issues raised by Council in relation to equitable development rights to the adjoining property to the west.

#### **Referrals**

##### **External**

##### VicRoads

The proposal has been reviewed by VicRoads, who raised no objection to the proposal and provided conditions to be included in any permit issued.

##### **Internal**

##### Engineering and Environmental Services Department

- Transport Engineer

### 9.1.2 (cont)

The proposal has been reviewed by Council's Transport Engineer, who is generally in support of the proposal and provided conditions and notes to be included in any permit issued. Concerns and suggestions raised by the engineer include:

- Lack of visitor bicycle parking spaces for offices and café.
  - Reallocation of visitors, office and café parking, so they are grouped to improve parking management.
- Waste Engineer

The proposal has been reviewed by Council's Waste Engineer, who recommends amendments to be made to the Waste Management Plan to include the following:

- The provision of a floor based bin storage area on each level for residents.
  - Bin room storage capacity and equipment are to be updated to cater for the number of bins.
  - Provision of ancillary equipment including tug and bin lifter.
- Assets Engineer

The proposal has been reviewed by Council's Assets Engineer, who raised no objection to the proposal and provided conditions and notes to be included in any permit issued.

#### ESD Advisor

A review of the Sustainability Management Plan and amended plans finds that this application does not meet Council's Environmentally Sustainable Design (ESD) standards for a development of this size and potential environmental impact. Conditions will be included requiring additional information and commitments to achieve satisfactory ESD standards.

#### Urban Designer

The proposal has been reviewed by Council's external Urban Designer who is generally in support of the proposal in terms of overall height, building design, internal amenity, level of street activation and building setbacks. However, the Urban Designer recommends that the 3 tiered massing strategy, comprising 1 storey 'base', 2 storey 'middle' and 2 storey 'top', is ineffective in mitigating visual bulk. It was therefore recommended that there be a more integrated architectural and material treatment of the first 3 levels to incorporate a series of vertical elements to establish a sense of grain to diminish visual bulk issues.

The Urban Designer also recommends that apartments should be setback a minimum 4.5 metres from the western side boundary to protect equitable development rights and ensure the apartment have access to reasonable internal amenity to avoid the need of external screens to habitable room windows and balconies.

#### Strategic Planning

Council's Strategic Planner has reviewed the proposal advising that the proposal is a satisfactory response and contribution to the Blackburn Neighbourhood Activity Centre and the MEGAmile [west] and Blackburn Activity Centres Urban Design Framework (2010).

**9.1.2**  
(cont)

**DISCUSSION**

**Consistency with State and Local Planning Policies**

The State Planning Policy Framework aims to increase the supply of housing in existing urban areas, and to encourage well-designed infill housing which respects the identified existing and preferred neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.

In accordance with Plan Melbourne: Metropolitan Planning Strategy, Clause 11.04-2, Housing Choice and Affordability, includes the objective to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services. Increasing housing supply near services and public transport is encouraged to reduce the cost of living and facilitate the supply of affordable housing.

Clause 15, Built Environment and Heritage, identifies that planning should ensure all new land use and development appropriately responds to valued built form and cultural context.

Clause 16.01-2, Location of Residential Development, encourages new housing to be located in or close to activity centres, employment corridors, services and transport. This is to be achieved by increasing the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, to reduce the pressure for fringe development. In addition, Clause 16.01-4, Housing Diversity, recommends the provision of a range of housing types to meet increasingly diverse needs by widening housing choice, particularly in the middle and outer suburbs. The site area and strategic designation warrants its consideration as a Significant Redevelopment Site in accordance with Clause 16, due to its ability to provide for 10 or more dwellings within close proximity to rail services.

Clause 18 has objectives to encourage higher land use densities and mixed use developments near railway stations. Pursuant to the State Transport Policy, Clause 18.02-1 also promotes the use of sustainable personal transport, including walking and cycling.

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

The subject site is within the Blackburn Neighbourhood Activity Centre and has excellent access to the Principal Public Transport Network, including train and buses, and existing well established road network, which therefore equip the site with excellent infrastructure for a more compact development. The proposal will also increase housing choices to the area, by providing a range of studio to two-bedroom apartments. The proposed building, subject to conditions, will provide reasonable internal amenity and energy efficiency. The proposal is a positive response to the above policies. It is noted that the proposal provides sufficient bicycle parking spaces to the residents and those working in the offices and the café, however, to further encourage the use of bicycles by visitors, there will be a condition requiring the provision of visitors' bicycle parking spaces conveniently located on the ground level.

**Megamile (west) and Blackburn Activity Centres Urban Design Framework**

The subject site is located within the Blackburn Neighbourhood Activity Centre. It is the vision to strengthen its role as an urban village focused around the Blackburn Railway Station as a high quality transport hub. The subject site is located within Precinct B4, Whitehorse Road Peripheral Retail/Commercial, where a mixture of high quality peripheral retail and commercial land uses that complement the nearby Blackburn Station Village and Megamile (West) Major Activity Centre are promoted.

### 9.1.2 (cont)

The proposal is a positive response to the UDF, by the provision of high quality commercial land uses on the ground level, as well as four levels of residential apartments above. The apartments are well designed with reasonable internal amenity, which will be providing the area with a wider range of housing choices. The proposal will positively contribute to the Activity Centre by providing a redevelopment on this key opportunity site at a major intersection and approve the appearance of the centre at this key gateway point.

#### **Design and Built Form**

Clause 15.01-2 of the Whitehorse Planning Scheme requires design principles to be applied when assessing development proposals for residential development of five or more storeys. The relevant principles area as follows:

##### Context

The subject site is located within a commercial area, with a number of restricted retail uses along Whitehorse Road. The *Megamile (west) and Blackburn Activity Centres Urban Design Framework* encourages a strong and distinct image for the Blackburn Activity Centre and to facilitate developments that encourage activation to street frontages. As indicated by Council's Strategic Planner, the proposal is a positive response to the Blackburn Neighbourhood Activity Centre and is respectful to the UDF and the context of the area.

##### The public realm

The proposed building has a zero setback to Whitehorse Road and Surrey Road. Upper level balconies are recessed from these elevations with a weaved façade treatment to provide for visual interest and articulation of forms. The top (fourth) level is proposed to be setback between 1.46 and 9.1 metres from Whitehorse Road and 2.8 to 5 metres from the Surrey Road frontage. These represent an appropriate building scale at this main road interface within a Neighbourhood Activity Centre.

##### Landmarks, views and vistas

Given the location of the subject site and the scale of the development, the proposed building will be visually prominent, which is an appropriate response at this intersection of two main roads. It is considered that the proposal will not block any identified significant views or vistas.

##### Safety

The proposal includes separate secured entrances to the offices and the residential component, as well as secured basement parking. It is therefore considered that this proposal will enhance personal safety and property security.

##### Light and Shade

The majority of the overshadowing impacts fall over the surrounding road network, and these areas are not considered to be sensitive interfaces. The proposed development provides for good solar and daylight access to habitable rooms.

### 9.1.2 (cont)

#### Architectural quality

The proposed development achieves an appropriate architectural and urban design response. Rooftop plant equipment is located centrally to the building footprint, and will have limited visibility from surrounding areas.

Council's Urban Designer is of the opinion that a more integrated architectural and material treatment for the first 3 levels is necessary by incorporating a series of vertical elements to establish a sense of grain to diminish visual bulk issues. However, Council planning officers are of the view that the proposed building does include the use of different materials on the ground level with a strong two storey band to the first and second level making it an acceptable outcome to this site. The office and café uses on the ground level will also provide an active frontage to the street. It is worth noting that the roof of the third level and the fourth level are well recessed from the street, with darker colour finishes, making these levels less visible from the street. This is agreed by Council's Strategic Planner who reviewed the proposal.



**Figure 2 – The proposed 3-tier appearance presenting to Whitehorse Road and the intersection.**

#### *Guidelines for Higher Density Residential Development*

Pursuant to the policy guidelines of Clause 15.01-2, planning must consider the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of 5 or more storeys. The Guidelines are structured around six (6) elements of design consideration that assist Council when assessing applications. These six elements are:

#### Element 1 Urban Context

The Urban Context Report submitted with the application detailed opportunities and constraints of the site, identified the policy direction and planning scheme objectives for the site, including the direction of the UDF and expected impact of future development. Given the location of the site within a Neighbourhood Activity Centre, higher density residential uses above ground level commercial uses are encouraged.

### 9.1.2 (cont)

#### Element 2 Building Envelope

The overall design concentrates the five storey apartment building forms to the southern and eastern interfaces, and provides a two storey form to the north of the site to provide transition to established Natural Change Areas.

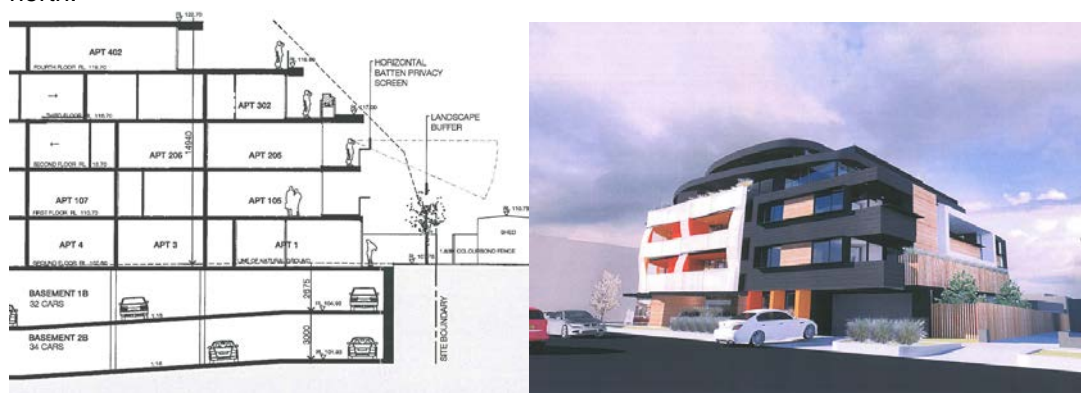
It is noted that the Design and Development Overlay, Schedule 8 recommends a preferred maximum building height of 11 metres, which the proposed building exceeds, having a maximum height of 15.5 metres at the southeast elevation. The preferred building heights are not absolute, as the Planning Scheme allows for discretion based on the site context. In this instance, the subject site is on two arterial roads and has one non-sensitive abuttal to the west.

As a result, the subject site has only one sensitive interface (the dwellings to the north), which owing to the orientation of the land, will not be impacted by overshadowing. Taking all these aspects of the site's circumstances into consideration, it is considered appropriate that the preferred building heights are exceeded in this instance, as the arrangement of the building forms has ensured that the higher built forms are sufficiently separated from the sensitive interface. In addition, the apartment building form is concentrated to the south where it reflects a more intensive development that is encouraged along Whitehorse Road.

It is also worth noting that the street wall height varies from 9.8 metres facing Surrey Road to 11.2 metres at the southwest corner. This height is respectful of the preferred height of 11 metres under the Design and Development Overlay, Schedule 8.

The proposed building setback to the western boundary of between 3 and 4.5 metres is also considered to be acceptable in this instance. All west facing windows and balconies will need to be setback a minimum of 4.5 metres from the western side boundary to protect equitable development rights of the adjoining property. This setback has been achieved.

In terms of response to the adjoining property to the north, the building height has been reduced to 3 storeys, with the first and second levels setback a minimum of 4.5 metres from the boundary. A mix of materials have also been employed to ensure that the proposed building will not present a visually dominating and unarticulated form when viewed from the north.



**Figure 3 – Building height reduced in response to the General Residential Zone properties located to the north of the subject site.**



### 9.1.2 (cont)

#### Element 3 Street Pattern and Street-Edge Quality

The proposal includes two offices and a food and drink premises (café) on the ground level with separate entrances to the apartments and offices. Except where services and the car park entrance are located, full height clear glazing has been provided along the frontage of both offices and a terrace has been proposed in front of the food and drink premises off Surrey Road. It is considered that these treatments will ensure this proposal provides a good level of interaction with the street on the ground level.

It is also worth noting that balconies of the east and south facing apartments between the first and third levels will provide good passive surveillance to Whitehorse Road and Surrey Road.

#### Element 4 Circulation and Services

The internal layouts of the building provide for central, straight communal corridors that are at least 1.6 metres wide that allow for view lines along the lengths of the corridors.

All services are located on the ground level, they are well concealed and designed to ensure that they will not be a dominating element when viewed from the street.

#### Element 5 Building Layout and Design

A mix of apartments ranging from studios to two bedroom dwellings are provided, with all habitable rooms having direct access to daylight and ventilation. It is noted that the shape of the site has resulted in two (2) apartments out of 44 of the proposed apartments being oriented southwards, where solar access will be limited but access to daylight is sufficient.

As the subject site is located at the intersection of two main roads, the proposed dwellings may be impacted by traffic noise, therefore south facing balconies are equipped with openable glazing to protect internal amenity.

#### Element 6 Open Space and Landscape Design

The common areas, both offices and residential, are easily identifiable, while vehicular and pedestrian access are also clearly visible and safe. In terms of internal amenities, all apartments are provided with a balcony or courtyard over the required 8m<sup>2</sup> in area.

Due to the location and context of the area, it is not a requirement for the provision of tall canopy trees as part of the application. The proposal also includes the provision of a rain garden and landscape area along the northern boundary to provide reasonable amenity to the north.

### **Car Parking and Transport Accessibility**

Based on the submitted alterations to the plans, the proposal would include:

- 44 apartments, consisting of one (1) studio, 19 one bedroom and 24 two bedroom.
- Two offices that are 107 and 180 square metres each.
- A food and drink premises with a leasable floor area of 95 square metres.
- 66 at grade car spaces within the basement.
- Eight (8) at grade visitor car spaces.

### 9.1.2 (cont)

The table below outlines the car parking rate required and that provided within this development:

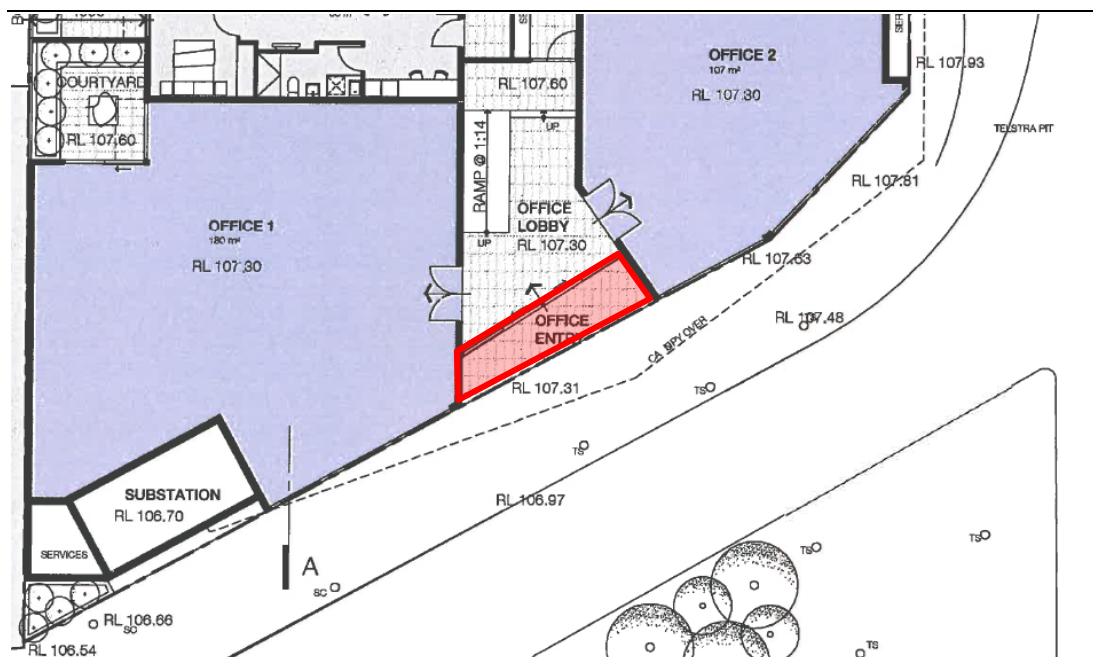
Use	Number/Area	Rate Required	Car Spaces Provided
<b>Residential</b>			
• Studio, 1 & 2 bedroom	44 dwellings	44 (1 per dwelling)	45
• Visitors	44 dwellings	8 (1 per 5 dwellings)	8
<b>Office – Two tenancies</b>	287m <sup>2</sup>	10 (3.5 per 100m <sup>2</sup> )	10
<b>Food and Drink Premises</b>	95m <sup>2</sup>	3 (4 per 100m <sup>2</sup> )	3
<b>Total</b>		65	66

Sufficient car parking is achieved for this development. In accordance with Clause 52.06 (Car Parking) a total of 65 car spaces are required to be provided. The proposal therefore provides one (1) car parking space above that required.

It is considered that the visitor parking spaces can be shared between the uses, as the time that visitors attend these uses will be different.

#### *Clause 52.34 – Bicycle facilities*

The proposed bicycle parking provision of 12 spaces within the basement for residents and visitors meets the statutory bicycle parking rate. It is noted that the leasable floor area of the food and drink premises and the office does not constitute the need for the provision of bicycle parking spaces, however, to provide convenient bicycle accommodation to staff or visitors of these commercial uses, it will be a permit condition requiring two (2) bicycle hoops to be provided forward of the office entry providing a total of four (4) easily accessible bicycle parking spaces from Whitehorse Road.



**Figure 4 – Location for additional visitors' bicycle parking.**

### 9.1.2 (cont)

#### *Public Transport Access*

Blackburn Station is located within 400 metres walking distance of the subject site, taking into account the need to cross Whitehorse Road at the signalised intersection. The provision of fixed rail transport within convenient walking distance of the subject site is considered likely to reduce the reliance on cars by residents. In addition, bus services running along Whitehorse Road and Surrey Road within close proximity to the subject site provide a direct connection to the transport interchanges at Blackburn and Doncaster. It is therefore considered that the site is well served by public transport, which further supports the intensification of development in this location.

#### **Clause 52.29 – Land Adjacent to a Road Zone**

The proposal is consistent with the objective to '*ensure appropriate access to identified roads*'. All vehicles will be able to enter and exit the site in a forward facing direction, with adequate queuing room to avoid obstruction of the flow of traffic on Whitehorse and Surrey Roads. The application was referred to VicRoads in accordance with the requirements of Section 55 of the *Planning and Environment Act 1987* and conditions required by VicRoads will be included on any approval issued.

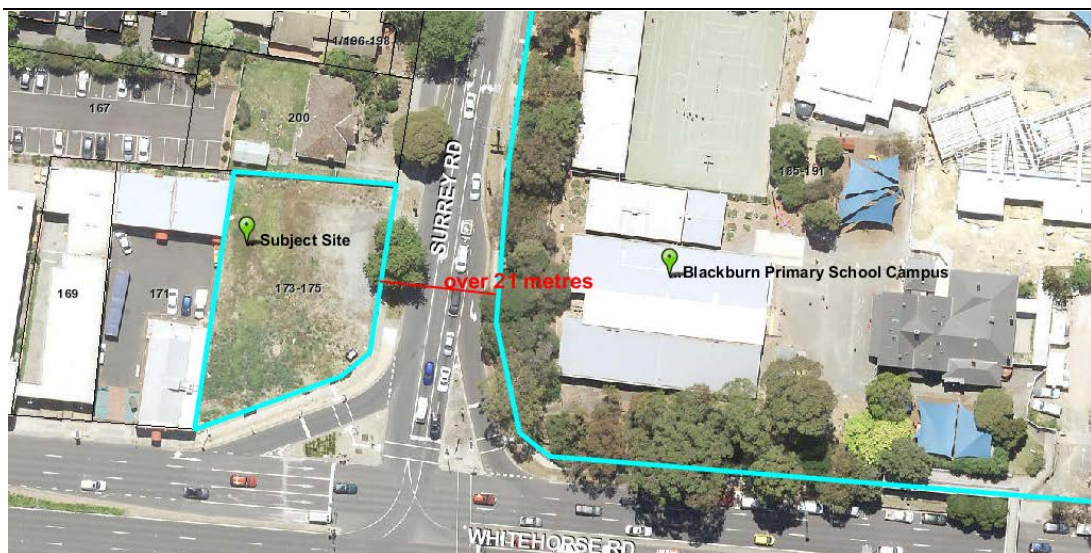
#### **Objectors Concerns not Previously Addressed**

- Safety of pedestrians, especially students, during school hours

The proposal has been reviewed by both Council's Transport Engineer and VicRoads and it was deemed that the access to the car park is considered to be safe and satisfactory. It is worth noting that the ramp gradient complies with the relevant design standard under Clause 52.06 (Car Parking) of the Whitehorse Planning Scheme and therefore there will be a sufficient near flat area for motorists to observe the conditions on the pedestrian footpath prior to exiting the site.

- Concern on views from the building into the Blackburn Primary School campus

The subject site is located over 21 metres from the western boundary of the school campus and the school is very well vegetated along its western side boundary. The outdoor playground area is located further to the east with buildings in between. It is therefore considered that views from the proposed building into the school campus will be limited.



**Figure 5 – Location of Blackburn Primary School in relation to the subject site.**

### **9.1.2**

(cont)

- Concern on delivery vehicles parking along Surrey Road for deliveries

The proposal is seeking a waiver of the loading bay requirement, which is generally supported by Council's Transport Engineer. To ensure that all deliveries are conducted within the basement, in order to avoid unnecessary interruption to Surrey Road and Whitehorse Road, it will be a permit condition requiring all deliveries to be conducted within the basement and by vehicles that can access the basement car park.

### **CONCLUSION**

The proposal for use of the land for dwellings and buildings and works to construct a five storey building with basement car parking comprising two offices, a cafe and forty-four (44) apartments, waiver of the loading bay requirements and alterations to access to a road in a Road Zone, Category 1 is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme. The proposal is well designed and offers a variety of housing choices within close proximity to shops, schools and transport.

The proposal positively responds to the relevant State and Local Planning Policies, the Commercial 1 Zone, Design and Development Overlay (Schedule 8), Clause 52.06 Car Parking, Clause 52.29 Land Adjacent to a Road Zone Category 1 and Guidelines for Higher Density Residential Development.

A total of thirteen objections were received as a result of public notice and all of the issues raised have been discussed as required.

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

## **Strategic Planning**

### **9.1.3 Amendment C186 to the Whitehorse Planning Scheme**

FILE NUMBER: 16/3171  
ATTACHMENT

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#### **SUMMARY**

*This report outlines the recommended approach to resolve identified inconsistencies between the land use objectives of the Box Hill Activity Centre Transit City Structure Plan (June 2007) and the current zones applying to several sites in the Structure Plan area.*

*The landowners of several sites on Whitehorse Road, Nelson Road and Shipley Street have expressed interest in redeveloping sites with mixed uses, including accommodation – a use which is encouraged by the Structure Plan, but prohibited by the current Commercial 2 Zone. Amendment C186 proposes to rezone three sites along Whitehorse Road from the Commercial 2 Zone to the Commercial 1 Zone and rezone seven properties in Nelson Road and Shipley Street from the Commercial 2 Zone to the Mixed Use Zone.*

*The amendment will help to facilitate development of the sites, and will specifically allow development that includes accommodation uses. It is proposed that Council request authorisation from the Minister for Planning to prepare and exhibit the amendment under Section 20(2) of the Planning and Environment Act 1987.*

#### **RECOMMENDATION**

***That Council, as Planning Authority, seek authorisation from the Minister of Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme under Section 20(2) of the Planning and Environment act 1987 to:***

- ***Rezone the following properties from the Commercial 2 Zone to the Commercial 1 Zone:***
  - ***837 Whitehorse Road, Box Hill***
  - ***843 Whitehorse Road, Box Hill***
  - ***845-851 Whitehorse Road, Box Hill***
- ***Rezone the following properties from the Commercial 2 Zone to the Mixed Use Zone:***
  - ***6 Nelson Road, Box Hill***
  - ***8 Nelson Road, Box Hill***
  - ***10 Nelson Road, Box Hill***
  - ***12-14 Nelson Road, Box Hill***
  - ***4 Shipley Street, Box Hill***
  - ***6-10 Shipley Street, Box Hill***
  - ***7-11 Shipley Street, Box Hill***

***And***

- ***Remove the Incorporated Documents from the Whitehorse Planning Scheme that were approved by Amendment C165 and Amendment C171.***
-

**9.1.3**  
(cont)

MELWAYS REFERENCE (75A C3, 75A D3, 75A E3)

Applicant:	Whitehorse City Council
Zoning:	Commercial 2 Zone (current) Commercial 1 Zone (proposed) Mixed Use Zone (proposed)
Overlay:	None relevant
Relevant Clauses	Clause 22.07 Box Hill Central Activities Area Clause 32.04 Mixed Use Zone Clause 34.01 Commercial 1 Zone Clause 34.02 Commercial 2 Zone
Ward:	Elgar

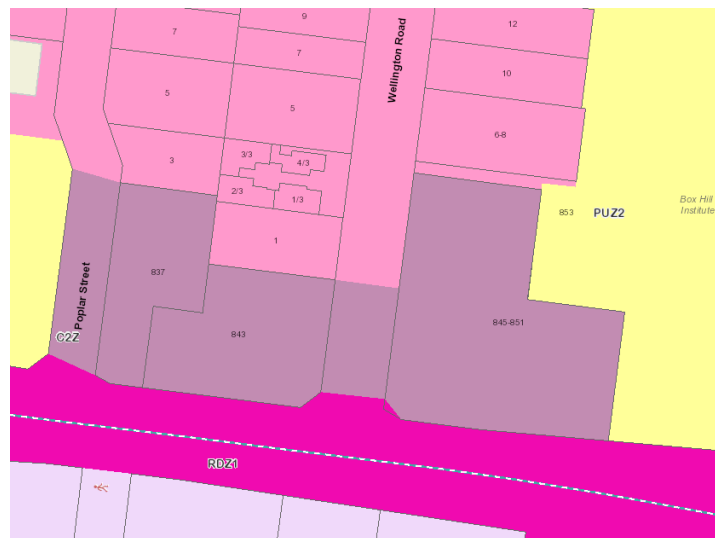


Figure 6: 837, 843 and 845-851 Whitehorse Road

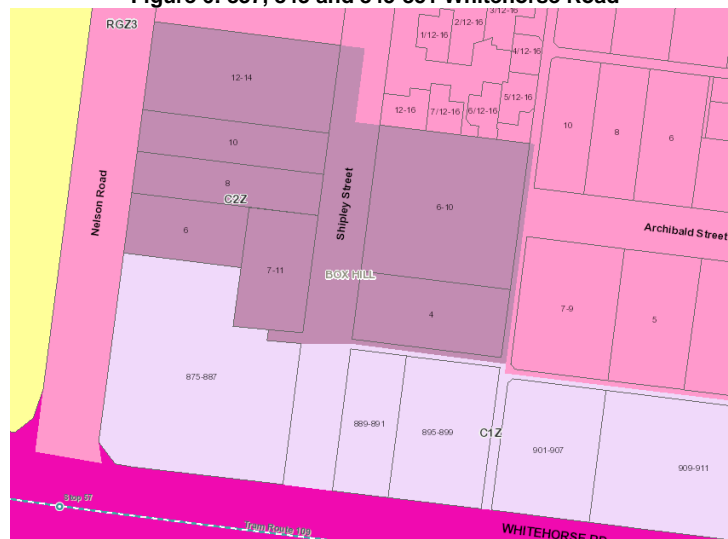


Figure 7: Shipley Street and Nelson Road sites

### 9.1.3

(cont)

## BACKGROUND

### History

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

Council has previously requested amendments to the Whitehorse Planning Scheme (Planning Scheme) to allow residential development to be considered on sites that were included in the Commercial 2 Zone, which currently prohibits residential development.

Amendment C165, approved by the Minister for Planning in September 2014, included 845-851 Whitehorse Road, Box Hill in the Schedule to Clause 52.03 (Specific Sites and Exclusions) and inserted an Incorporated Document for the site into the Planning Scheme. Amendment C171, approved by the Minister for Planning in May 2015, included 12-14 Nelson Road, Box Hill in the Schedule to Clause 52.03 and inserted in Incorporated Document for the site into the Planning Scheme. Both incorporated documents allow the consideration of accommodation uses on the sites, regardless of the current zone of the sites. Amendment C165 and Amendment C171 were both approved under Section 20(4) of the *Planning and Environment Act 1987* (the Act), which exempted them from the normal notice requirements under the Act. These amendments were being pursued until such time that an amendment to address land use zoning development controls for the broader activity centre could be initiated.

Discussions with the landowners of 837 Whitehorse Road, Box Hill highlighted that this site could also accommodate residential development, however residential development would be prohibited under the current zoning of Commercial 2.

The site, which is currently occupied by a single storey commercial building and tenanted by Donnellans Tyres, is located in Activity Precinct D (Hospital and Western TAFE Precinct) in the Structure Plan. Precinct D is identified for higher density residential development, among other uses. The landowner is seeking to apply for a permit for a mixed-use development including residential uses however the current Commercial 2 Zone prohibits the consideration of planning permits for accommodation uses.

Officers presented a report to Council on 18 May 2015 recommending that the site be added to the list of Specific Sites and Exclusions, under Clause 52.03 of the Planning Scheme. Council resolved to request an amendment (C176) to the Planning Scheme and the amendment request was lodged with the Department of Environment, Land, Water (DELWP) and Planning on 2 July 2015. This amendment was also requested under Section 20(4) of the Act, which was consistent with the previous two amendments that were approved.

On the 29 December 2015 the Minister for Planning determined to refuse the amendment and Council received written confirmation of the refusal on 8 January 2016. The Minister noted that although the Structure Plan identifies the area for mixed use development, the underlying Commercial 2 Zone does not allow the use and the Minister determined that it is not appropriate for him to approve the amendment under Section 20(4) of the Act.

The Minister also encouraged Council to undertake an amendment process to ensure the underlying zones are better aligned with the outcomes sought in the Structure Plan.

### 9.1.3 (cont)

The refusal followed discussions held between Council officers and Department of Environment, Land, Water and Planning (DELWP) officers on 26 August 2015 and correspondence received by Council from DELWP on 11 September 2015.

In the correspondence from DELWP in September 2015 it was recommended that Council adopt a broader strategic approach to rezoning the remaining Commercial 2 Zone parcels of land to facilitate mixed use development to coincide with what the Structure Plan proposes for the area. Furthermore, DELWP advised that to facilitate the rezoning of the remaining parcels where accommodation uses are currently prohibited, it may consider limited notification to prescribed ministers and affected parties only, pursuant to Section 20(2) of the Act.

Council wrote to DELWP on 28 October 2015 acknowledging the advice and confirming that Council officers were supportive of preparing and exhibiting a future amendment under Section 20(2) of the Act.

Further to the Minister's reasons for refusal, officers are progressing work towards a broader amendment to implement the zones envisaged by the Structure Plan as well as suitable development controls regarding appropriate built form. This work will be the subject of a future report to Council. This amendment, as well as the previous two amendments, were initiated to resolve inconsistencies until such time that a broader amendment could be completed.

## PROPOSAL

### The Sites and Surrounds

Ten sites within the Structure Plan area are proposed to be included in the amendment:

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

The sites are all located north of Whitehorse Road and within close proximity to public transport and pedestrian and cycle links. There has been considerable development interest in the Structure Plan area with several large residential developments approved by Council in the last few years. Furthermore, the site is a key metropolitan activity centre within the municipality with excellent links to the surrounding area. The area is also a key education and employment centre in Whitehorse.

### Planning Controls

All of the sites are currently included in the Commercial 2 zone and are the last remaining sites in the Structure Plan area that are included in the Commercial 2 Zone. There are no overlays on the sites. Attachment 3 shows the location of the sites proposed to be rezoned.



### 9.1.3 (cont)

The amendment proposes to rezone the sites so that they are consistent with the preferred land uses for activity precincts in the Structure Plan and respond to the recommendations from DELWP and the Minister for Planning regarding Amendment C176 that was refused for 837 Whitehorse Road, Box Hill.

The three sites along Whitehorse Road are included in Activity Precinct D (Hospital and Western TAFE precinct) in the Structure Plan. This precinct proposes growth and enhancement of educational and medical institutions and support for related businesses and services, plus high density residential (including student housing).

The three sites along Whitehorse Road are included in the Built Form Precinct F (Major Development Precinct) in the Structure Plan. In this precinct, the Structure Plan permits taller buildings, enabling increased density. Heights must not cause overshadowing of Key Open Spaces and transitional heights must be provided at the edges of the precinct to respect the scale of neighbouring precincts.

The amendment proposes to rezone the three sites along Whitehorse Road to the Commercial 1 Zone to reflect the prominence of the sites on Whitehorse Road and to rectify an inconsistency with other sites in the Structure Plan area along Whitehorse Road that are already included in the Commercial 1 zone.

The purpose of the Commercial 1 Zone 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.*

Under the Commercial 1 Zone a permit will not be required for accommodation uses where the frontage at ground floor level does not exceed 2 metres.

The properties at 6 Nelson Road and 7-11 Shipley Street are located in Activity Precinct A (Box Hill Transport and Retail precinct) in the Structure Plan. Precinct A proposes retail throughout the area complimented by entertainment, hospitality, commercial and other uses with extended hours of activity creating a central focus for Box Hill. The remaining properties in Nelson Road and Shipley Street are located in Activity Precinct E (Box Hill Gardens precinct) in the Structure Plan. Precinct E proposes provision for significant high to medium density residential growth with small scale offices, limited retail and community services and retail to activate ground level street frontages.

All the sites in Nelson Road and Shipley Street are included in the Built Form Precinct F (Major Development Precinct) in the Structure Plan.

The amendment proposes to rezone the sites in Nelson Road and Shipley Street, which are currently in the Commercial 2 zone, to the Mixed Use Zone to reflect the recommendations of the Structure Plan.

The purpose of the Mixed Use Zone is:

- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality;*
- *To provide for housing at higher densities; and*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*

Under the Mixed Use Zone a permit will be required for accommodation uses.

### 9.1.3 (cont)

It is also proposed to remove the Incorporated Documents from the Planning Scheme that were approved by Amendment C165 and Amendment C171 as these will be redundant documents under the proposed rezoning. The removal of the Incorporated Documents in this Amendment will also mean Council does not have to correct the Planning Scheme with regards to this at a later date.

## DISCUSSION

In considering the proposed amendment Council must have regard to the Strategic Assessment Guidelines. This General Practice Note outlines issues what should be addressed in establishing the need for an amendment and whether the proposed provisions are appropriate for the purpose for which they have been developed. These issues are discussed below.

### Amendment required

The Structure Plan sets out the preferred land uses for activity precincts which are considered to meet the vision for the Box Hill MAC. However, the current zone applying to some sites does not allow the consideration of uses envisaged by the Structure Plan.

An amendment is therefore required to facilitate development that is envisaged in the Structure Plan, a reference document to Clause 22.07 of the Planning Scheme.

### Planning and Environment Act 1987

The amendment implements the objectives of planning in Victoria, as set out in the *Planning and Environment Act* by enabling the fair, orderly, economic and sustainable use of land in Box Hill that will contribute to achieving the strategic planning objectives for the Box Hill MAC.

The rezoning of the sites will contribute to the diversity of uses and in turn achieve the vision for the Box Hill MAC.

### Potential environmental, social and economic effects

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

The amendment enables any environmental effects to be addressed through consideration of any submissions received during the exhibition period and consideration of a planning permit for use and development on any of the sites.

The amendment is expected to have positive social and economic benefits by facilitating potential uses and developments conducive to further housing and employment opportunities in the area.

### Compliance with any other Minister's Direction applicable to the amendment

The amendment is consistent with Ministerial Direction No. 9 *Metropolitan Strategy* through the application of consistent land use controls to the sites that implement policy directions for Box Hill. The current metropolitan Strategy, *Plan Melbourne*, designates Box Hill as a MAC and notes that key features in Box Hill include the Box Hill Institute, Box Hill Hospital and Epworth Hospital and the Box Hill Town Hall. *Plan Melbourne* also notes that MACs will play a major service delivery role, including of retail and commercial uses and provide a diverse range of jobs, activities and housing for a subregional catchment.

### 9.1.3

(cont)

The amendment proposes to rezone land which will assist in providing for retail and commercial development. The rezoning will also allow the consideration of residential development on the subject sites which would contribute to the housing stock of the municipality and broader region.

*Initiative 1.5.2 Supporting Development of Metropolitan Activity Centres* contains several actions including that in the short term, DELWP will work with the relevant local governments to update the planning provisions in and around metropolitan activity centres to ensure that they are investment ready.

The rezoning will facilitate development that current landowners have indicated that they wish to pursue. The rezoning will also ensure that the sites are ready for redevelopment and investment in line with the Structure Plan if redevelopment is not pursued in the short term.

The amendment also complies with Ministerial Direction No. 11 *Strategic assessment of amendments*. The Strategic Assessment of the amendment is set out in this report.

#### State Planning Policy Framework (SPPF) and adopted State policy

The amendment supports and implements the State Planning Policy Framework. Specifically it:

- Responds to the settlement objectives and strategies of Clause 11 by providing for a diversity of land uses, including forms of higher density housing that support the role and function of the Box Hill MAC.
- The amendment may facilitate development within a location where a diversity of land uses and housing at higher densities are encouraged by Clauses 11 and 16 to meet the housing needs of the community.

#### Municipal Strategic Statement and Local Planning Policies

The Amendment builds on and implements relevant areas of the Local Planning Policy Framework. In particular:

- Clause 21.06 *Housing* encourages higher density residential growth within 'substantial change' areas, such as activity centres, that are best able to sustain substantial change.
- Clause 21.07 Economic Development establishes that Box Hill is an identified MAC which provides significant opportunities for investment and medium and higher density residential development that will strengthen the role of the area as a major regional activity centre. Consistent with the objectives of Clause 21.07-3, the Amendment will enable the development of sites within the Box Hill MAC for mixed use development including residential that will become a focus of activity and reflecting an area identified for the greatest level of change within the Municipality.
- Clause 22.07-2 Box Hill Central Activities Area - Objectives seeks to accommodate a more intensive and diverse range of activities that increase choices and opportunities, supporting synergies between different uses by facilitating a planning permit application for a higher density mixed use development incorporating an accommodation component.
- Clause 22.07-3 Box Hill Central Activities Area - Policy recognises the need to create more and diverse opportunities for housing that will contribute to the land use mix and economic and social activities within the Box Hill MAC.

### **9.1.3** (cont)

#### **CONSULTATION**

Following discussions and written advice from DELWP officers it has been determined that a Section 20(2) Amendment made at the request of the Council to the Minister for Planning is a suitable approach to rezone the subject sites in this particular circumstance. This would enable the amendment to be exempt from the extensive notice requirements set out under sections 17, 18 and 19 of the Act and instead enable the amendment to be undertaken with limited exhibition. This would involve notifying all landowners of the subject sites and prescribed ministers as a minimum.

If Council resolves to prepare an amendment, it will be placed on the limited public exhibition for a minimum of one (1) month.

At the end of the exhibition period Council will have to consider any submissions and possibly refer these to an independent panel appointed by the Minister for Planning. Any panel will report back to Council, following a public hearing, 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, at which point any submitters will be notified.

Extensive consultation occurred as part of the preparation of the Structure Plan and its implementation in the Planning Scheme. During this time community members and stakeholders including traders, property owners, residents and other users of the MAC, as well as relevant authorities, were provided with an opportunity to comment on all aspects of the Structure Plan, including the identified land use mix. This extensive consultation justifies the limited exhibition through this amendment process, particularly given that it relates to a small number of sites.

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

#### **FINANCIAL IMPLICATIONS**

The amendment is unlikely to result in any significant financial implications. The fee applying to section 20(2) amendment requests to the Minister for Planning is a total of \$2120 with an initial authorisation request fee of \$798. This fee can be accommodated in the 2015/2016 budget.

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

#### **POLICY IMPLICATIONS**

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

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

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

### **9.1.3** (cont)

#### *Strategic Direction 5 – Support a healthy local economy*

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

### **CONCLUSION**

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

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

It is also recommended that Council requests that the amendment be approved under Section 20(2) of the Act, which will only require limited notice. This is recommended because of the extensive consultation conducted previously when the Structure Plan was prepared and because of discussions held about the circumstances of the specific sites with DELWP.

## **9.2 HUMAN SERVICES**

### **9.2.1 Whitehorse Community Grants Program**

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#### **SUMMARY**

*To present Councillors with information regarding the Whitehorse Community Grants program.*

*This specifically relates to the Partnership grants (Tendered and Non-Tendered) which commenced in 2012 and to seek Councils approval to write to the relevant organisations asking them to continue to provide their services to the Whitehorse community, for an additional fifteen months (under their current contractual terms) from the end of their contracts, which will expire on the 30th June 2016 to 30th September 2017.*

*The organisations that this relates to, includes:*

- *Ten Neighbourhood & Community Houses (including Louise Multicultural Centre)*
- *Whitehorse Community Chest*
- *Whitehorse Pre-school Association*
- *Asian Business Association (Chinese New Year Festival)*
- *Provision of Family Violence Program for Women (Tender 11040)*
- *Provision of Life Skills Program for Young Men and Women (Tender 11041)*
- *Provision of Emergency Relief Support and Co-ordination (Tender 11042)*

#### **RECOMMENDATION**

***That Council endorse letters being written to the relevant organisations asking them to continue to provide their services to the Whitehorse community, for an additional fifteen months (under their current contractual terms) from the end of their contracts, which will expire on the 30th June 2016, to 30th September 2017.***

***This relates to:***

**1. Category 1, Four Year, Non-tendered Partnership Grants to:**

- ***Ten Neighbourhood & Community Houses (including Louise Multicultural Centre)- \$382,434***
- ***Whitehorse Community Chest- \$17,080***
- ***Whitehorse Pre-school Association- \$37,167***
- ***Asian Business Association (Chinese New Year Festival)- \$28,700***

***The total of the extension to the Non-tendered Partnership Grants is \$465,381.***

**2. Category 2, Four Year, Tendered Partnership Grants to:**

- ***Provision of Family Violence Program for Women (Tender 11040) – Mitcham Community House Family Violence Program- \$28,808***
- ***Provision of Life Skills Program for Young Men and Women (Tender 11041) – Family Access Network- \$44,055***
- ***Provision of Emergency Relief Support and Co-ordination (Tender 11042) – Uniting Care East Burwood Centre- \$31,456***

***The total for the extension to the Tendered Partnership Grants is \$104,319.***

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### **9.2.1** (cont)

#### **BACKGROUND**

Whitehorse City Council supports not-for-profit community groups and organisations to provide a wide range of services, programs and activities to the Whitehorse community through its Community Grants program.

Two components of the Community grants program are Cash Grants: Partnership Funding Category 1 (Non Tendered grants) and Partnership Funding Category 2 (Tendered grants). Both of these funding streams aim to provide specific services or programs in accordance with Council plans, priorities, and/or strategic directions.

The Partnership Funding Category 1 (Non-Tendered grants) relates to organisations with a unique role in service provision who have a strong connection with a particular local community or regular event and/or are the only organisation that can provide that particular service(s).

Four Year Partnership Funding agreements were offered to Category 1 organisations, commencing in the 2012/2013 financial year:

- Ten Neighbourhood & Community Houses (including Louise Multicultural Centre)
- Whitehorse Community Chest
- Whitehorse Pre-school Association
- Asian Business Association (Chinese New Year Festival)

The services and programs that fall within Category 2 (Tendered grants) can be provided by a wide range of services/organisations within the City of Whitehorse and as a result were put out to tender.

Council let the following four year tenders commencing in the 2012/2013 financial year:

- Provision of Family Violence Program for Women (Tender 11040) – Mitcham Community House Family Violence Program
- Provision of Life Skills Program for Young Men and Women (Tender 11041) – Family Access Network
- Provision of Emergency Relief Support and Co-ordination (Tender 11042) – Uniting Care East Burwood Centre
- Provision of Family Youth and Children's Support and Counselling Service Parts 1 & 2 (Tender 11043) – EACH Limited.

The tender for the Provision of Family Youth and Children's Support and Counselling Service, Parts 1 & 2 (Tender 11043) was also let in 2012, however it is not included in this, as its annual tender amount is greater than \$150,000 and it is also the subject of a 1999 Council resolution. This resolution ceased the operation of the in-house Counselling Service to a model in which Council funds an external organisation to provide these services to the Whitehorse community.

#### **DISCUSSION**

Commencing in February 2016, Council's Auditors will be conducting an audit of the community grants program. In addition, Council's Manager Community Development and Social Planning Officer also intend to undertake a review of the entire program in 2016, to improve its delivery and to strengthen the alignment between the program and Council priorities.

A recent meeting with Council's Management Accountant resulted in the suggestion that rather than let new tenders this year (for a four year period) that letters be written to the relevant organisations asking them to continue to provide their services to the Whitehorse community, for an additional fifteen months (under their current contractual terms) from the end of their contracts, which will expire on the 30th June 2016 to 30th September 2017.

### **9.2.1** (cont)

The organisations that were successful in the last round of tenders have consistently provided quality services that have met the needs of the community. By asking the organisations to provide their services for an additional 15 months, the above stated reviews will have taken place and the recommendations will be known, so as to improve the program into the future and so that the impact of rate capping will be better understood in regard to the Community Grants program.

The exception to this is the tender for the provision of Family Youth and Children's Support and Counselling Service Parts 1 & 2 (Tender 11043). This tender exceeds the tender amount of \$150,000 per annum, as well as being the subject of a Council resolution in 1999. At that time, Council ceased to provide an in-house counselling program and instead resolved to transfer the funding, via the community grants program, to a community organisation so that there would be no loss of services to the community. Based on the above, this specific contract will be sought for the full four year term.

### **CONSULTATION (INTERNAL/EXTERNAL)**

Council's Management Accountant has been consulted and recommended the 15 month addition.

Council's Procurement & Contracts Department have been consulted and confirm that letters to the relevant organisations can be written to seek their commitment to continue to provide services to the Whitehorse community for an additional 15 month period.

Council's Governance department were also consulted on this matter.

In the review of the program in its entirety, relevant Council officers will be consulted about their views of the program and suggested improvements.

### **FINANCIAL IMPLICATIONS**

A 2% increase will be applied to each of the tenders stated below for the 16/17 financial year (plus an additional 3 months), to take the total expenditure to:

- Provision of Family Violence Program for Women (Tender 11040) – Mitcham Community House Family Violence Program- \$ \$28,808
- Provision of Life Skills Program for Young Men and Women (Tender 11041) – Family Access Network- \$44,055
- Provision of Emergency Relief Support and Co-ordination (Tender 11042) – Uniting Care East Burwood Centre- \$31,456
- Ten Neighbourhood & Community Houses (including Louise Multicultural Centre)- combined total of \$382,434 but this relates to ten individual contracts with the lowest being \$32,432 and the highest being \$44,629
- Whitehorse Community Chest- \$17,080
- Whitehorse Pre-school Association- \$37,167
- Asian Business Association (Chinese New Year Festival)- \$28,700

In regard to the provision of Family, Youth and Children's Support Service parts 1 and 2, a 2% increase will also be applied for the next financial year and also for the following three years, of the contract.

### **POLICY IMPLICATIONS**

The Whitehorse Community Grants program is in line with the Whitehorse Council Plan and Council's long term vision and goals.



## **9.3 CORPORATE SERVICES**

### **9.3.1 2015-2016 Quarterly Performance Report – Quarter 2 (October to December 2015)**

FILE NUMBER: 16/11714

ATTACHMENT

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#### **SUMMARY**

*The purpose of this report is to brief the Council on performance against the Council Plan 2013-2017 and the Annual Budget 2015-2016 for the second quarter (October-December 2015).*

#### **RECOMMENDATION**

***That Council notes the quarterly performance report ending 31 December 2015 as attached.***

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#### **BACKGROUND**

This report reviews Council performance against the Council Plan and the Annual Budget, pursuant to sections 131(3) (a) (ii) and 138 of the *Local Government Act 1989*.

The financial section of this report has been prepared on an accrual basis to ensure accurate matching of income and expenditure, both operating and capital, for the year to date ending 31 December 2015. Further, the report is prepared on the basis of year to date, year-end projection, cash and key balance sheet items and analysing trends against budget.

#### **DISCUSSION**

##### **Performance against Council Plan**

The 2015-2016 Annual Action Plan identified 22 initiatives to implement the Strategic Objectives in the Council Plan. As at the end of the second quarter, 18 of these initiatives are in progress, one is due to commence in March, and three are complete.

Highlights for the quarter included:

- Adopting the Whitehorse Housing Project business case.
- Completing the Kalang Park Pavilion refurbishment and extension.
- Completing design and tender documents and awarding a contract to undertake important upgrade and repair works to the Whitehorse Recycling and Waste Centre.
- Completing the Business/Student program for 2015. The program is run in partnership with Deakin University and Box Hill Institute to deliver business/student programs that support skills development, international student engagement and tertiary placement with local businesses. The program concluded with a certificate ceremony conducted for the 17 Deakin Students and 15 businesses participating in the 2015 Program.

##### **Performance against Annual Budget**

The year to date underlying result at 31 December reflects a favourable variance of \$3.547m.

The end of year projected underlying result at 31 December is forecast to be a surplus of \$19.675m, \$0.755m favourable to budget.

The capital works report reflects expenditure to the end of December of \$18.957m compared to a year to date budget of \$16.238m. The year to date result represents 49.4% of the total capital works program. The current year end capital works program forecast, including carry over projects, is currently \$38.410m.

### 9.3.2 Delegated Decisions – December 2015

FILE NUMBER: SF 13/1527

*The following activity was undertaken by officers under delegated authority during December 2015.*

#### RECOMMENDATION

***That the report of decisions made by officers under Instruments of Delegation for the month of December 2015 be noted.***

DELEGATION	FUNCTION	Number for December 2014	Number for December 2015
Planning and Environment Act 1987	- Delegated decisions	161	155
	- Strategic Planning Decisions	1	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		25	22
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	58	61
Liquor Control Reform Act 1998	Objections and prosecutions.	Nil	Nil
Food Act 1984	- Food Act orders	1	Nil
Public Health & Wellbeing Act 2008	- Improvement / prohibition notices	Nil	Nil
Local Government Act 1989	Temporary road closures	4	3
Other delegations	CEO signed contracts between \$150,000 - \$500,000	3	1
	Property Sales and leases	9	2
	Documents to which Council seal affixed	Nil	Nil
	Vendor Payments	1247	1252
	Parking Amendments	4	2
	Parking Infringements written off (not able to be collected)	279*	286*

\*Number is again high due to exempting matters sitting at Infringements court in order to maintain system.

Details of each delegation are outlined on the following pages.

**DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS DECEMBER 2015**

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

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
713	21-12-15	Application Lapsed	593 Whitehorse Rd, Mitcham	Springfield	Display of an electronic (LED) sign	Advertising Sign
831	11-12-15	Application Lapsed	5 McComas Grv, Burwood	Riversdale	Extension to the existing dwelling	Residential (Other)
909	14-12-15	Application Lapsed	482 Springvale Rd, Forest Hill	Morack	To display an internally illuminated pole sign	Advertising Sign
928	30-12-15	Application Lapsed	36 Penrose St, Box Hill South	Riversdale	Proposed new dwelling to the rear of an existing dwelling	Multiple Dwellings
685	07-12-15	CMP Approved	2 Elland Ave, Box Hill	Elgar	CMP - Building and works associated with multiple dwellings and a food and drink premises and associated waiver of car parking and loading requirements	CMP Process
692	07-12-15	CMP Approved	55 Railway Rd, Blackburn	Central	CMP - 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	CMP Process
439	23-12-15	Delegate Approval - S72 Amendment	12 Tunstall Ave, Nunawading	Springfield	Amendment to Planning Permit WH/2007/439 (issued for construction of two dwellings on one lot, comprising a new double storey dwelling to the rear of the existing dwelling) to remove Tree 1	Permit Amendment
475	30-12-15	Delegate Approval - S72 Amendment	55 Katrina St, Blackburn North	Central	Reduction of standard car parking requirement associated with a cafe	Permit Amendment

<b>Appl. No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
527	21-12-15	Delegate Approval - S72 Amendment	7/696 Canterbury Rd, Vermont	Morack	Buildings and works to extend a dwelling on a lot less than 300sqm to include a first floor component	Permit Amendment
571	29-12-15	Delegate Approval - S72 Amendment	5 Henry St, Box Hill	Elgar	Development of land for five, three storey dwellings	Permit Amendment
575	29-12-15	Delegate Approval - S72 Amendment	988 Canterbury Rd, Box Hill South	Riversdale	Construction of a four storey building in the north eastern part of the site containing 21 dwellings	Permit Amendment
673	07-12-15	Delegate Approval - S72 Amendment	114 Whitehorse Rd, Blackburn	Central	Display of signage	Permit Amendment
771	29-12-15	Delegate Approval - S72 Amendment	6 Gee Crt, Nunawading	Springfield	Development of the land for six dwellings, comprising four double storey dwellings and two single storey dwellings	Permit Amendment
774	30-12-15	Delegate Approval - S72 Amendment	313 Middleborough Rd, Box Hill South	Riversdale	Use and development of the land for restricted retail premises and food and drink premises, creation of access to a road in a Road Zone, Category 1, display of advertising signage (including internally illuminated major promotion pylon sign and floodlit signs), reduction of car parking and waiver of loading and unloading facilities for the food and drink premises) for the removal of a street tree and alter the use of tenancy 5 to become a food and drink premises	Permit Amendment
812	23-12-15	Delegate Approval - S72 Amendment	332-334 Mont Albert Rd, Mont Albert	Elgar	Construction of two double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
822	09-12-15	Delegate Approval - S72 Amendment	62 Surrey Rd, Blackburn North	Central	Construction of two (2) double storey dwellings and create access to a road in a Road Zone, Category 1	Permit Amendment
881	29-12-15	Delegate Approval - S72 Amendment	373 Burwood Hwy, Burwood	Riversdale	Amendment to permit for development of a multi-dwelling building, reduction in the standard car parking requirement and alteration to access to a road in a Road Zone Category 1 to raise the levels of the building by 3 metres	Permit Amendment
1229	30-12-15	Delegate Approval - S72 Amendment	15 Haddon Crt, Mitcham	Springfield	Amendment to Planning Permit WH/2014/1229 (Issued for buildings and works (first floor addition) & works within 4 metres of significant trees) for modifications to the roof line	Permit Amendment
93	17-12-15	Delegate NOD Issued	53 Harrison St, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
192	22-12-15	Delegate NOD Issued	29 Aberdeen Rd, Blackburn South	Central	Construction of three (3) double storey dwellings	Multiple Dwellings
259	16-12-15	Delegate NOD Issued	177 Holland Rd, Burwood East	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
272	21-12-15	Delegate NOD Issued	34 Greenwood St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
310	09-12-15	Delegate NOD Issued	21 Lemon Grv, Nunawading	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
444	21-12-15	Delegate NOD Issued	42 Victoria St, Box Hill	Elgar	Construction of one double storey dwelling at the rear of the existing dwelling with a two lot subdivision	Multiple Dwellings

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447	07-12-15	Delegate NOD Issued	19 Monica St, Burwood	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
529	29-12-15	Delegate NOD Issued	1 Hillside Pde, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
530	09-12-15	Delegate NOD Issued	19 Premier Ave, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
546	29-12-15	Delegate NOD Issued	10 Carween Ave, Mitcham	Springfield	Construction of two (2) double storey dwellings and the removal of two (2) trees	Multiple Dwellings
573	21-12-15	Delegate NOD Issued	54 Relowe Cres, Mont Albert North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
593	29-12-15	Delegate NOD Issued	7 Patterson St, Nunawading	Springfield	Buildings and works to construct a dwelling and the removal of ten(10) trees	Special Landscape Area
634	07-12-15	Delegate NOD Issued	31 Great Western Drv, Vermont South	Morack	Construction of two double storey dwellings	Multiple Dwellings
653	11-12-15	Delegate NOD Issued	1 Murray Drv, Burwood	Riversdale	Amendment to Planning Permit WH/2013/653 (Issued for the Construction of two double storey dwellings) to raise the finished floor levels and adjust the location of windows to both dwellings and the addition of a deck to Dwelling 1 and a fence to the front boundary	Permit Amendment
684	29-12-15	Delegate NOD Issued	29 Banbury St, Burwood East	Morack	Construction of two (2) double storey dwellings	Multiple Dwellings

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687	29-12-15	Delegate NOD Issued	13-15 Centre Rd, Vermont	Morack	Subdivision of land into two lots	Subdivision
707	22-12-15	Delegate NOD Issued	43 Daniel St, Burwood	Riversdale	Construction of four (4) double storey dwellings	Multiple Dwellings
717	29-12-15	Delegate NOD Issued	2 Coonawarra Drv, Vermont South	Morack	Construction of a double storey dwelling to the rear of an existing single storey dwelling and alterations to the existing dwelling	Multiple Dwellings
760	30-12-15	Delegate NOD Issued	28 Cook Rd, Mitcham	Springfield	Construction of two new double storey dwellings	Multiple Dwellings
784	21-12-15	Delegate NOD Issued	1/11 Cobham Rd, Mitcham	Springfield	Extension to existing dwelling (verandah and decking)	Residential (Other)
816	08-12-15	Delegate NOD Issued	6/86 Victoria Cres, Mont Albert	Elgar	Buildings and works to extend the existing dwelling, including the construction of a sunroom, verandah and decking	Residential (Other)
844	29-12-15	Delegate NOD Issued	13 Loddon St, Box Hill North	Elgar	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
853	30-12-15	Delegate NOD Issued	89 Central Rd, Blackburn	Central	Buildings and works associated with the construction of a single dwelling and domestic swimming pool and the removal of vegetation within a Significant Landscape Overlay-Schedule 2	Special Landscape Area
1259	10-12-15	Delegate NOD Issued	71 Peter St, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
1494 1	30-12-15	Delegate NOD Issued	1/28-30 Blackburn Rd, Blackburn	Central	Amendment to Planning Permit (Issued for the use of the land to sell and consume liquor (licensed premises), waiver of bicycle facilities and reduction in car parking requirement associated with a restaurant) for modifications to the area within which liquor is allowed to be consumed to include the external seating area.	Permit Amendment
41	14-12-15	Delegate Permit Issued	23 Pippin Ave, Burwood East	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings

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75	07-12-15	Delegate Permit Issued	37 Neville St, Box Hill South	Riversdale	Construction of two double storey dwellings and subdivision	Multiple Dwellings
109	04-12-15	Delegate Permit Issued	129 Burwood Hwy, Burwood	Riversdale	Construction of a three storey building including seven dwellings and reduction in car parking requirements	Multiple Dwellings
144	14-12-15	Delegate Permit Issued	14 Perth St, Blackburn South	Central	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
158	15-12-15	Delegate Permit Issued	19 Luckie St, Nunawading	Springfield	Amendment to Planning Permit WH/2013/158 (issued for the construction of three double storey dwellings) with changes including: increase to the gross floor area of units 2 and 3, internal reconfigurations to units 1 and 2, alterations to the number and location of windows to all units, and alteration of eaves of all units.	Permit Amendment
170	22-12-15	Delegate Permit Issued	28 Renown St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
179	22-12-15	Delegate Permit Issued	13 Edwards St, Burwood	Riversdale	Development of land for four (4) dwellings	Multiple Dwellings
216	04-12-15	Delegate Permit Issued	25 Wolseley Cres, Blackburn	Central	Building and works to construct a second storey extension	Special Landscape Area
218	02-12-15	Delegate Permit Issued	2/10 Wilton St, Blackburn North	Central	Additions to existing dwelling including a verandah and a storage shed towards the rear	Single Dwelling < 300m2
219	15-12-15	Delegate Permit Issued	65 Severn St, Box Hill North	Elgar	Construction of a three (3) storey building comprising six (6) dwellings	Multiple Dwellings
221	09-12-15	Delegate Permit Issued	7 Leach Ave, Box Hill North	Elgar	Construction of four double storey dwellings (comprising 2 x two bedroom dwellings and 2 x four bedroom dwellings)	Multiple Dwellings



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223	22-12-15	Delegate Permit Issued	30 Cadorna St, Box Hill South	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
244	08-12-15	Delegate Permit Issued	1 Lulworth St, Blackburn North	Central	Construction of two double storey semi-detached dwellings	Multiple Dwellings
306	03-12-15	Delegate Permit Issued	9-21 Cook Rd, Mitcham	Springfield	Develop and use of 21 warehouses and reduction in the standard car parking requirements	Industrial
310	29-12-15	Delegate Permit Issued	1/8 Percy St, Mitcham	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling	Permit Amendment
315	09-12-15	Delegate Permit Issued	11 Medway St, Box Hill North	Elgar	Construction of three double dwellings	Multiple Dwellings
339	04-12-15	Delegate Permit Issued	903-905 Canterbury Rd, Box Hill	Elgar	Construction of part 2 part 3 storey building comprising 10 dwellings, including a basement, and alteration of access to a Road Zone Category 1	Multiple Dwellings
359	23-12-15	Delegate Permit Issued	6 James Ave, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
361	30-12-15	Delegate Permit Issued	25 Middlefield Drv, Blackburn North	Central	Construction of two (2) dwellings comprising one (1) double storey dwelling and one (1) single storey dwelling	Multiple Dwellings
374	09-12-15	Delegate Permit Issued	389 Middleborough Rd, Box Hill	Elgar	Construction of two double storey dwellings and to create access to a road in a Road Zone, Category 1	Multiple Dwellings
406	22-12-15	Delegate Permit Issued	139 Woodhouse Grv, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
422	03-12-15	Delegate Permit Issued	21 Deep Creek Rd, Mitcham	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
497	03-12-15	Delegate Permit Issued	34 Church St, Mitcham	Springfield	Construction of two (2) single storey dwellings	Multiple Dwellings
509	22-12-15	Delegate Permit Issued	63 Shady Grv, Forest Hill	Springfield	Buildings and works associated with the construction of a double storey dwelling	Special Landscape Area

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518	15-12-15	Delegate Permit Issued	51-53 Norcal Rd, Nunawading	Springfield	Use and development of the land for fifty-one (51) warehouses	Industrial
568	22-12-15	Delegate Permit Issued	3 Whitehorse Rd, Blackburn	Central	Buildings and works to construct 115 dwellings comprising 12 double storey dwellings, and two five storey buildings (plus two levels of basement car parking), and associated alteration of access to two roads in a Road Zone Category 1	Multiple Dwellings
573	23-12-15	Delegate Permit Issued	403-405 Mitcham Rd, Mitcham	Springfield	Construction of four double storey dwellings and creation of access to a road in a Road Zone Category 1	Multiple Dwellings
623	23-12-15	Delegate Permit Issued	64 Joseph St, Blackburn North	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
635	23-12-15	Delegate Permit Issued	110 Heatherdale Rd, Mitcham	Springfield	Construction of two (2) double storey dwellings and subdivision of land into two (2) lots	Multiple Dwellings
638	23-12-15	Delegate Permit Issued	395 Canterbury Rd, Vermont	Springfield	Use of land as an Education Centre in association with the Baha'i Center of Learning for Victoria	Education
648	29-12-15	Delegate Permit Issued	17 Worrall St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
660	24-12-15	Delegate Permit Issued	10 Alexandra Cres, Surrey Hills	Elgar	Construction of four double storey dwellings	Multiple Dwellings
663	14-12-15	Delegate Permit Issued	7/41-43 Lexton Rd, Box Hill North	Elgar	Use of land for an indoor recreation facility (dance studio)	Industrial
668	31-12-15	Delegate Permit Issued	89 Nelson Rd, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
672	08-12-15	Delegate Permit Issued	22 Gracehill Ave, Burwood	Riversdale	Buildings and works for three storey extension to the existing dwelling	Residential (Other)
681	29-12-15	Delegate Permit Issued	7 Tara Ave, Blackburn	Central	Construction of two (2) double storey dwellings	Multiple Dwellings

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695	22-12-15	Delegate Permit Issued	19 Rotherwood Ave, Mitcham	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
727	31-12-15	Delegate Permit Issued	10 Boxleigh Grv, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
754	14-12-15	Delegate Permit Issued	29 Salisbury Ave, Blackburn	Central	6 lot subdivision	Subdivision
793	14-12-15	Delegate Permit Issued	32 Thomas St, Mitcham	Springfield	Buildings and works associated with an extension to an existing dwelling in a Heritage Overlay	Residential (Other)
794	22-12-15	Delegate Permit Issued	367-369 Mont Albert Rd, Mont Albert	Elgar	Use of land for sale and consumption of liquor and reduction in the standard car parking requirements (for a restaurant use)	Liquor Licence
802	29-12-15	Delegate Permit Issued	21 Middlefield Drv, Blackburn North	Central	2 lot subdivision	Subdivision
810	04-12-15	Delegate Permit Issued	249 Middleborough Rd, Box Hill South	Riversdale	Use of land for retail premises and education centre with ancillary offices and associated warehouse and reduction in car parking requirements (north east location)	Industrial
811	29-12-15	Delegate Permit Issued	5 Barrina St, Blackburn South	Central	Construction of two double storey dwellings	Multiple Dwellings
815	09-12-15	Delegate Permit Issued	195-197 Whitehorse Rd, Blackburn	Central	Display of an internally-illuminated sign	Advertising Sign
820	11-12-15	Delegate Permit Issued	15 Wilton St, Blackburn North	Central	Construction of two dwellings comprising of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
836	31-12-15	Delegate Permit Issued	520-528 Mitcham Rd, Mitcham	Springfield	Twenty nine lot subdivision	Subdivision

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857	07-12-15	Delegate Permit Issued	17 Main St, Blackburn	Central	Buildings and works to construct a carport and roller door unit to the rear of the property	Neighbourhood Character Overlay
869	21-12-15	Delegate Permit Issued	75-79 Terrara Rd, Vermont South	Morack	Construction of a new dwelling in a Heritage Overlay 80 and construction and use of a dwelling in a Public Acquisition Overlay	Heritage
896	21-12-15	Delegate Permit Issued	29 Uganda St, Burwood	Riversdale	2 lot subdivision	Subdivision
899	31-12-15	Delegate Permit Issued	30 Victor Cres, Forest Hill	Morack	Development of the land for two dwellings (comprising the retention of the existing single storey dwelling and the construction of a double storey dwelling)	Multiple Dwellings
925	31-12-15	Delegate Permit Issued	3 Tennyson St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
960	23-12-15	Delegate Permit Issued	65 McKean St, Box Hill North	Elgar	2 lot subdivision	Subdivision
964	03-12-15	Delegate Permit Issued	639 Canterbury Rd, Vermont	Springfield	Construction of five dwellings including four double storey and one single storey and alteration of access to a road in a Road Zone (Category 1)	Multiple Dwellings
968	04-12-15	Delegate Permit Issued	249 Middleborough Rd, Box Hill South	Riversdale	Display of advertising signs	Advertising Sign
986	14-12-15	Delegate Permit Issued	12 Valda Ave, Mont Albert North	Elgar	3 lot subdivision	Subdivision
987	24-12-15	Delegate Permit Issued	85 Thames St, Box Hill	Elgar	8 lot subdivision	Subdivision
990	29-12-15	Delegate Permit Issued	53 Glen Ebor Ave, Blackburn	Central	Removal of 5 trees in an SLO 2	Special Landscape Area
992	30-12-15	Delegate Permit Issued	2/69 Cochrane St, Mitcham	Springfield	Extension to an existing dwelling (at ground level)	Single Dwelling < 300m2
998	24-12-15	Delegate Permit Issued	52-54 Fulton Rd, Blackburn South	Riversdale	8 lot subdivision	Subdivision

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1006	22-12-15	Delegate Permit Issued	16 Briggs St, Mont AlbertNorth	Elgar	Removal of trees	Vegetation Protection Overlay
1007	31-12-15	Delegate Permit Issued	8 Haros Ave, Nunawading	Springfield	3 lot subdivision	Subdivision
1012	21-12-15	Delegate Permit Issued	43 Orchard Cres, Mont AlbertNorth	Elgar	6 lot subdivision	Subdivision
1013	23-12-15	Delegate Permit Issued	934 Canterbury Rd, Box Hill South	Riversdale	8 lot subdivision	Subdivision
1035	23-12-15	Delegate Permit Issued	4 Erskine St, Nunawading	Springfield	Removal of Easement	Subdivision
1040	30-12-15	Delegate Permit Issued	545-563 Station St, Box Hill	Elgar	Real Estate Signage for hoarding	Advertising Sign
1041	07-12-15	Delegate Permit Issued	605 Canterbury Rd, Vermont	Springfield	Reduction in the standard car parking requirements (associated with a food and drink premises)	VicSmart - General Application
1042	17-12-15	Delegate Permit Issued	966 Whitehorse Rd, Box Hill	Elgar	Buildings and works to alter the existing building and display of signage	Business
1044	07-12-15	Delegate Permit Issued	61 Gardenia St, Blackburn	Central	Removal of one (1) tree within the Significant Landscape Overlay-Schedule 2	VicSmart - General Application
1055	24-12-15	Delegate Permit Issued	25 Felgate Pde, Vermont South	Morack	Building and works to construct a verandah within a Special Building Overlay	Residential (Other)
1058	31-12-15	Delegate Permit Issued	10 Donald St, Blackburn South	Central	3 lot subdivision	Subdivision
1059	29-12-15	Delegate Permit Issued	12 Rialton Ave, Blackburn North	Central	2 lot subdivision	Subdivision
1062	14-12-15	Delegate Permit Issued	17 Combarton St, Box Hill	Elgar	Buildings and works to externally paint the dwelling, outbuilding and front fence	VicSmart - General Application
1069	24-12-15	Delegate Permit Issued	653-661 Elgar Rd, Mont AlbertNorth	Elgar	Building and works in an SBO modifications of levels for the hockey field and construction of walls in a PPRZ	VicSmart - General Application
1076	31-12-15	Delegate Permit Issued	12 Heatherdale Rd, Mitcham	Springfield	4 lot subdivision	Subdivision

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1077	31-12-15	Delegate Permit Issued	32 Simon St, Blackburn North	Central	2 lot subdivision	Subdivision
1078	31-12-15	Delegate Permit Issued	18 Standard Ave, Box Hill	Elgar	3 lot subdivision	Subdivision
1080	23-12-15	Delegate Permit Issued	71 Victoria Cres, Mont Albert	Elgar	3 lot subdivision	Subdivision
1085	15-12-15	Delegate Permit Issued	14 Moresby St, Mitcham	Springfield	Tree Removal in an SLO 6	VicSmart - General Application
1092	31-12-15	Delegate Permit Issued	155 Highbury Rd, Burwood	Riversdale	2 lot subdivision	Subdivision
1096	24-12-15	Delegate Permit Issued	42-44 Terra Cotta Drv, Nunawading	Central	Removal of one native tree	Industrial
1100	24-12-15	Delegate Permit Issued	42-44 Terra Cotta Drv, Nunawading	Central	Removal of one native tree	Industrial
1101	24-12-15	Delegate Permit Issued	15-33 Alfred St, Blackburn	Central	Removal of 43 native trees	Industrial
1104	22-12-15	Delegate Permit Issued	84 Glenburnie Rd, Vermont	Springfield	Removal of two dead spotted gum trees overhanging front of house	Special Landscape Area
1110	29-12-15	Delegate Permit Issued	4 Victoria Cres, Mont Albert	Elgar	Demolition of an existing garage and front fence and buildings and works comprising a new garage and front fence in a Heritage Overlay	VicSmart - General Application
1112	31-12-15	Delegate Permit Issued	72 Medway St, Box Hill North	Elgar	4 lot subdivision	Subdivision
1114	03-12-15	Delegate Permit Issued	129 Dorking Rd, Box Hill North	Elgar	2 lot subdivision	Subdivision
1118	24-12-15	Delegate Permit Issued	1 Richard St, Box Hill North	Elgar	2 lot subdivision	Subdivision
1119	23-12-15	Delegate Permit Issued	49 Strabane Ave, Mont AlbertNorth	Elgar	2 lot subdivision	Subdivision
1131	31-12-15	Delegate Permit Issued	32 Dunloe Ave, Mont AlbertNorth	Elgar	2 lot subdivision	Subdivision

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1136	31-12-15	Delegate Permit Issued	1/14 Taronga Crt, Nunawading	Springfield	2 lot subdivision	Subdivision
1151	31-12-15	Delegate Permit Issued	1/8 Halls Pde, Mitcham	Springfield	Removal of one (1) tree	VicSmart - General Application
1180	07-12-15	Delegate Permit Issued	125-135 Rooks Rd, Nunawading	Springfield	Use and construction of 31 warehouses, reduction in car parking, and reduction in loading bay requirements	Industrial
1268	11-12-15	Delegate Permit Issued	58 Nelson Rd, Box Hill North	Elgar	Use and development of land for a medical centre, reduction of standard car parking requirement and display of advertising signs	Residential (Other)
5	14-12-15	Delegate Refusal Issued	1 Shafer Rd, Blackburn North	Central	Construction of one (1) double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
51	17-12-15	Delegate Refusal Issued	16 Narallah Grv, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
318	14-12-15	Delegate Refusal Issued	32 Linden St, Blackburn	Central	Construction of twelve dwellings comprising ten triple storey dwellings and two double storey dwellings	Multiple Dwellings
335	22-12-15	Delegate Refusal Issued	24 Park Rd, Surrey Hills	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
380	16-12-15	Delegate Refusal Issued	103 Parer St, Burwood	Riversdale	Shared accommodation	Residential (Other)
678	22-12-15	Delegate Refusal Issued	76 Dorking Rd, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
779	29-12-15	Delegate Refusal Issued	19 View St, Mont Albert	Elgar	Buildings and works to construct a single storey dwelling to the side of the existing dwelling	Multiple Dwellings
847	22-12-15	Delegate Refusal Issued	2 Ballantyne St, Burwood East	Morack	Construction of two attached double storey dwellings	Multiple Dwellings
1117	15-12-15	Delegate Refusal Issued	116 Carrington Rd, Box Hill	Elgar	Construction of a three (3) storey building for student accommodation and reduction in standard car parking requirement	Multiple Dwellings

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446	08-12-15	Failure - To Be Confirmed	1 Barcelona St, Box Hill	Elgar	Construction of four double storey dwellings	Multiple Dwellings
692	08-12-15	Failure - To Be Confirmed	453 Belmore Rd, Mont AlbertNorth	Elgar	Construction of two new double storey dwellings with double garages and landscaping	Multiple Dwellings
262	08-12-15	Withdrawn	6-6A Windsor Cres, Surrey Hills	Elgar	Two lot subdivision	Subdivision
376	23-12-15	Withdrawn	G02 116-118 Thames St, Box Hill North	Elgar	Use of premises to sell and consume liquor associated with a food and drinks premises (cafe)	Permit Amendment
562	09-12-15	Withdrawn	1 Apollo Crt, Blackburn	Central	Use of land for industry (food processing and cold storage) and reduction of standard car parking requirement	Permit Amendment
958	23-12-15	Withdrawn	42 Gillard St, Burwood	Riversdale	Construction of three double storey dwellings	Permit Amendment
1079	22-12-15	Withdrawn	1 Linden St, Blackburn	Central	2 lot subdivision	Subdivision
1163	21-12-15	Withdrawn	100 Elgar Rd, Box Hill South	Riversdale	Removal of single storey dwelling and outbuildings, development of two units	Multiple Dwellings
1384 7	23-12-15	Withdrawn	4/41 Foch St, Box Hill South	Riversdale	Amendment to s173 Agreement to alter the design of Dwelling 2	Permit Amendment



**BUILDING DISPENSATIONS/APPLICATIONS DECEMBER 2015**

Address	Date	Ward	Result
3 Kalang Street, BLACKBURN	18-12-15	Central	Amendment Approved R409
4 Adina Street, BLACKBURN NORTH	07-12-15	Central	Amendment Approved R409
4 Vermont Street, BLACKBURN SOUTH	14-12-15	Central	Amendment Approved R409
1/38 Elder Street, BLACKBURN	22-12-15	Central	Granted R411
16 Main Street, BLACKBURN	02-12-15	Central	Granted R424
18 Hone Avenue, BLACKBURN SOUTH	02-12-15	Central	Granted R415
19 Gunyah Road, BLACKBURN NORTH	02-12-15	Central	Granted R414, R411
28 Salisbury Avenue, BLACKBURN	4-12-15	Central	Granted R427
4 Adina Street, BLACKBURN NORTH	07-12-15	Central	Granted R414
58 Canora Street, BLACKBURN SOUTH	08-12-15	Central	Granted R409
75 Vicki Street, FOREST HILL	02-12-15	Central	Granted R409
16 Derby Street, BLACKBURN	02-12-15	Central	Refused R414
17 Elm Street, BLACKBURN	02-12-15	Central	Refused R415
28 Salisbury Avenue, BLACKBURN	04-12-15	Central	Refused R424
49 Glebe Street, FOREST HILL	08-12-15	Central	Refused R409
71 Strabane Avenue, MONT ALBERT NORTH	04-12-15	Elgar	Amendment Approved R424
10 Clyde Street, BOX HILL NORTH	17-12-15	Elgar	Granted R427
11 Carson Avenue, MONT ALBERT	17-12-15	Elgar	Granted R415, R409
13 Graham Place, BOX HILL	22-12-15	Elgar	Granted R414
18 Lorne Parade, MONT ALBERT	16-12-15	Elgar	Granted R604
2 Daisy Court, BOX HILL NORTH	07-12-15	Elgar	Granted R409
2 St Johns Avenue, MONT ALBERT	23 -12-15, 22-12-15	Elgar	Granted R427, R424
2/2 Wolseley Close, MONT ALBERT	02-12-15	Elgar	Granted R424, R414
2/3 Bedford Street, BOX HILL	22-12-15	Elgar	Granted R411
28 Mitta Street, BOX HILL NORTH	18-12-15	Elgar	Granted R414
32 High Street, MONT ALBERT	22-12-15	Elgar	Granted R414
37 Moselle Street, MONT ALBERT NORTH	15-12-15	Elgar	Granted R414
47 McKean Street, BOX HILL NORTH	21-12-15	Elgar	Granted R414
721 Canterbury Road, SURREY HILLS	17-12-15	Elgar	Granted R427
99 Clyde Street, BOX HILL NORTH	08-12-15	Elgar	Granted R420
1 Worthing Avenue, BURWOOD EAST	22-12-15	Morack	Granted R415, R409
11 Bellbird Crescent, VERMONT	02-12-15	Morack	Granted R414
43 Barry Road, BURWOOD EAST	11-12-15	Morack	Granted R417
13 Ritz Street, VERMONT SOUTH	17-12-15	Morack	Refused R409
55 Roslyn Street, BURWOOD	07-12-15	Riversdale	Amendment Approved R424
1/24 Edwards Street, BURWOOD	08-12-15	Riversdale	Granted R415, R414, R410
107/100 Station Street, BURWOOD	08-12-15	Riversdale	Granted R411
29 Cyril Street, BOX HILL SOUTH	04-12-15	Riversdale	Granted R415
51 Russell Street, SURREY HILLS	17-12-15	Riversdale	Granted R409
72A Park Road, SURREY HILLS	07-12-15	Riversdale	Granted R414, R415
2 Hiddleston Avenue, Box Hill South	17-12-15	Riversdale	Refused R409
35 Hill Street, BOX HILL SOUTH	17-12-15	Riversdale	Refused R415, R414
54 Boisdale Street, SURREY HILLS	22-12-15	Riversdale	Refused R409
3 O'Shannessy Street, NUNAWADING	23-12-15	Springfield	Amendment Approved R409
131 173 Central Road, NUNAWADING	09-12-15	Springfield	Granted S57
16 Olwen Street, NUNAWADING	22-12-15	Springfield	Granted R414
7 Rye Street, MITCHAM	02-12-15	Springfield	Granted R414
7 Wendy Street, FOREST HILL	02-12-15	Springfield	Granted R409
8 Garden Avenue, MITCHAM	07-12-15	Springfield	Granted R414
16 Olwen Street, NUNAWADING	22-12-15	Springfield	Refused R416, R409
1B Burnett Street, MITCHAM	02-12-15	Springfield	Refused R424

**DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – DECEMBER 2015**

*Under the Planning and Environment Act 1987*

Nil

**REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION DECEMBER 2015**

<b>Contract</b>	<b>Service</b>
Contract 15011	Wurundjeri Walk Play Space Upgrade Construction

**REGISTER OF PROPERTY DOCUMENTS EXECUTED DECEMBER 2015**

<b>Property Address</b>	<b>Document Type</b>	<b>Document Detail</b>
<b>Leases</b>		
Elgar Park North Hockey Pitch - Elgar Park Regional Hockey Association Inc.	Deed of Variation of Lease	Variation to lease term.
<b>Licences</b>		
Part 1228 Riversdale Road, Box Hill South - Eastern Health	Licence	Landlord (12 months expires 31/12/2016)

**REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – DECEMBER 2015**

Nil

**PARKING RESTRICTIONS APPROVED BY DELEGATION DECEMBER 2015**

**Address:** **Hillside Parade, Box Hill North:** from western boundary of 6 Hillside Parade to eastern boundary of 6 Hillside Parade – north side

**Previously:** 2 '2-Hour Area, 7.30am to 7.30pm, Monday to Friday' parking spaces

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

**Address:** **Livingstone Road, Vermont South:** from northern boundary of 39 Livingstone Road to southern boundary of 39 Livingstone Road – east side

**Previously:** 3 'Unrestricted' parking spaces

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

**VENDOR PAYMENT SUMMARY – SUMS PAID DURING DECEMBER 2015**

<b>Date</b>	<b>Total Issued</b>	<b>Payments (direct debit, cheques or electronic funds transfer)</b>	<b>Transaction Type EFT/CHQ/DD</b>
02.12.15	\$5,268.98	3	<b>CHQ</b>
03.12.15	\$2,200.00	1	<b>EFT</b>
03.12.15	\$891.60	4	<b>EFC</b>
03.12.15	\$49,716.23	52	<b>CHQ</b>
03.12.15	\$301,171.18	39	<b>EFT</b>
07.12.15	\$5,999,868.37	1	<b>EFT</b>
10.12.15	\$14,771.73	5	<b>EFC</b>
10.12.15	\$38,075.06	28	<b>CHQ</b>
10.12.15	\$52,264.85	1	<b>EFT</b>
10.12.15	\$2,094,764.21	290	<b>EFT</b>
17.12.15	\$5,944.78	12	<b>EFC</b>
17.12.15	\$166,425.79	86	<b>CHQ</b>
17.12.15	\$819,633.50	210	<b>EFT</b>
23.12.15	\$63,493.36	14	<b>EFC</b>
23.12.15	\$6,770,289.60	335	<b>EFT</b>
23.12.15	\$91,081.39	103	<b>CHQ</b>
31.12.15	\$2,424.15	11	<b>EFC</b>
31.12.15	\$32,151.36	16	<b>CHQ</b>
31.12.15	\$1,598,773.65	41	<b>EFT</b>
Monthly Leases	\$30,000.00		
<b>GROSS</b>	\$18,139,209.79	1252	
<b>CANCELLED PAYMENTS</b>	-\$3,508.10	-7	
<b>NETT</b>	\$18,135,701.69	1245	

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

**10.1 Reports by Delegates**

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

**RECOMMENDATION**

*That the record of Reports by delegates be received and noted.*

**10.2 Recommendations from the Special Committee of Council  
Meeting of 8 February 2016**

**10.2.1 Reduction in Carbon Emissions – Fossil Free Investment Options**

Moved by Cr Bennett, Seconded by Cr Davenport.

***That Council:***

- 1. Following the recent United Nations Climate Change Conference in Paris (CoP 21), confirms its commitment in reducing carbon emissions.***
- 2. Write to our major investment institutions encouraging investment in clean energy.***
- 3. Write to the Trustees of Council's predominant superannuation fund, Vision Super, to request a Fossil Free Investment option be available to members.***

**CARRIED UNANIMOUSLY**

**10.2.2 2016 Election Costs to Councils**

Moved by Cr Harris, Seconded by Cr Massoud.

***That Council:***

- 1. Write to the LG Minister, pointing out that the 2016 election costs to Councils have not been allowed for in the proposed 2.5% CPI rate rise, and requesting that election expenses be added to the allowable rate rise for 2016, or alternatively that the State Government cover all councils expenses.***
- 2. Write to the MAV and the VLGA requesting that they support this position and agitate for this change to occur.***

**CARRIED**

**RECOMMENDATION**

***That the recommendations from the Special Committee of Council Meeting of 8 February 2016 Items 10.2.1 to 10.2.2 (inclusive) be received and adopted.***

### 10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
<b>13-01-2016</b> 5.30-7.00pm	City of Whitehorse Bicycle Advisory Committee  - Whitehorse Cycling Strategy	Cr Munroe	I Goodes L McGuiness	Nil	Nil
<b>01-02-2016</b> 6.30-7.00pm	Councillor Informal Briefing Session  - Notice of Motion 94- Cr Munroe - Notice of Motion 95 – Cr Massoud - Resident Survey Update - Council Agenda 1 February 2016	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith S Freud A De Fazio J Russell	Nil	Nil
<b>08-02-2016</b> 6.30-10.15pm	<b>Councillor Briefing Session</b>  • Audit Committee Chair's Briefing • 3.2 2015/2016 Quarterly Performance Report – October – December 2015 • Capital Works • Sports Field Update • Special Committee Agenda/Other Business • Draft Council Agenda 15 February 2016	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith S Freud A De Fazio J Russell K Marriott P McAleer D Logan N Brown M Doyle D Seddon J Gorst M McArthur	Nil	Nil
<b>10-02-2015</b> 6.30 – 8.55pm	<b>Councillor Budget Briefing Session</b>  • Budget Strategy & Update • Capital Program • Council Plan Development Process	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith S Freud A De Fazio D Logan J Gorst	Nil	Nil

#### RECOMMENDATION

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

**11      REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

**RECOMMENDATION**

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

**12      CONFIDENTIAL REPORTS**

**12.1    Clayton South Regional Landfill - Capping Of Southern Cell**

**12.2    Contractual Matter**

**13      CLOSE MEETING**