



# City of Whitehorse

## MINUTES

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### Ordinary Council Meeting

Held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 19 October 2015**

at 7.00 p.m.

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

**Ms Noelene Duff**  
Chief Executive Officer

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Meeting opened at 7.00pm

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

## 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

Cr Chong has sought a leave of absence for tonight's Ordinary Council Meeting held 19 October 2015.

Cr Stennett has sought leave of absence for the Ordinary Council Meeting to be held 23 November 2015.

#### COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Daw

***That the apology from Cr Chong be received for tonight's Ordinary Council meeting held 19 October 2015 and that leave of absence be granted.***

***That the apology from Cr Stennett be received for the Ordinary Council meeting to be held 23 November 2015 and that leave of absence be granted.***

**CARRIED UNANIMOUSLY**

### 3 DISCLOSURE OF CONFLICT OF INTERESTS

None

#### **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Ordinary Council Meeting 21 September 2015 and Confidential Minutes 21 September 2015.

##### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Ellis

*That the minutes of the Ordinary Council Meeting of 21 September 2015 and the Confidential Council Meeting 21 September 2015 having been circulated now be confirmed.*

**CARRIED UNANIMOUSLY**

#### **5 RESPONSES TO QUESTIONS**

Nil

#### **6 NOTICES OF MOTION**

Nil

#### **7 PETITIONS**

Nil

#### **8 URGENT BUSINESS**

Nil

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 9-21 Cook Road, MITCHAM (LOT 1 PS 344259M)– Development and use of 21 warehouses and reduction in the standard car parking requirements**

FILE NUMBER: WH/2015/306  
ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 20 objections were received. The objections raised concerns regarding amenity impacts, neighbourhood character, car parking, traffic and landscaping. A Consultation Forum was held on 1 September, 2015, chaired by Councillor 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.*

#### **COUNCIL RESOLUTION**

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

Moved by Cr Daw, Seconded by Cr Stennett

- A** *Being the Responsible Authority, having caused Application WH/2015/306 for 9-21 Cook Road, MITCHAM (LOT 1 PS 344259M) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the development and use of 21 warehouses and reduction in the standard car parking requirements is acceptable and should be supported.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 9-21 Cook Road, MITCHAM (LOT 1 PS 344259M) for the development and use of 21 warehouses and reduction in the standard car parking requirements, subject to the following conditions:*
- 1.** *Before the development starts, or vegetation is removed, amended plans (three full size copies and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:*
    - a)** *The locations of Tree Protection Zones described in condition 12, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 12 and 13 to be annotated on the development and landscape plans.*
    - b)** *Cross-sections showing how the building and works will comply with the requirements of conditions 13a), 13b) and 14).*
    - c)** *The removal of Trees 5, 7, 18, 19, 22, 23, 24, 30 and 34 as they are dead or inappropriate to retain.*
    - d)** *The visual interest and presentation of the walls of Warehouses 1, 13, 14, 18, 19, 20, and 21 facing Edgerton Road and Cook Road, and the east elevations of Warehouses 10-13, to be improved through the use of textured concrete panels, cladding materials and a range of muted natural colours.*

**9.1.1**  
(cont)

- e) *Colour, finishes, and materials schedule for all buildings.*
- f) *Provision of a minimum separation of 1 metre to be provided between the existing power pole and the crossover, including the splay. This can be achieved either through the removal/relocation of this pole, or the relocation of the crossover.*
- g) *Scaled plans prepared by a qualified Traffic Engineer showing the alteration of the existing traffic islands in Cook Road, and swept path diagrams demonstrating how truck and car movements into and out of the site will be managed.*
- h) *Longitudinal section diagrams demonstrating vertical headroom at the entry point and throughout the car park and loading bays to be a minimum of 4 metres.*
- i) *All obstructions within the driver sight line triangle (including landscaping, structures, letter boxes, meter boxes and side boundary fencing) to be no higher than 0.9 metre in height, or be relocated clear of the sight line triangle in accordance with Clause 52.06-8.*
- j) *Provision of a 1.2 metre wide pedestrian path for internal circulation around the site along the warehouse frontages, and connection of this path to the disabled car space and footpath at the street frontage, with no associated reduction in the sizes of car spaces or widths of vehicle accessways.*
- k) *The allocation of two parking spaces to each warehouse, and eight visitor car spaces, in accordance with the Traffic and Parking Management Plan (condition 21).*
- l) *Provision of shower facilities on site for staff.*
- m) *A pedestrian access door to be provided to the triangle of land located to the east of Warehouse 12.*
- n) *Provision of external lighting in accordance with condition 7.*
- o) *Any amendments to plans required by the Waste Management Plan, Traffic and Parking Management Plan and Sustainability Management Plan.*
- p) *Documents required for endorsement in accordance with conditions 14, 16, 17, 21 and 22.*
- q) *Landscaping plan in accordance with condition 10 which includes:*
  - i. *Planting of predominantly indigenous species.*
  - ii. *The planting of at least ten Eucalyptus goniocalyx and Eucalyptus cephalocarpa trees within the front setback of the development. These trees are to have a minimum height of 1.5 metres at the time of planting.*
  - iii. *A bushy landscape concept including understorey shrubs and ground cover species.*

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

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

**9.1.1**  
(cont)

2. *The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
3. *The use of the land as warehouses approved by this permit must not commence until all of the buildings and works, roadworks and landscaping hereby approved are completed, to the satisfaction of the Responsible Authority.*
4. *Prior to the commencement of buildings and works, either the easement on the south boundary must be removed from title, or written permission provided from Council and the relevant easement authorities/beneficiaries to construct over the easement.*
5. *The warehouses must only operate between the hours of 7am and 6pm weekdays and 8am and 1pm on Saturdays.*
6. *The office areas provided within warehouses are ancillary, and must not be sold or leased out separately.*
7. *The development must be provided with external lighting capable of illuminating access to each 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.*
8. *The amenity of the area shall not be detrimentally affected by the use or development, through:*
  - a) *Transportation of materials, goods or commodities to or from the land,*
  - b) *Appearance of any building, works or materials,*
  - c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,*
  - d) *Presence of vermin*
  - e) *In any other way.*
9. *The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.*

**9.1.1**  
(cont)

***Landscaping***

- 10. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -***
- a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.***
  - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.***
  - c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:***
    - i. Providing a complete garden scheme,***
    - ii. Softening the building bulk,***
    - iii. Providing some upper canopy for landscape perspective,***
  - 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 must be completed before the building is occupied.***
- Once approved these plans become the endorsed plans of this permit.***
- 11. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.***



**9.1.1**  
(cont)

- 12. 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 and nature strip 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 8 *Eucalyptus goniacalyx* – 3.8 metre radius from the centre of the tree base.**
- ii. Tree 9 *Eucalyptus goniacalyx* – 5.3 metre radius from the centre of the tree base.**
- iii. Tree 12 *Eucalyptus cephalocarpa* – 3.0 metre radius from the centre of the tree base.**
- iv. Tree 13 *Eucalyptus goniacalyx* – 7.2 metre radius from the centre of the tree base.**
- v. Tree 17 *Eucalyptus cephalocarpa* – 4.8 metre radius from the centre of the tree base.**
- vi. Tree 20 *Eucalyptus goniacalyx* – 3.4 metre radius from the centre of the tree base.**
- vii. Tree 25 *Eucalyptus goniacalyx* – 3.6 metre radius from the centre of the tree base.**
- viii. Tree 28 *Eucalyptus cephalocarpa* – 2.4 metre radius from the centre of the tree base.**
- ix. Tree 29 *Eucalyptus nicholii* – 8.2 metre radius from the centre of the tree base.**
- x. Tree 33 *Eucalyptus goniacalyx* – 6.0 metre radius from the centre of the tree base.**
- xi. Street tree to the north of the crossover *Eucalyptus sideroxylon*– 2.2 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. 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.*
- 13. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:**
  - a) All buildings and works for the demolition of the site and construction of the warehouses (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within a 2.7 metre radius of Tree 8, and a 5.0 metre radius of Trees 9, 13 and 17.*
  - b) Development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within the 3.0 metre TPZ of Tree 12, the 3.4 metre TPZ of Tree 20, the 3.6 metre TPZ of Tree 25, the 2.4 metre TPZ of Tree 28 and the 6.0 metre TPZ of Tree 33.*
  - c) For Trees 8, 9, 12, 13, 17, 20, 25, 28 and 33, no roots greater than 40mm diameter are to be cut or damaged during any part of the construction process.*
  - d) Excavation for the proposed crossover within the 2.2 metre TPZ of the street tree (Eucalyptus sideroxylon) to the north must be undertaken by hand, hydro excavation or air spading.*
  - e) Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified arborist (AQF Level 3, minimum).*

**9.1.1**  
(cont)

- 14. Prior to the commencement of any building and or demolition works on the land, a Tree Management Plan must be submitted to Council detailing how the Tree 29 will be protected during and post construction of the development. It must include details of crown, trunk and root protection and how demolition of the existing infrastructure and construction of Warehouse 14 will be undertaken where within the TPZ. It must also demonstrate how Tree 29 will remain viable if works go ahead, to the satisfaction of the Responsible Authority.**

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

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

***The requirements of the Tree Management Plan must be implemented to the satisfaction of the Responsible Authority.***

- 15. The existing street trees must not be removed or damaged.**

**Waste Management**

- 16. Prior to the commencement of buildings and works, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority. The Waste Management Plan must provide details in relation to:**

- a) Private collection of all wastes generated on the site,**
- b) No waste storage or collection to occur within the front boundary setbacks to Cook Road and Edgerton Road.**
- c) On-site waste storage capacity: including justification based on similar uses and developments operating elsewhere that the on-site waste storage capacity will be sufficient for the likely occupants, and options to increase capacity if required,**
- d) Bin storage areas: their location, accessibility and number, size and capacity of bins that can be accommodated,**
- e) An on-going commitment to recycling,**
- f) The separation of garbage from recyclables and other wastes (such as green waste): including ease of separation by occupants, and separate collections by waste contractors, to ensure that separation of recyclables is facilitated and not hindered by the site layout,**
- g) Delivery of bins to waste collection points and retrieval of bins to nominated storage areas within the site, including management of potential conflicts between vehicles accessing the site and waste collection arrangements,**
- h) Waste collection arrangements: including collection frequency, collection location, collection vehicle access arrangements, including clearance and turning movements, appropriate collection standards including collection cleanliness and spill management, hours of access, noise impacts and other amenity related issues, and any signage required to facilitate these arrangements,**
- i) Litter and green waste management,**

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

**9.1.1**  
(cont)

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

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

**Construction Management**

- 17. 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.***

***The Construction Management Plan must also prohibit construction access utilising the existing crossover at the north-east corner of the lot.***

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

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

**Car Parking and Access**

- 18. The use and development permitted must provide a minimum of 50 car spaces on the site, including one disabled visitor space.***
- 19. The car parking areas and accessways as shown on the endorsed plans shall be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.***
- 20. Parking areas and access lanes must be kept available for these purposes at all times.***

**9.1.1**  
(cont)

- 21. Prior to the commencement of buildings or works, a Traffic and Parking Management Plan must be submitted and approved by the Responsible Authority. The Traffic and Parking Management Plan must include (but not be limited to) the following:**

- a) The allocation of two parking spaces to each warehouse, and provision of eight visitor car spaces.**
- b) Details of measures to ensure that trucks larger than a 6.4 metre long medium rigid vehicle will be prevented from accessing or visiting the site.**
- c) Show how trucks exiting the subject site will be restricted and directed to prevent right turns at the exit.**
- d) Details of the the signing and line marking of parking spaces and accessways.**

**When approved, the Traffic and Parking Management Plan will be endorsed and form part of this permit. The Traffic and Parking Management Plan must be implemented to the satisfaction of the Responsible Authority. The plan must not be modified unless with the further written consent of the Responsible Authority.**

**Environmentally Sustainable Development**

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

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

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

**Infrastructure**

- 23. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.**
- 24. Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.**
- 25. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.**
- 26. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**

**9.1.1**  
(cont)

- 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 and use 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 provision of Section 69 of the Planning and Environment Act 1987.**

**Permit Notes:**

- This permit relates only to the use and/or development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land may require a separate application.**
- 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.**
- The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.**
- All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.**
- 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.**
- No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.**
- Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.**

**9.1.1**

(cont)

- *The proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.*
  - *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.*
  - *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.*
- C** *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

**CARRIED UNANIMOUSLY**

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**9.1.1**  
(cont)

MELWAYS REFERENCE 49 B7

Applicant:	EJ Grech & Associates Pty Ltd
Zoning:	Industrial 3 Zone
Overlays:	N/A
Relevant Clauses:	Clause 15 Built Environment and Heritage Clause 17 Economic Development Clause 17.02 Industry Clause 18 Transport Clause 21.05 Environment Clause 21.07 Economic Development Clause 22.04 Tree Conservation Clause 22.16 Industrial Areas Design Guidelines Clause 33.03 Industrial 3 Zone Clause 52.06 Car Parking Clause 52.07 Loading and unloading of vehicles Clause 65 Decision Guidelines
Ward:	Springfield



Subject site

20 Objector Properties

↑

North



### **9.1.1** (cont)

## **BACKGROUND**

### **History**

There have been several planning permits issued to this site in relation to the previous use of the site as a factory. The most recent permit WH/14768 approved construction of a telecommunications facility, comprising a monopole and associated equipment shelter on 16 May, 2005. This has been constructed and is proposed to be retained on the Edgerton Road frontage.

### **The Site and Surrounds**

The subject site is located at the south-east corner of the intersection of Cook Road and Edgerton Road in Mitcham.

The site is irregularly shaped, having a curved frontage to Edgerton Road and has a total area of 6929m<sup>2</sup>. The land currently contains a single storey galvanised iron warehouse building approximately 2400m<sup>2</sup> in area that is centrally located on the site.

Vehicle access into the site is via two crossovers to Edgerton Road; one near the south-west corner of the site and one at near the north-east corner. The perimeter of the lot has established screening trees and vegetation.

No covenants affect the site, however there is a redundant electricity easement located along the western end of the south boundary. The applicant has advised that this easement is to be removed in association with this application.

Land to the south and east of the subject site has recently been developed with warehouses that includes 23 Cook Road (approved by WH/2009/341 allowing use and development of the land for 18 warehouses with ancillary offices) and 613 Whitehorse Road (approved by WH/2009/74, allowing construction of 15 warehouses, cafe and ancillary offices).

To the north and west across Edgerton Road, properties are within the Neighbourhood Residential Zone Schedule 7 and the Significant Landscape Overlay Schedule 6. Properties in this area predominantly contain single storey detached dwellings set within established gardens.

The western side of Cook Road to the south-west of the subject site is developed with residential properties and is also within the Neighbourhood Residential Zone Schedule 7. Cook Road is approximately 9 metres wide and currently caters for both industrial and residential traffic. The intersection of Whitehorse Road and Cook Road is signalised.

An existing sign located to the south-west of the subject site facing north-bound traffic on Cook Road indicates that the street is unsuitable for large vehicles as Cook Road meets Edgerton Road. There is no-standing on the east side of Cook Road to the south-west of the site, and a 2 hour parking restriction on the west side of Cook Road to the west of the site. On Edgerton Road, rumble strips alert drivers to the curved and sloping roadway, and parking is limited to 1 hour at sections on the north side, with no standing allowed on the south side of Edgerton Road adjacent to the subject site.

### **Permit Triggers**

Pursuant to Clause 33.03 Industrial 3 Zone, planning approval is required for the use and development of warehouses.

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

### **9.1.1**

(cont)

#### **PROPOSAL**

The application proposes the use and development of 21 warehouses, comprising the following:

- Single access point from Cook Road at the western boundary, requiring the relocation of the existing Cook Road crossover and removal of the existing Edgerton Road crossover at the north-east corner of the lot.
- A 7 metre wide two-way concrete accessway serving all warehouses.
- Warehouse sizes between 109m<sup>2</sup> and 341m<sup>2</sup>, and a total floor area of 2837m<sup>2</sup>.
- All warehouses served by a 7.6 x 3.6 metre internal loading bay, plus amenities and waste storage area.
- Warehouses 1, 13, 14 and 21 provided with ancillary mezzanine offices.
- Provision of 50 car parking spaces all provided at 90° angle from the common accessway.
- Construction abutting the south and east boundaries adjacent to existing warehouse premises, and staggered building setbacks of predominantly 7.5 metres to the curved Cook and Edgerton Road frontages.
- Retention of much of the existing vegetation along the Cook and Edgerton Road frontages, and removal of the existing perimeter plantings along the south and east boundaries.
- Textured concrete building facades in shades of grey, with grey roller doors, tinted windows and flat roofs.

#### **CONSULTATION**

##### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting two notices to the Cook Road and Edgerton Road frontages. Following the advertising period 20 objections from 20 objector properties were received, raising the following concerns:

- Amenity impacts:
  - Increased traffic noise.
  - Noise impacts from factories and security alarms to surrounding dwellings.
  - Increased pollution.
  - Sensitive residential uses across the road from the subject site may be impacted.
  - Unknown hours of operation.
  - Overshadowing of the street.
  - Overlooking from warehouses to surrounding residential properties.
- Neighbourhood Character:
  - Building bulk and form incompatible with the landscaped residential area.
  - The proposal is incompatible with the SLO6 interface.
  - Building bulk.
  - The buildings presenting blank rear walls to the street frontages.

### **9.1.1** (cont)

- Car parking and traffic:
  - Increased on-street parking.
  - Insufficient on-site car parking.
  - The car parking on-site does not account for potential future changes of use.
  - Traffic safety impacts on the street.
  - The widened driveway is located on a blind corner on a busy local road.
  - Increased large vehicles using the local roads.
  - Increased traffic in surrounding residential streets.
  - Edgerton Road is already busy, it is a bus route, and used as a rat run.
  - Garbage collection needs to be considered.
- Landscaping:
  - Tree removal
  - Loss of landscape screening at the site perimeter.

### **Consultation Forum**

A Consultation Forum was held on 1 September, 2015, chaired by Councillor Daw and attended by 15 objectors, 4 representatives for the applicant, and Councillor Stennett.

The applicant explained that it is anticipated that the proposed warehouses would largely be used by small businesses, with one or two staff. The car spaces have not been allocated and would be kept in common property in order to provide flexibility for the on-going car parking demands of the 21 proposed warehouses on the site. Waste collection arrangements were anticipated to include private collection occurring internally to the site. Operating hours were expected to be normal business hours on weekdays, and Saturday mornings only. The applicant advised that they anticipated any planning permit issued would include a restriction on operating hours.

The key objector concerns related to increased traffic and car parking and the tension between the industrial land including the subject site and the surrounding residential areas, including large truck movements in residential streets and the neighbourhood character difference between industrial premises and the Significant Landscape Overlay applying to land north of the subject site.

Other concerns raised included:

- A preference for fast-growing trees to be planted as part of the landscape plan.
- Measures to deter large trucks travelling north past the subject site or into residential streets.
- Restrictions on the sizes of trucks accessing the site.
- Measures to prevent graffiti on the building facades such as fencing the site.
- Potential for conflict between the realigned crossover and existing traffic islands and vehicle movements.
- Measures to prevent trucks from turning right when they exit the site.
- Existing and proposed landscaping should not block driver sight lines at the crossover.
- Concern that the existing crossover at the north-east corner of the lot could be utilised during the construction process, bringing heavy vehicles into the residential area.
- Noise impacts from beepers of reversing vehicles.
- Concern regarding waste storage and collection procedures.

### 9.1.1 (cont)

No consensus between parties was reached at the Forum.

#### Referrals

##### External

The application was not required to be referred externally.

##### Internal

##### Engineering and Environmental Services Department

- Transport Engineer

The Transport Team support the approval of the proposed development subject to the placement of a number of conditions being placed on the permit relating to vehicle and pedestrian movements, headroom, driver sight lines and car parking allocation.

- Assets Engineer

Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.

The development is proposed to be built over an electrical easement and a right of carriageway easement. The applicant must obtain permission to construct over these easements prior to endorsement of the plans.

##### Planning Arborist

**Trees 5, 6 and 7** (all *Eucalyptus goniocalyx*) – The proposed development encroaches into the TPZ more than the 10% maximum allowed under Australian Standard 4970-2009. These trees have medium-high retention values and will be discussed further below.

**Tree 29** (*Eucalyptus nicholii*) - The area of encroachment into the TPZ is approximately 38.4%. The existing site conditions show hard surface construction approximately 30cm from the base of this tree. Therefore, taking into consideration current site conditions, the proposal could go ahead as shown on the plans. However, in order for the proposal to go ahead as shown on the plans a Tree Management Plan must be submitted to Council detailing how this tree will be protected during and post construction.

**Trees 8, 9, 12, 13, 17, 20, 25, 28 and 33** Works can go ahead as shown on the plans, subject to tree protection measures.

**Trees 18, 19, 22, 23, 24, 30 and 34** - require removal as they are dead or poor in health and structure and therefore not worthy of retention.

##### Parkswide Arborist

The street tree (*Eucalyptus sideroxylon*) to the north of the proposed crossover should have a TPZ clearance distance of 2.2 metres to the base of the tree. The proposed crossover is within the tree's TPZ, however, it is believed there will be minimal impact to the health of the tree if the crossover was to proceed in the proposed location. Any excavation within the TPZ should be undertaken by hand, hydro excavation or air spading. The tree should also be protected during the construction phase by temporary fencing.

### 9.1.1 (cont)

#### ESD Advisor

A Sustainability Management Plan is required to ensure that the new buildings achieve benchmark energy efficiency and sustainability measures.

## **DISCUSSION**

### **Consistency with State and Local Planning Policies**

The proposal to develop buildings for warehouse purposes on the subject site, and associated reduction of car parking requirements is considered to meet the purpose of the Industrial 3 Zone which includes:

- *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

A planning permit is sought for the use of the buildings for warehouse purposes. The use of land for warehouses requires a planning permit under the Industrial 3 Zone and any application should be considered in light of its impact on the neighbourhood including residential areas, appearance of the development, transportation, amenity impacts (noise, smell, lighting, etc), impact on nearby industry, drainage and traffic.

Warehouses are best located within Industrial zones, such as is proposed, and are generally considered to have a lesser impact than typical industrial uses such as manufacturing or food production. Concern was raised at the Consultation Forum in relation to the type of uses that could potentially occupy any of the buildings, however as the applicant has applied for the use of a warehouse, any other uses proposed may be subject to additional planning permits depending on the type of use proposed.

Whitehorse Council has an Industrial Areas Design Guidelines Policy that acknowledges that industrial land uses within the City of Whitehorse are undergoing a shift from manufacturing and logistics to fine grain warehouse, factory and office related activities. The Objectives of this policy include:

- To facilitate the development of functional, well serviced, amenable, and attractive industrial areas that have regard to the context of individual industrial precincts.
- To effectively co-ordinate the redevelopment of industrial areas to minimise the conflicts between industrial and more sensitive land uses such as adjoining and nearby residential uses.
- To establish a standard of design and development that promotes industry whilst not adversely impacting on surrounding residential and public uses.
- To reduce visual impact of on-site storage and general refuse/waste storage areas from street view through improved siting, design, landscaping, fencing and other screening treatments.
- To improve connectivity, access and mobility within and between industrial precincts and surrounding areas whilst not adversely impacting on surrounding residential or public uses.
- To promote safer areas through improved building design and orientation, and by designing new development to ensure passive surveillance of open spaces and within the industrial areas.

### **9.1.1**

(cont)

- To encourage innovative building practices, water sensitive and energy efficient urban design within industrial developments.
- To ensure the protection of sensitive environmental areas and public open space from encroachment from inappropriate industrial activities.

The requirements of this policy will be discussed below as required.

#### **Use**

The proposed warehouse use provides an appropriate transition at the interface of the Industrial 3 Zone land and the adjacent residential areas. Warehouses have limited potential for undesirable off-site amenity impacts in comparison to other industrial uses, and the proposed use is therefore supported in this location.

#### **Amenity**

The potential conflict between the industrial and residentially zoned land along Cook Road and Edgerton Road was raised as a concern in terms of potential amenity impacts to residents. Amenity impacts that may occur from the warehouses such as noise and pollution are governed by the requirements of the Environmental Protection Authority (EPA). Conditions can be placed on any permit issued to ensure that they do not exceed the EPA guidelines.

The application documents do not include an indication of the proposed hours of operation, however it is considered that these should be restricted to normal business operating times, in order to limit the potential for traffic and noise impacts to adjacent residential areas at sensitive times.

External lighting should be provided to the central accessway for security and safety without causing light spill into adjoining residential properties or neighbouring areas. This will be required as a condition of approval.

It is unlikely that future uses with adverse amenity impacts will be able to occupy these buildings given that threshold distances from residential properties would need to be met to ensure the amenity of residents is protected.

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

The Industrial Areas Design Guidelines Policy requires new industrial buildings to make a positive design contribution to the streetscape. Blank walls with no visual relief are discouraged. Development adjacent to residential land use should be of a complimentary scale. The proposed warehouses face the internal accessway, but present relatively unadorned concrete facades to the Cook Road and Edgerton Road frontages which interface with surrounding residential lots.

At the Forum, the applicant indicated that this was a deliberate design response to ensure that most of the activity and traffic movements and associated noise was screened from the adjacent residential land by the warehouse buildings. This design response is acceptable, however, the presentation of the walls of Warehouses 1, 13, 14, 18, 19, 20, and 21 facing Edgerton Road and Cook Road and the east elevations of Warehouses 10-13 which will be visible within the streetscape, must be improved through the use of textured concrete panels, cladding materials and a range of muted natural colours. It is considered that the finish of the tilt slab concrete panels can be textured and coloured to achieve a visually interesting presentation without requiring alteration of the basic concrete wall material.

### **9.1.1** (cont)

It is noted that the street frontage setbacks allow for the retention and planting of substantial screening vegetation, which will further soften the presentation of the building facades and transition well to the well-vegetated residential lots to the north and west that are within the Significant Landscape Overlay Schedule 6.

The Industrial Areas Design Guidelines Policy recommends buildings, where possible, provide passive surveillance to the street and public areas. The internal orientation of the proposed warehouses provides glazed frontages surveilling the internal accessway and the adjacent Cook and Edgerton Roads are surveyed by the facing residential properties to the north and west.

The proposed warehouses are typically below 9 metres in height, with the maximum height of 10.2 metres occurring at the south-east corner away from the streetscape interface. Whilst the site is elevated approximately 2 metres above the footpath level at the northern interface, this is an existing condition and consistent with the sloping topography of the area. The proposed building heights are consistent with the surrounding existing industrial buildings and allow for an appropriate transition to the scale of the nearby residential areas.

The objectors have raised concerns about graffiti on the street facades of the proposed warehouses and suggested that the site be fenced to prevent this. The existing heavily landscaped frontage which is significantly elevated in parts would limit the accessibility and visibility of building facades, discouraging graffiti. Any front fencing should be visually permeable (such as cyclone wire fencing) to maintain views of landscaping, but may interfere with the growth and maintenance of landscaping over time. An open landscaped setback is preferred to front fencing, as the open frontage will make a better contribution to the streetscape. Therefore no front fencing is required.

The proposed site layout will create a small triangle of inaccessible land located to the east of Warehouse 12. A pedestrian access door will be required to be provided to this parcel, to allow for maintenance.

A Sustainability Management Plan has not been submitted with the application, and a condition will require the preparation of a Sustainability Management Plan to ensure that the new buildings achieve best practice energy efficiency and sustainability measures.

The modern design of the warehouses is appropriate, incorporating concrete slab walls with glazed windows to the entrance facades of each buildings. The upper level office components of Warehouses 1, 13, 14 and 21 are small ancillary components which are provided with dedicated windows. The entrances into the warehouses are easily identifiable as they are orientated to face the internal access roads.

The overall design and layout of the development is appropriate based upon the building materials, height, setbacks and opportunities for landscaping.

### **Car Parking and Loading Facilities**

In keeping with the Industrial Areas Design Guidelines Policy, the proposed car parking and loading facilities are provided within the site where they will have minimal visual impact on the streetscape and all cars can enter and leave in a forward direction.

**9.1.1**  
(cont)

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

Usage	Number/ Area	Rate	<u>Required Spaces</u>
Warehouse	21 warehouses/ 2837m <sup>2</sup>	2 spaces to each premises +1.5 spaces per 100m <sup>2</sup> of net floor area	84
Total spaces required			84

The Traffic Impact Assessment submitted by the applicant includes the results of a 2014 parking demand survey of a similar development of 18 small warehouses in Braeside, which found that a peak parking demand of 1.05 car spaces per 100m<sup>2</sup> occurred between 2:30 and 2:45 on a weekday.

Council's Transport Engineer has advised that Council has previously accepted an empirical parking generation rate of 1.58 spaces per 100m<sup>2</sup> of net floor area for warehouses, based on consistent and accepted empirical car parking studies. In particular, a similar rate was accepted for the adjacent warehouses at 23 Cook Road. Therefore, the empirical parking rate of 1.58 spaces per 100m<sup>2</sup> of net floor area will be adopted for this site.

Usage	Number/Area	Rate	<u>Required Spaces</u>
Warehouse	2837m <sup>2</sup>	1.58 spaces per 100m <sup>2</sup> of net floor area	45
Total spaces required			45

The proposed parking provision of 50 parking spaces is therefore considered satisfactory. The office component of each warehouse are considered to be ancillary to each building and would not attract a separate car parking rate. Nevertheless, the permit will state that the offices are ancillary and therefore cannot be leased out separately.

Although it is noted that the applicant sought to retain car parking in common property to maintain flexibility, Council's Transport Engineer will require that a Traffic and Parking Management Plan be submitted which will include allocating two parking spaces to individual properties, with provision of eight visitor car spaces in order to avoid future conflicts over parking.

A loading bay is provided to each warehouse. A condition must also require submission of a longitudinal section of the circulation roadway of showing the headroom provided at the entry point and throughout the parking area demonstrating a minimum vertical headroom of 4 metres as required for standard loading bays.

Concerns with the increased traffic generated as a result of this development from the site and into the existing street network has been raised by surrounding residents. Council's Transport Engineer has indicated that it is unlikely that there will be a significant impact upon the local road network or nearby intersections, therefore there is no objection to the proposal based on traffic impact.

The application proposes to relocate the existing crossover at the south-west corner of the site northwards by approximately 1 metre, bringing it in close proximity to an existing electricity pole. A condition will require a minimum separation of 1 metre to be provided between the power pole and the crossover, including the splay. This can be achieved either through the removal of this pole, which appears to be redundant, or the relocation of either the pole or the crossover.



### **9.1.1** (cont)

The relocated crossover will also require alteration to the existing traffic islands in Cook Road and indicative plans to achieve this were provided in the Traffic Impact Assessment submitted by the applicant. A condition will require scaled drawings of the altered traffic island and swept path diagrams demonstrating how vehicle movements into and out of the site will be managed. In order to ensure that trucks are directed away from residential streets, a Traffic and Parking Management Plan will also be required to show how trucks exiting the subject site will be restricted to prevent right turns at the exit. A condition will also be imposed to ensure that the driver sight lines at the crossover are not blocked by landscaping or structures.

Due to the width of accessways and the size of the loading areas and warehouse buildings, it is not expected that larger vehicles/trucks will visit the site. The submitted Traffic Impact Assessment indicates that the proposed car park and loading bay layout is designed to cater for a maximum 6.4 metre long medium rigid vehicle and a condition will require the Traffic and Parking Management Plan to detail how larger vehicles will be prevented from accessing or visiting the site in order to prevent vehicle conflicts with existing infrastructure.

Whilst there appears to be a pedestrian path provided for internal circulation along the warehouse frontages, this path is not connected to the disabled car space or the street frontage and is not 1.2 metres wide as required to achieve compliant vehicle access. Conditions will be included to achieve these requirements.

### **Bicycle Parking**

There is no bicycle parking required for warehouse uses, however the Industrial Areas Design Guidelines Policy requires new development to promote walking and cycling through provision of secure bicycle storage and showers for staff. It is considered that bicycles could be stored within warehouses, however showers will be required as a condition of approval.

### **Landscaping**

All existing vegetation on the site appears to be planted and is exempt from the Native Vegetation provisions when considering its removal.

Council's Tree Conservation Policy at Clause 22.04 is applicable to all land in Whitehorse, and includes objectives to minimise the loss of trees and promote the regeneration of tall trees through the provision of adequate landscaping areas in new development. In addition, the Industrial Areas Design Guidelines Policy recommends the provision of a landscape buffer along street frontages to soften the visual impact of the built form and improve the amenity of the area and, where possible, incorporate the retention of existing mature trees.

Adequate opportunity has been provided for landscaping along the interface of the site with Cook and Edgerton Roads, including the retention of many of the existing trees at this interface. It is noted that Tree 5 (*Eucalyptus goniocalyx*) is shown to be retained beside the new accessway, however the proximity of the accessway and car spaces will encroach 59.4% into the TPZ of this tree, compromising its structural stability and requiring its removal. Trees 6 and 7 (both *Eucalyptus goniocalyx*) are proposed for removal, but have high retention values. It is noted that Tree 7 has fair health and poor structure, but is a large specimen.

### **9.1.1** (cont)

The Tree Protection Zone radii for Trees 5, 6 and 7 are 3.7 metres, 5.8 metres and 13.8 metres respectively and alterations to the proposal to successfully retain these trees would entail the removal of Warehouse 21, the loss of at least 7 car spaces and realignment of the vehicle accessway. There are ten other Eucalyptus trees that can successfully be retained along the site frontage in association with the proposed development and the removal of Trees 5, 6 and 7 can be replaced over time in a similar location owing to the substantial landscaped front setback provided. The removal of Trees 5, 6 and 7 is therefore on balance considered acceptable. Tree protection measures will be imposed to ensure the on-going health of all retained trees and a landscape plan incorporating indigenous trees and understorey planting within the site frontage will be required as a condition of approval.

Overall, the proposed development will allow for the reasonable retention and enhancement of the established tree canopy at the site frontage to assist in softening the appearance of the development from the street, consistent with the intent of the Tree Conservation Policy (Clause 22.04). The addition of new canopy trees that are indigenous to Whitehorse combined with understorey planting will further compliment the landscape quality of the site.

### **Waste Storage and Collection**

A Waste Management Plan will be required to be submitted as a condition of approval. As required by the Industrial Areas Design Guidelines Policy, no waste storage or collection may occur within the front boundary setbacks to Cook Road and Edgerton Road. The proposed warehouses indicate internal waste storage areas, which is acceptable, and all waste collection must occur within the site, by a private contractor. Council's Transport Engineer has advised that waste collection vehicle movements are achievable with the proposed site layout.

### **Variation of Easement**

Buildings and works must not commence until the redundant electricity easement on the south boundary has been removed from title, or consent granted to build over the easement.

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

- Increased traffic noise.

The noise associated with local traffic on local streets is largely an existing circumstance, and is not a planning consideration.

- Unknown hours of operation.

The applicant has indicated a willingness to accept a restriction on operating hours consistent with normal business operating times, and this will form a condition of permit.

- Overshadowing of the street.

Using ResCode as a benchmark, there will be no overshadowing of nearby residential lots.

- Overlooking from warehouses to surrounding residential properties.

There are limited windows proposed facing residential lots, and no unreasonable overlooking will occur as Edgerton Road provides a buffer between the subject site and surrounding dwellings.

**9.1.1**  
(cont)

- Concern that the existing crossover at the north-east corner of the lot could be utilised during the construction process, bringing heavy vehicles into the residential area.

As Edgerton Road is signed as unsuitable for large vehicles, a condition will be included in the Construction Management Plan to ensure that there is no construction access utilising the existing crossover at the north-east corner of the lot.

- A preference for fast-growing trees to be planted as part of the landscape plan.

It is preferred that indigenous trees are established on the site, in order to complement the existing Significant Landscape Overlay character to the north.

**CONCLUSION**

The proposed use and development of the subject site for warehouses is considered appropriate for the site and consistent with the zoning of the land. The proposed buildings are sufficiently setback from the street frontage and the retention and replanting of vegetation within the front setback is considered a suitable transition into the residential properties on the opposite side of Cook Road and Edgerton Road.

It is therefore considered that the application should be approved.

**9.1.2 3 Whitehorse Road, BLACKBURN (LOT 2 PS 347097V, LOT 2 LP 11409, LOT 3 LP 11409, LOT 1 PS 347097V, LOT 3 LP 34661, LOT 1 TP 119534L) Buildings and works to construct 118 dwellings comprising 15 double storey dwellings, and two five storey buildings (plus two levels of basement car parking), and associated reduction in car parking requirements and alteration of access to two roads in a Road Zone Category 1**

FILE NUMBER: WH/2014/568  
ATTACHMENTS

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**SUMMARY**

*This application was advertised, and a total of 51 objections were received. The objections raised issues with amenity impacts, infrastructure, parking, traffic, neighbourhood character and landscaping. A Consultation Forum chaired by an independent facilitator was held on 23 July 2015, 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 including a reduction in the number of dwellings and the provision of all required car parking.*

**COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Ellis

***That Council:***

- A** *Being the Responsible Authority, having caused Application WH/2014/568 for 3 Whitehorse Road, BLACKBURN (LOT 2 PS 347097V, LOT 2 LP 11409, LOT 3 LP 11409, LOT 1 PS 347097V, LOT 3 LP 34661, LOT 1 TP 119534L) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for buildings and works 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 is acceptable and should be supported.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 3 Whitehorse Road, BLACKBURN (LOT 2 PS 347097V, LOT 2 LP 11409, LOT 3 LP 11409, LOT 1 PS 347097V, LOT 3 LP 34661, LOT 1 TP 119534L) for the 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, 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)** *Provision of 23 visitor car spaces on site.*

**9.1.2**  
(cont)

- b) Alterations to the site layout (in accordance with sketch plans dated August, 2015) as follows:**
- i. The number of townhouses to be reduced by three to 12.**
  - ii. The setback between the southern property boundary and the southern edge of the basement to be increased to 3.5 metres.**
  - iii. The rear setback of townhouses that have a southern orientation to the internal access road increased to 4 metres from the northern boundary.**
  - iv. The row of townhouses along the northern boundary to be broken into two sections separated by a 6 metre wide break at the ground level located opposite 3/406 Middleborough Road.**
  - v. The upper levels of the townhouses along the northern boundary facing the east-west accessway to be located clear of the ground level garages, in order to provide breaks in the upper level forms.**
  - vi. The front setback of townhouses that have a frontage to Malabar Road transitioned to 6.2 metres at the northern end and 4 metres at the southern end.**
  - vii. Provision of a 2 metre wide footpath along both sides of the internal road that runs east-west.**
  - viii. The north-south internal road and associated car parking spaces setback a minimum of 4.6 metres from the north boundary.**
  - ix. The 5.5 metre width of the east-west internal access road to be reduced to 3.4 metres in three locations by provision of three on-street parallel visitor car spaces, each flanked at both ends by street trees.**
  - x. Revised materiality and enhanced articulation to 'break up' the built forms and provide a point of difference between buildings.**
  - xi. Revised fence design to Malabar Road to include a level of permeability and an 800mm setback from the title boundary to allow for a landscape strip.**
  - xii. All townhouses to have at least one ground level habitable room window facing the shared accessway.**
- c) The locations of Tree Protection Zones described in condition 6, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 6 and 7 to be annotated on the development and landscape plans.**
- d) Cross-sections showing how the building and works will comply with the requirements of condition 7a), 7c) and 7d).**

**9.1.2**  
(cont)

- e) The car park layout amended to include:**
  - i. The 2 metre transition at 1:8 provided at the bottom of the ramp to basement level 1 to be lengthened to 2.5 metres to prevent vehicle scraping, unless it can be demonstrated using ground clearance templates and the methods outlined in AS/NZS2890.1:2004 that vehicles will not scrape in this location.*
  - ii. Provision of a transition section provided at the bottom of the ramp to basement level 2. If a 1:8 transition section is proposed, this must be a minimum of 2.5 metres in length to prevent vehicle scraping, unless it can be demonstrated using ground clearance templates and the methods outlined in AS/NZS2890.1:2004 that vehicles will not scrape in this location.*
  - iii. Redesign of the two car parking spaces located adjacent to the base of the access ramp to basement level 2 to ensure the structural column does not impact upon door opening.*
  - iv. The basement plans to show the location of visitor parking spaces and access arrangements (eg: via an intercom system).*
  - v. Adequate turning areas to be provided to enable vehicles exiting from the north-eastern townhouse to turn and exit forwards. This may require the relocation of the proposed nearby visitor car spaces northwards.*
- f) Details of the internal access road construction and layout including:**
  - i. Physical measures, linemarking and signs to delineate left-in, left-out only vehicle movements at the interfaces with Middleborough and Whitehorse Roads, without restricting service and emergency vehicle access.*
  - ii. Provision of a clear physical distinction between the internal accessway and the adjacent arterial roads.*
  - iii. The access road construction, kerbs and surface materials of sufficient strength to enable the carriage of vehicles and avoid damage by construction and service vehicles and equipment.*
  - iv. Provision of traffic calming measures to prevent the proposed internal access road from being used as a "rat run".*
  - v. Linemarking and signs to delineate traffic movements at the T-intersection within the site.*
  - vi. Provision of integrated water sensitive urban design measures to use water run off from the road to assist in watering the street trees within the roadway.*
- g) Details of the pedestrian path construction and layout including:**
  - i. Design to accommodate wheelchairs, prams, scooters and other footpath bound vehicles, allowing for continuous and connected travel throughout the site.*
  - ii. Details of the pavement, edge, kerb, channel and crossovers. The surface to be structurally sound and have a durable, non-skid surface.*
  - iii. Tactile ground surface indicators and kerb ramps required for the movement of people with disabilities.*

**9.1.2**  
(cont)

- h) Improved architectural articulation of the apartment buildings to provide greater vertical definition and a more domestic form, in particular at the internal northern elevation. This should be achieved through the use of blade walls and slab edges to create a rhythmic pattern of interlocking blocks of render and timber to achieve a sense of a series of townhouse forms within the lower three levels to complement the adjacent two storey townhouses.*
- i) The two residential foyer entrances to be more defined architecturally to make them clearly identifiable in order to assist pedestrian wayfinding.*
- j) Internal overlooking within 9 metres between habitable room windows and balconies of the two apartment buildings to be prevented without requiring privacy screening to the balconies of single aspect west facing apartments at this interface.*
- k) The townhouse elevations facing Malabar Road designed to appear as dwelling frontages through the use of lower sills to the upper level habitable room windows to address the Malabar Road streetscape.*
- l) The habitable room windows and balconies of the townhouses facing No. 34 Malabar Road to be screened in accordance with the requirements of Standard B22 of Clause 55.*
- m) 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.*
- n) Provision of visually permeable fencing to the open spaces facing the pedestrian accessway between the apartment buildings, except where these are the sole secluded private open space areas for apartments.*
- o) Provision of a minimum of 6m<sup>3</sup> of externally accessible storage to each townhouse.*
- p) A detailed schedule and samples of all external materials, colours and finishes. The timber look cladding must be a type that will not appear 'weathered' for the life of the building.*
- q) All service piping (excluding downpipes), ducting and heating/cooling appliances above the ground floor storey of the townhouses and apartment buildings to be concealed from view where possible.*
- r) Development plans updated to include all of the relevant requirements of the Lighting Strategy and Parking Management Plan.*

**9.1.2**  
(cont)

- s) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 23. 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. All operable windows, doors and vents for apartments, corridors, common areas and other spaces to be indicated on elevation drawings.*
  - iii. Utilising a light coloured or reflective roofing material.*
  - iv. Clotheslines.*
  - v. Locations of Solar hot water systems*
  - vi. Rainwater tank locations, capacity and end uses (connection to all toilets for flushing).*
  - vii. Area of roofs to be connected to rainwater tanks.*
  - viii. 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.*
- t) Alterations to the plans as required by Melbourne Water (refer to Conditions 8 to 11) and by VicRoads (refer to conditions 15-19).*
- u) The following reports to be amended or endorsed as required will form part of the endorsed documentation:*
  - i. Amended Sustainability Management Plan in accordance with Condition 23.*
  - ii. Lighting Strategy in accordance with Condition 26.*
  - iii. Parking Management Plan in accordance with Condition 28.*
  - iv. Amended Waste Management Plan in accordance with Condition 29.*
  - v. Construction Management Plan in accordance with Condition 30.*



**9.1.2**  
(cont)

- v) *A Landscape Plan in accordance with Condition 4, including the following:*
- i. Details of all containerised planting infrastructure.*
  - ii. At least two upper canopy indigenous trees with minimum mature heights of 10 metres, understorey plantings including smaller trees and shrubs and a small passive recreation area including seating in the Whitehorse Road frontage to the south of the townhouses.*
  - iii. At least four upper canopy indigenous trees with minimum mature heights of 10 metres and understorey plantings including smaller trees and shrubs along the Middleborough Road frontage.*
  - iv. At least two upper canopy indigenous trees with minimum mature heights of 10 metres to the north of the north-south internal road.*
  - v. To the south of the apartment buildings, plantings to include mid canopy trees with minimum mature heights of 6 metres and understorey plantings including smaller shrubs. These trees are to be a mix of indigenous and deciduous species, and capable of thriving in the restricted soil volume with limited solar access, and with roots that will not damage the adjacent building.*
  - vi. At least one mid canopy tree with a minimum mature height of 6 metres to be planted within each ground level secluded private open space area, plus two additional mid canopy trees in the break between the townhouses opposite 3/406 Middleborough Road, including one forward of the garages.*
  - vii. Two mid canopy trees with minimum mature heights of 6 metres at the north end of the north-south pedestrian walkway between the apartment buildings.*
  - viii. The trees within the roadway to be robust species that will thrive in the restricted soil volume with roots that will not damage the road infrastructure.*
  - ix. Provision of hedging species with a minimum mature height of 2 metres to the west of the front fences to Malabar Road for privacy screening.*
  - x. The north-south pedestrian walkway between the apartment buildings to be landscaped with containerised plantings, integrated seating and creepers growing over a trellis to provide shade from the western sun.*
  - xi. 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 the permit.*

- 2. The layout and operation of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and documents, and must not be altered or modified without the further written consent of the Responsible Authority.**
- 3. The internal roads must remain private roads.**

**9.1.2**  
(cont)

**Landscaping and Tree Protection**

- 4. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -**
- a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
  - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.**
  - c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:**
    - 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.**
    - v. Minimising the use of lawn except within communal areas, with mulch and/or ground cover plantings utilised instead.**
  - 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, planting containers, paving, mulch, and street furniture.**
  - 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 must be completed before the building is occupied.**

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

- 5. 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)

6. *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 2 Corymbia citriodora– 9.6 metre radius from the centre of the tree base.*
  - ii. Tree 5 Eucalyptus bicostata– 5 metre radius from the centre of the tree base.*
  - iii. Tree 9 Hibiscus sp.– 2.0 metre radius from the centre of the tree base.*
  - iv. Tree 10 Pittosporum undulatum– 2.4 metre radius from the centre of the tree base.*
  - v. Tree 11 Ligustrum lucidum– 2.4 metre radius from the centre of the tree base.*
  - vi. Tree 12 Pittosporum undulatum – 2.0 metre radius from the centre of the tree base.*
  - vii. Tree 13 Melaleuca bracteata- 2.0 metre radius from the centre of the tree base.*
- b) *Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:*
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
  - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
  - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
  - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
  - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
  - vi. 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.*

**9.1.2**  
(cont)

- viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 7. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:**
- a) Buildings and works associated with the construction of the townhouses where within the 9.6 metre TPZ of Tree 2 as shown on the endorsed plans must not alter the existing ground level or the topography of the land within 3.9 metre of the north boundary fence.*
  - b) For Tree 2, 5, 9, 10, 11, 12 and 13 no roots greater than 40mm diameter are to be cut or damaged during any part of the construction process.*
  - c) Buildings and works associated with the development, including the basement car park, where within the 8.4 metre TPZ of Tree 5 as shown on the endorsed plans must not alter the existing ground level or the topography of the land within 3.4 metres of the south boundary fence.*
  - d) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level of the land within the 2.0 metre TPZ of Tree 9, 2.4 metre TPZ of Tree 10, 2.4 metre TPZ of Tree 11, 2.0 metre TPZ of Tree 12 and 2.0 metre TPZ of Tree 13.*
  - e) All Boundary Fences where within the TPZ of Trees 2, 5, 9, 10, 11, 12 and 13 must to be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change within the TPZ. The postholes are to be hand dug and no roots are to be cut or damaged. If any roots are found within a posthole, the hole is to be filled in and re-located so that the root(s) is not affected.*
  - f) Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified arborist (AQF Level 3, minimum).*

**Melbourne Water**

- 8. All buildings (not garages) must have finished floor levels constructed to a minimum height of 300mm above the adjacent applicable flood level.**
- 9. All buildings (including garages) which form adjacent the local flow within the internal road network, must be set to floor levels as determined by the Responsible Authority.**
- 10. The basement driveway ramp must include an apex with a peak height no less than 300mm above the applicable flood level (85.85 metres AHD) for the purpose of flood protection of lower levels.**
- 11. All doors, vents, windows and other openings to all buildings must be set to a minimum 300mm above the applicable flood level for the purpose of flood protection.**

**9.1.2**  
(cont)

- 12. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels for buildings and the basement driveway ramp apex has been constructed in accordance with Melbourne Water's requirements.**
- 13. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.**
- 14. Prior to the commencement of works, a separate application must be made to Melbourne Water for approval, for any new or modified storm water connection to Melbourne Water's drains.**

**VicRoads**

- 15. Before plans are submitted to the Responsible Authority for endorsement, swept path analysis for the Whitehorse Road/internal access road intersection must be submitted to VicRoads for approval. The swept path analysis must show that the design garbage collection vehicle is able to enter the internal access road from the kerbside lane of Whitehorse Road while a B85 car is waiting to turn from the internal access road onto Whitehorse Road.**
- 16. Before the development starts amended plans to the satisfaction of VicRoads must be submitted to the Responsible Authority for endorsement. Once endorsed, the plans will form part of this planning permit. The amended plans shall:**
  - a) Be consistent with the swept path analysis approved by VicRoads;**
  - b) Include a footpath at least 2m in width along, at least, the north side of the east-west leg of the internal access road and the east side of the north – south leg of the internal access road. The footpath and road pavement shall be separated by a semi-mountable kerb and channel (profile SM2 or SM3, depending on drainage requirements) so that there is no loss of effective footpath width at vehicle crossovers.**
- 17. The internal access road is to be constructed to the satisfaction of the Responsible Authority and, where relevant, to the satisfaction of and at no cost to VicRoads prior to the occupation of any building approved under this permit.**
- 18. Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:**
  - a) Formed to such levels and drained so that they can be used in accordance with the plan.**
  - b) Treated with an all-weather seal or some other durable surface.**
- 19. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to VicRoads prior to the occupation of the buildings hereby approved.**

**9.1.2**  
(cont)

**Building Services**

20. *The two apartment buildings must provide the capacity for television signal distribution to each dwelling unit and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.*
21. *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.*
22. *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.*

**Environmentally Sustainable Development**

23. *Prior to the commencement of any buildings or works, amended documents are required as follows:*
  - a) *Sustainability Management Plan and Green Star MURT 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 Ene-0, provide a preliminary sample set of NatHERS results for at least 10% of the apartments and 20% of the townhouses (with no fewer than 13 units total) as per [Guide to NatHERS Sample Sizes](http://bit.ly/NatHERS-sampleset) - <http://bit.ly/NatHERS-sampleset>.*
    - 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.*
    - v. *Improve potable water efficiency by providing shower heads with a minimum 3 Star WELS 6.0-7.5 L/minute plus aeration device.*

**9.1.2**  
(cont)

**b) Storm Rating Report amended to :**

- i. Include the total site of the proposed development, comprising all apartment and townhouses.*
- ii. Improve draw down by connecting the rainwater tanks to all toilets for flushing, irrigation, and bin wash down areas.*
- 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".*
- vi. Improve stormwater management and STORM rating. This can be achieved by maximising roof area connected to rainwater tanks and plumbing all down pipes to the rainwater tanks and/or increasing rainwater tank capacity.*

*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 Environmentally Sustainable Development Management Plan will form part of the endorsed plans of this permit.*

- 24. 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.*
- 25. 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.*

**9.1.2**  
(cont)

**Lighting Strategy**

- 26. 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**

- 27. 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.**

- 28. 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. For the four tandem pairs of parking spaces proposed within basement level 1, both spaces of each pair must to be allocated to the same apartment.**
- b) Provision of 23 car spaces dedicated to visitors.**
- c) The basement level 1 and 2 plans to be amended to clearly show the location of visitor parking spaces.**
- d) Signage and/or alternate measures are required to deter resident/visitor parking within the proposed basement level 1 loading area.**
- e) Allocation of the ten on-street bicycle spaces to visitors, and signage to indicate this.**
- f) Signing of car and bicycle parking spaces.**
- g) Location and face of bicycle parking signs in accordance with Clause 52.34-5**
- h) Line marking of parking spaces.**
- i) 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.**
- j) Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.**



**9.1.2**  
(cont)

*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.*

**Waste Management Plan**

29. *Prior to the commencement of buildings and works, an updated Waste Management Plan prepared by a suitably qualified consultant, reflecting the amended plans submitted for endorsement must be submitted to the satisfaction of the Responsible Authority.*

*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**

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

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

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

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

**Asset Engineering**

31. *All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.*
32. *Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.*

**9.1.2**  
(cont)

- 33. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.**
- 34. As constructed drawings prepared by a Licensed Land Surveyor are to be provided to Council after the completion of civil works prior to Statement of Compliance or occupation.**
- 35. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 36. 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.**

**Public Transport Victoria**

- 37. The permit holder must take all reasonable steps to ensure that minimum disruption to bus operation along Whitehorse and Middleborough Roads is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.**
- 38. The existing bus stop and associated infrastructure on Whitehorse Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.**

**Expiry**

- 39. 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**

**Access Road**

1. *The internal road must remain a private road. Council will not take over responsibility for this road.*

**Waste Collection**

2. *Waste collections for the development will be undertaken by private contractors.*
3. *Council issued waste bins will not be supplied for this development.*
4. *Mobile garbage bin usage is based on individual usage by the townhouse residents of the development.*
5. *The internal road layout is unsuitable for waste collection to be undertaken by Council's contractor.*

**Melbourne Water**

6. *The applicable 1% flood level to the east of Middleborough Road is 85.90 metres (AHD) and to the north of Whitehorse Road it is 85.55 metres (AHD).*
7. *If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 145529.*

**Street Trees**

8. *The *Pyrus calleryana* street tree located in proximity to the proposed new crossover to Middleborough Road may be removed and replaced by Council subject to the payment of the Amenity Value of this tree. Please contact Parkswide on 9262 6289.*

**Asset Engineering**

9. *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.*
10. *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.*
11. *All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.*

**9.1.2**  
(cont)

- 12. 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.**
- 13. Melbourne Water's letter – reference 145529 dated the 31/7/2015 must be adhered to.**
- 14. The report and consent – land liable to flooding dated 21 September 2015 must be adhered to.**
- 15. Relocation, removal and reinstatement of all Councils drainage easements must be undertaken prior to the occupancy certificate being approved.**
- 16. Report and Consent for construction over Council's drainage easements must be approved prior to approval of the building permit.**
- 17. The construction of the new stormwater pipe shown on the Meinhardt Plans Project Number 112413 Figure 2 must be formally approved by Whitehorse Council prior to approval of the building permit. The plans that are preliminary approved are referenced as Project Number 112413, Drawing No. SK701, Rev B.**
- 18. The relocation of the stormwater pipe referred to above must not cause disruption to the flow of stormwater from the properties that benefit from this infrastructure.**
- 19. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.**
- 20. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.**
- 21. The proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.**
- 22. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.**
- 23. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.**

**Car Parking**

- 24. Residents of this development and their visitors will not be eligible for Residential Parking Permits.**

**9.1.2**  
(cont)

**Environmentally Sustainable Development**

**25. Suggested additional ESD measures include:**

- a) Provide small skylights on top floor common areas and dwellings for natural daylight.***
- b) Further enhance ventilative cooling by incorporating ceiling fans as an add-on feature.***
- c) To aid passive ventilation and exhaust in car park, also consider a permeable garage door.***
- d) Provide small skylights on top floor common areas and dwellings for natural daylight.***
- e) Provide 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.***

**CARRIED UNANIMOUSLY**

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**9.1.2**  
(cont)

MELWAYS REFERENCE 47 G9

Applicant:	Meinhardt Australia Pty Ltd
Zoning:	Residential Growth Zone Schedule 2, adjacent to two roads in Road Zone Category 1
Overlays:	Part Special Building Overlay
Relevant Clauses:	<p>Clause 11 Settlement</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 18 Transport</p> <p>Clause 19 Infrastructure</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 32.07 Residential Growth Zone Schedule 2</p> <p>Clause 52.06 Car Parking</p> <p>Clause 52.27 Land Adjacent To A Road Zone, Category 1</p> <p>Clause 52.34 Bicycle Facilities</p> <p>Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys Clause 55 Two or More Dwellings on a Lot or Residential Buildings</p>
Ward:	<p>Clause 65 Decision Guidelines</p> <p>Central</p>



	Subject site	45 Objector Properties (for 51 objections) (21 outside of map)	<p>↑ North</p>
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### **9.1.2**

(cont)

## **BACKGROUND**

### **History**

#### Planning Permit WH/2006/14151

Planning Permit WH/2006/14151 for development of 28 double storey dwellings and alterations for access to a Road Zone Category 1 on the land was issued by Council on 29 April 2004. The application was not acted upon and has since lapsed.

#### Planning Permit WH/2006/122

Planning Permit application WH/2006/122 for a two to four storey residential development (including basement car park) comprising 78 dwellings, creation of and alterations to access to two roads in a Road Zone Category 1, car parking and bicycle dispensation, and removal of native vegetation was refused by Council on 12 July 2006. Council's decision was upheld by VCAT.

#### Planning Permit WH/2008/373

Planning Permit WH/2008/373 was granted by Council on 20 November 2009 for the development of 35 dwellings and alteration of access onto a Road Zone Category 1, provision of car parking and landscaping. A two year extension of time to the permit was granted in 2011, and a further two year extension of time to the permit was granted in 2013. The new commencement expiry date is 20 November 2015 and the new completion expiry date is 20 November 2017.

### **The Site and Surrounds**

#### ***Site features***

The subject site is located behind a service station, on the corner of Whitehorse and Middleborough Roads, Blackburn. It comprises six separate allotments, 1, 3 and 5 Whitehorse Road & 400, 402 and 404 Middleborough Road. Historically, five of the six allotments contained detached single storey dwellings, and one was used for motor vehicle sales.

The site has a frontage to Whitehorse Road along its southern side of 81.3 metres, a frontage to Middleborough Road along its western side of 54.9 metres and a frontage to Malabar Road along its eastern side of 40.6 metres. It has a staggered northern boundary reflecting its abuttal to two properties. Its abuttal to 406 Middleborough Road is 80.5 metres and that to 34 Malabar Road is 45.8 metres. The site is irregular in shape and has an overall area of 7,421m<sup>2</sup>. The land slopes from its highest point at the north-east corner down to the south-west by up to 5 metres.

The site is vacant of buildings however a hard stand area associated with a former car dealership is still evident at 1 Whitehorse Road. The site is largely grassed, containing only four trees. The site has two vehicle crossovers to Middleborough Road and three crossovers to Whitehorse Road. Drainage and sewerage easements run north-south and east-west through the site.

A bus stop shelter is located on the Whitehorse Road frontage, and two bus routes along Whitehorse Road connect the site to the Box Hill Metropolitan Activity Centre

A covenant is registered on Title which prohibits the site being used as a service station, or similar use.

### **9.1.2** (cont)

A Section 173 Agreement is also registered on Title, relating to waste collection services associated with the previously issued Planning Permit.

Due to the adjacent service station and former motor vehicle sales use conducted on the land, the applicants have submitted a Certificate of Environmental Audit for the site which states that the condition of the site is not detrimental to the proposed future residential use of the land.

#### ***Adjoining sites***

Two properties abut the site's northern boundary separated by a 1.8 metre high paling fence. No. 406 Middleborough Road abuts the western section of this boundary and is developed with four single storey units constructed of brick with pitched tiled roofs. The units are set back a minimum of 5 metres from the subject site with a common driveway and a narrow landscape strip including shrubs and medium sized trees adjacent to the subject site.

No. 34 Malabar Road abuts the eastern section of the subject site's north boundary and is developed with a single storey weatherboard dwelling set back 2.5 metres from the common boundary. A large Eucalypt tree (Tree 2) and several medium sized canopy trees are located along the common boundary.

A service station occupies land on the corner of Whitehorse and Middleborough Roads and has abuttal to a significant portion of the site's south and west boundaries. The single storey service station operations building is positioned towards the common boundary with petrol pumps and the canopy structure located centrally on this site. The majority of this land is sealed for vehicular access, however landscaping is provided at the north-east corner and adjacent to the subject site. Vehicular crossovers provide access to the site from Whitehorse and Middleborough Roads.

Both Whitehorse and Middleborough Roads are double carriageway main roads and identified as Road Zone Category 1.

#### ***Surrounding area***

The surrounding area is mixed in character. The intersection of Whitehorse and Middleborough Roads dominates the environs. The south-east corner of this intersection comprises a combination of commercial and residential uses within one to five storey buildings that are largely built to the front boundary. Box Hill City Oval occupies the north-west corner of the intersection, and the two storey Box Hill Secondary College is located at the south-west corner.

A four storey building comprising 16 dwellings is under construction at No. 18 Whitehorse Road to the south of the subject site, and at No. 2 Laburnum Street a development of land for ten dwellings, comprising five triple storey dwellings and five double storey dwellings has recently been completed.

Aside from commercial areas and public uses such as parks and schools, the majority of residential properties facing Whitehorse Road to the east and west of the subject site are included within the Residential Growth Zone, extending between the Box Hill Metropolitan Activity Centre the Blackburn Activity Centre.

Malabar Road to the east of the site has a residential character comprising mostly single storey dwellings in a leafy, treed environment. Front and side setbacks are relatively consistent, as is the scale of development.

The site is located 1.3km east of the Box Hill Metropolitan Activity Centre, and Laburnum Railway Station is located a 400 metre walk south of the site.



### **9.1.2** (cont)

#### **Planning Controls**

The site is within the Residential Growth Zone Schedule 2 (RGZ2). The purpose of Clause 32.07 (Residential Growth Zone) includes:

- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.

Pursuant to the RGZ2, planning approval is required for the proposed buildings and works for more than one dwelling. A preferred maximum building height of 14.5 metres applies to dwellings and residential buildings.

Pursuant to Clause 52.06-2, Car Parking, a planning permit is required for a reduction in car parking (11 visitor space shortfall).

Pursuant to Clause 52.29, a planning permit is required to create or alter access to a road in a Road Zone Category 1. The application proposes the deletion of the existing access points to Whitehorse and Middleborough Roads, and the creation of a new crossover to each of these roads.

#### **PROPOSAL**

It is proposed to construct a residential development comprising two five storey apartment buildings to the south of the site comprising 103 dwellings, and two rows of attached double storey townhouses comprising 15 dwellings located along the north and east boundaries of the site. In total 118 dwellings are proposed.

The apartment buildings are located over two levels of basement accommodating car parking and service areas. A central accessway will provide vehicular access to all dwellings which will connect to both Whitehorse and Middleborough Roads.

##### *Basement levels*

- The two basement levels include 111 car spaces (four in tandem), 84 bicycle racks, two 25,000 litre water tanks for toilet flushing and irrigation, and a 51m<sup>2</sup> waste storage area.

##### *Apartment Buildings*

- The western building is setback 7.3 to 8.0 metres from Middleborough Road, and the eastern building is setback 4 metres from Whitehorse Road. A predominantly 8 metre separation is provided between the two apartment buildings, with balconies extending into this space.
- Ground level apartments are provided with secluded private open space terraces at ground level, and upper level apartments are provided with balconies ranging in size from 8.3m<sup>2</sup> to 119.3m<sup>2</sup>.
- A total of 47 one bedroom and 56 two bedroom apartments are proposed.
- Given the slope of the land, the apartment building height varies between 15.5 metres at the internal north elevation and 18.7 metres at the south elevation facing Whitehorse Road (plus plant and lift overrun).

### **9.1.2**

(cont)

#### *Townhouses*

- Ten attached and semi-detached double storey townhouses are proposed along the north boundary, setback 1.0 to 4.1 metres from the north boundary. These dwellings face the internal accessway and have small front yards.
- Five attached double storey townhouses are proposed along the east boundary, facing the internal accessway and setback 5 metres from Malabar Road, and 3.9 metres from the north boundary. These dwellings have small front yards and secluded private open space areas at the Malabar Road frontage, separated by a 1.8 metre high timber paling fence.
- The townhouses average 6.2 metres in height.

#### *Elevations*

- The apartment buildings are proposed to be clad with a varied palette of white, light and dark grey render and timber.
- The townhouses are proposed to include white, light and dark grey render and timber, and dark grey bricks, with flat roofs.

#### *Car Parking Summary*

- A total of 111 car spaces are provided in the basement for the apartments, including four pairs of tandem spaces which must be allocated to the same apartment, leaving four car spaces in the basement for the benefit of visitors.
- The townhouses are each provided with at least two car spaces.
- There are eight on-street car spaces available along the internal accessway, including six parallel kerbside spaces along the east-west access road, and two indented bays off the north-south accessway,

#### *Access*

- New crossovers are proposed to Middleborough and Whitehorse Roads, and these will both be restricted to left-in, left-out only vehicle movements.
- The internal accessway is proposed to be a shared zone, allowing for both vehicular and pedestrian movements on the roadway.
- Dedicated pedestrian access through the site is provided by footpaths along most of the length of the internal accessway, and a central pedestrian entry from Whitehorse Road between the two apartment buildings is provided to the centre of the site.

#### *Landscaping*

- A landscape concept plan submitted with the application shows tree planting along the Middleborough and Whitehorse Road frontages, and along the central accessway. A pergola covered with creepers is proposed over part of the dedicated north-south pedestrian accessway.

### **9.1.2**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting three notices to the three street frontages. Following the advertising period 51 objections were received from 45 individual properties.

The issues raised are summarised as follows:

#### **Amenity Impacts:**

- Overlooking.
- Internal overshadowing.
- Increased noise.
- Potential for antisocial behaviour of residents.
- Impacts to the physical and mental health of neighbours.

#### **Infrastructure:**

- There are no nearby local shops.
- Overseas student numbers are decreasing.
- Box Hill Oval is locked and not able to be accessed as open space.
- The rear interface of the proposed buildings which face the adjacent residential properties will be dominated by unsightly pipes and air conditioners.

#### **Parking and Traffic:**

- Increased traffic at this busy intersection and on side streets such as Malabar Road and Patricia Road due to the left turn only entry and exit to the site. These streets are already used as “rat runs”.
- Increased on-street parking in Malabar Road, which is already used for station commuter parking.
- Inadequate car parking provision for residents and visitors.
- Laburnum Station is not fully serviced.

#### **Neighbourhood Character:**

- Visually dominant building bulk and form with inadequate set backs.
- Not in keeping with the Garden Suburban neighbourhood character.
- Visual impact of clothes horses and washing displayed on balconies.
- No buffer between the proposed high density housing and existing dwellings.
- Too many one bedroom dwellings.
- Dark grey brickwork clashes with environmentally friendly colour schemes.

#### **Landscaping:**

- Insufficient landscape and open space areas.

### **Consultation Forum**

A Consultation Forum chaired by an independent facilitator was held on 23 July 2015. Eleven registered objectors, the applicant, two architects and Councillors Harris, Munroe and Massoud attended this Forum.

The Chair facilitated discussions around the themes raised in objections, and additional concerns were raised. The applicant’s architect provided a brief overview of some of the key features of the application to participants towards the end of the forum. No consensus was reached.

### **9.1.2** (cont)

The discussions at the Forum revealed some additional concerns from objectors, including:

**Amenity Impacts:**

- Wind impacts from the towers to the surrounds.
- Lack of bike paths in the surrounding area to support the proposed bike parking.
- Increased noise emissions and bin odours.

**Infrastructure:**

- Impacts to existing infrastructure.
- There is a lack of recreational facilities for families that are easily accessible.

**Parking and Traffic:**

- Car parking data provided to Council only surveys one week day and one weekend, not an event or other peak times.

**Neighbourhood Character:**

- A concern raised about how the apartments would be serviced for heating and cooling.

**Landscaping:**

- Concerns surrounding residents using shared paths with vehicles.
- Lack of landscaping proposed on the site.
- Impact to existing gum trees and other trees on the adjoining land.
- What are the plans for water sensitive urban design on the site?

### **Subsequent Amendments**

In response to the key points highlighted by the Forum, and discussions with Council Officers, the Applicant offered to accept permit conditions to make significant alterations to the proposed development, in particular increasing the setbacks of the townhouses from the north boundary, reducing the number of townhouses, improving pedestrian paths and increasing in-ground landscaping to the south of the apartment buildings.

In particular, the offered changes include:

- Reduction in the number of townhouses from 15 to 12, bringing the total number of dwellings on site down from 118 to 115.
- The setback between the basement and the southern property boundary increased from a minimum of 2 metres to approximately 3.5 metres to allow for increased landscaping.
- The northern boundary setback of the townhouses increased from a minimum 2.2 metres to 4 metres to allow for increased landscaping and improved back yard amenity for future occupants.
- Introduction of an increased street setback for townhouses from Malabar Road from 4.9 metres to up to 6.2 metres at the northern end transitioning to 4 metres at the southern end of the site.
- Provision of a 2 metre wide footpath along both sides of the internal road that runs east-west to improve pedestrian safety.
- Provision of street planting either side of on-street visitor car spaces to provide 'vehicle calming' treatments to address any potential for 'rat running' through the site.
- Revised materiality and enhanced articulation to 'break up' the built form and provide a point of difference between buildings when viewed in the street.
- Revised fence design to Malabar Road to include a level of permeability and an 800mm setback from the title boundary to allow for integrated landscaping.

### 9.1.2 (cont)

The applicant has provided sketch plans demonstrating how these alterations can be achieved. As the proposed amendments substantially address a number of Council's key concerns, these alterations will be included as conditions, and the discussion below will take these alterations into account. (Refer to Attachment 2b)

#### Referrals

##### External

###### Melbourne Water

Melbourne Water, pursuant to Section 56 (1) of the Planning and Environment Act 1987, does not object to the proposal, subject the inclusion of conditions and footnotes on any permit that may issue.

###### Public Transport Victoria (PTV)

Public Transport Victoria, pursuant to Section 56(1) of the Planning and Environment Act 1987 does not object to the grant of a planning permit, subject to conditions.

###### VicRoads

VicRoads does not object, subject to the inclusion of conditions requiring additional details of roads and access.

##### Internal

###### Engineering and Environmental Services Department

- Transport Engineer

###### *Statutory Assessment*

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

<b><i>Use</i></b>	<b><i>Number/Area</i></b>	<b><i>Rate</i></b>	<b><i>Required Spaces</i></b>
Dwellings			
1&2 bedroom dwellings (103 apartments)	103	1 space per dwelling	103
3 or more bedroom dwellings (12 townhouses)	12	2 spaces per dwelling	24
• Visitor parking	115 dwellings	1 space per 5 dwellings	23
TOTAL			150

### **9.1.2** (cont)

#### *Adequacy of Parking Provision*

The statutory parking requirement for the proposed development is 150 spaces (i.e. 127 resident spaces and 23 visitor spaces). Provision of car parking for the townhouses, at a rate of two car spaces per dwelling, meets the statutory requirements.

The Basement car park serving the apartments includes 111 car spaces. There are four pairs of tandem parking spaces proposed within basement parking area (i.e. 8 spaces). Both spaces within the tandem pair must be allocated to the same apartment. All other apartments are only required to be allocated one car space. This results in basement car parking provision for residents of 107 spaces (one space per apartment + four tandem pairs). This leaves 4 spaces within the basement levels that could be allocated for visitors.

The visitor parking requirement is 23 spaces. There are eight ground level car spaces proposed for visitors, located beside the internal road, plus the 4 available visitor spaces in the basement. This results in an overall shortfall of 11 (23-(8+4)) visitor parking spaces for the apartments.

The proposed reduction of visitor car parking provision for the development is not supported, as there is no opportunity for visitors to park along the arterial road frontages of the site, and very limited availability of parking in Malabar Road due to overflow commuter parking demands.

#### *Traffic Generation*

As per the assessment of traffic generation and impact prepared by the applicant's traffic engineer it is anticipated that the proposed development would generate up to 460 daily movements, inclusive of 47 peak hour trips. The road network has the capacity to absorb the additional traffic generated by the proposal and the Transport Team has no objection to the proposal based on traffic impact.

#### *Bicycle Facilities*

The submitted plans indicate that a bicycle parking area for 84 bicycle spaces is proposed within the basement and 10 on-street bicycle spaces. The proposed bicycle parking provision and layout is considered acceptable. The on-street bicycle parking spaces should be appropriately signed and available at all times for use by visitors.

#### *Vehicle Access Arrangements and Car Park Layout*

The proposed vehicle access arrangements and car park layout are generally acceptable, subject to minor alterations to achieve compliant vehicle movements.

The internal road must remain a private road. Council will not take over responsibility for this road.

#### *Loading Facilities*

A loading bay is not required for this proposal under Clause 52.07. However, there is an area within basement level 1 that is designated as a loading area. It is understood that service vehicles would use this loading bay whilst waste collection is being undertaken. The proposed arrangements are satisfactory, although the applicant may need to consider signage or alternate measures to deter resident/visitor parking within this loading area.

### 9.1.2 (cont)

- Waste Engineer

Waste Management Plan is approved. It is noted that waste collections for the development will be undertaken by private contractors.

Swept path diagrams prepared by the applicant's traffic engineer indicate that convenient access and egress is provided for a 6.4 metre vehicle to service the site, however the proposed internal road layout would be unsuitable for waste collection to be undertaken by Council's contractor.

- Assets Engineer

Consent subject to conditions and notes on permit.

#### Urban Design Consultant

The consolidated allotment of significant proportions, abuttal to Whitehorse and Middleborough Roads and proximity to existing bus stop and the Laburnum Station provides strategic support for a development of this scale in this location. The success of proposed medium density development on this site is determined by its site planning strategy and to ensure that its development ambition is paired with high quality exterior and interior amenity.

The proposed strategy has in effect subdivided the subject site into two with an internal access way to clearly distinguish the site suited for apartment typology from the more traditional townhouses arranged along its more sensitive interfaces. This strategy offers a range of benefits that a typical villa unit development would be unable to deliver on the site due to limited vehicular access allowed along the main roads and limited frontage along Malabar Road. Further refinement is required to the overall site layout, building mass, in addition to some minor internal configuration matters in order to secure an appropriate urban design outcome for this site.

#### Planning Arborist

No objection to the development or the removal of the trees on site, subject to the inclusion of tree protection measures to be observed during the construction process to protect the health of trees on adjoining lots.

#### Parkswide

No objection to the removal of the existing *Pyrus calleryana* street tree within the location of the new crossover to Middleborough Road, subject to the payment of the amenity valuation for this tree.

#### Landscape Architect

A full landscape plan is required to include the addition of tall tree and screen plantings to soften the appearance of the building form and contribute to the Garden Suburban Character of the area, and conditions will be required to achieve this.

#### ESD Advisor

A review of the Sustainability Management Plan (dated 06/2014) and advertised plans (dated 11/2014) 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.

### **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 minimise waste and encourage recycling within new development.

Clause 22.03, Residential Development, identifies the site as being within a Substantial Change area. This policy recommends that development is facilitated within Substantial Change Areas as these have been identified as being able to sustain higher density development based on environmental and infrastructure considerations, and will make a significant contribution to increases in housing stock.

Apartment style building forms are encouraged within Substantial Change Areas, however it is noted that buildings interfacing sensitive areas should have a scale and massing appropriate to the character and scale of their context, and higher density building forms should be located away from sensitive interfaces.

The site is included within the Garden Suburban Precinct 13. Substantial Change Areas within this precinct, including the subject site, are expected to accommodate more dwellings with slightly more compact siting than the remaining residential areas, but with space for large trees and gardens. It is considered given the subject land's main road frontages, size, limited sensitive interfaces and the context of the immediately surrounding built form that the site can accommodate a more robust built form than is typically encouraged within the Substantial Change Areas of Garden Suburban Precinct 13. The provision of two storey townhouses along the north and east boundaries provides for a transition of built form to adjoining existing abutting residential interfaces.



### **9.1.2** (cont)

Clause 22.04, Tree Conservation, seeks to encourage the retention and regeneration of significant vegetation. There is little existing vegetation on the subject site, but its redevelopment represents an opportunity to improve the tree coverage and landscape character.

The strategic planning directions in both state and local planning frameworks identify the subject site as suitable for high density housing, which will widen housing choice and make better use of existing infrastructure. The proposed development achieves this overarching strategic objective to provide a greater range and intensification of residential development. The site is within walking distance of public transport and parks, and provides convenient access to the Box Hill Metropolitan Activity Centre and the Blackburn Activity Centre.

The proposal is consistent with the purpose of the Residential Growth Zone which seeks to provide housing at increased densities, to encourage a diversity of housing types in locations offering good access to services and transport, and to a transition of building scales between areas of more intensive development and areas of restricted housing growth. It is noted that the purpose also references building forms up to four storeys, however there is no height limit specified in Schedule 2 of the Residential Growth Zone and the preferred building height in the zone provision is discretionary, allowing Council to take into account the site circumstances when deciding on appropriate building height.

### **Urban Design Principles**

Clause 15.01-2 of the Planning Scheme and the *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) require design principles to be referred to when assessing development proposals for residential development of five or more storeys, including:

#### The public realm

At the Whitehorse Road frontage, the apartment building setbacks of 4 metres at the ground and first floor levels, increasing to 7 metres at the second and third storeys, which are the same setbacks provided to the four storey building under construction on the south side of Whitehorse Road Activity Centre, and exceeding the zero front setbacks present at the south-east corner of Whitehorse and Middleborough Roads. Open balconies extending into these setbacks provide for visual interest and articulation of forms. The top (fourth) level is proposed to be setback 10 metres from Whitehorse Road. This represents an appropriate building scale at this main road interface beside an existing service station. The western apartment building will provide a backdrop to the service station, and will be setback a minimum of 28 metres from Whitehorse Road.

The townhouses along the eastern boundary have a varied alignment to Whitehorse Road of 4 to 11 metres, allowing for a transition of building forms and setbacks as the site transitions to the established residential area of Malabar Road, although it is noted that lots facing Whitehorse Road to the east of the subject site are also included within the Residential Growth Zone Schedule 2, however the smaller sizes of these lots is not expected to provide for a building form of a scale proposed on the subject land. The townhouses face the internal accessway and include fenced secluded private open space areas which will be substantially screened from Whitehorse Road by the landscaped front setback which will enhance the Garden Suburban character of the area.

At the Middleborough Road frontage, the western apartment building is setback 7.3 to 8.0 metres, with fenced private open space areas for ground level apartments extending into this setback to within 2 metres of the site boundary. This will allow for the provision of a visual separation and common landscaping to soften the interface of the built form at this frontage. Levels 3 and 4 of the western apartment building have increased setbacks of 19 metres to Middleborough Road, representing significant recession of these upper levels.

### **9.1.2** (cont)

The double storey townhouses are proposed to be setback between 6.5 and 8 metres from Middleborough Road, with fenced secluded private open space extending to within 5 metres of this frontage, which will allow for large scale landscape screening of these dwellings and provide a good transition to the Natural Change Area adjacent to the north. The townhouse elevations facing Malabar Road must also be designed to address the Malabar Road streetscape by providing lower sills to the upper level bedrooms, which will be visible to Malabar Road. This will improve the presentation to, connectivity with, and passive surveillance of the Malabar Road Streetscape in this location.

All of the proposed townhouses face the proposed internal accessway, and include unfenced frontages with compact front gardens contributing to an open and active streetscape. Ground level apartments include at grade terraces as their secluded private open space areas which have gates to the shared internal accessway, although it is noted that privacy is provided to these open space areas by means of a rendered 1.8 metre high fence. It is considered that the provision of the open townhouse frontages along one side of the internal accessway provides a sufficient balance between the activation of the public realm and privacy protection for the open space areas of the apartment buildings.

#### 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. The proposal will not block any identified significant views or vistas.

#### Pedestrian spaces

Council's Urban Designer has advised that the proposed site layout is logical and well-spaced, with the internal circulation road removing the requirement for multiple crossovers off its street frontages, however it has not been designed as a pedestrian friendly environment which would encourage alternative active travel modes.

The original proposal included 1 metre wide pedestrian paths immediately beside the internal accessway, and it is considered that these were insufficient to allow for disabled access and passing pedestrians, and as such these paths will be required to be increased to 2 metres wide as offered by the Applicant subsequent to the Forum.

The north-south pedestrian accessway proposed between the two apartment buildings is made accessible through the provision of a ramp as well as stairs to achieve the level required to clear the basement car park below, and has a clear width of 4 metres, although it is noted that this accessway is bounded on both sides by 1.8 metre high solid privacy fences around the adjacent secluded private open spaces.

A sense of community can be established through accommodating a range of common areas including walkways, seating nooks, and lawns. Council's Landscape Architect and Urban Designer have both recommended that the passive surveillance and safety of the north-south pedestrian accessway is improved through provision of visually permeable fencing to the open spaces facing the north-south accessway, except where these are the sole secluded private open space for apartments, to balance privacy for habitable room windows and surveillance of the walkway. Seating will also be required along this walkway, and provision of a small passive recreation area including seating is also recommended for the common open space area at the south-east of the site along the Whitehorse Road frontage.

### **9.1.2** (cont)

Whilst Council's Urban Designer was supportive of the concept of the proposed north-south pedestrian accessway, the locations of both entry lobbies facing the internal access road, away from the pedestrian link was queried. It is noted that the lobbies to the two apartment buildings have been dictated by the locations of building service cores, and also the site levels, and overall the development is not compromised by the lobby locations.

In addition, the two residential foyer entrances facing the internal accessway are not well-defined architecturally on the facades, and would benefit by being more clearly identifiable through both architectural and urban design treatments to assist pedestrian wayfinding and the legibility of the building form. This will form a condition of approval.

The submitted plans have not identified lighting for the proposed internal accessway, and a Lighting Strategy will be required to provide appropriate lighting to the internal roadway and the north-west pedestrian path, designed in accordance with the relevant Australian Standards, and utilising energy efficient fittings.

#### Light and shade

The majority of the overshadowing impacts fall over the adjacent service station and 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.

#### Energy and resource efficiency

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

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

#### Architectural quality

The proposed development achieves an appropriate architectural and urban design response, subject to some minor alterations to the building interfaces with the public realm and presentation. Rooftop plant equipment is located centrally to the building footprint, and will have limited visibility from surrounding areas.

#### Landscape architecture

It is noted that the proposal includes a conceptual landscape design which provides for scattered upper canopy trees throughout the site. However it is considered that the proposed location of the basement car park which was to be setback 2.0 to 2.3 metres from the south boundary along Whitehorse Road and the interface with the service station would not provide for sufficient soil volumes to support substantial screening vegetation along this visible boundary interface to soften and break up the presentation of the building form. In response to this concern, the applicant has offered approximate 3.5 metre setbacks between the basement and the south boundary alignments. This alteration will be conditioned, and is considered to improve the in-ground landscaping opportunities along the south elevation.

### **9.1.2** (cont)

A further area of concern in relation to the provision of landscaping along building interfaces is at the northern interface of the townhouses with the adjoining residential lots. This issue has also been addressed by the amendments provided by the applicant after the Forum. In particular, the minimum 2.2 metre north boundary setback originally proposed to the western row of townhouses has been increased to 4 metres adjacent to the medium density development at No. 406 Middleborough Road. In addition, the setback to the interface with No. 34 Malabar Road has been increased to a minimum of 6.8 metres at the interface with No. 34 Malabar Road, which will also ensure that the foundations of these dwellings are kept clear of the trees on the adjacent lot. The townhouses include partially sheer two storey walls at the north elevation, and the proposed building setback is insufficient to allow for significant screen planting along the boundary interface to soften the presentation of the townhouse building forms.

These increased setbacks will allow for the provision of upper canopy landscaping along the sensitive northern interface of the subject site adjacent to a Natural Change area, and will further assist in the recession of building form and the mitigation of visual impacts associated with the townhouses creating an effective buffer between the proposed development and existing residential properties to the north. It is noted that the improved landscaping along the site interfaces has been achieved at the expense of the front setbacks of the northern townhouses to the internal access road, which have been reduced from 3.9 metres to 2 metres on the amended plans. The orientation of the townhouses to the internal access road will have limited visibility to the surrounding area, and is appropriate for a development of this scale and type.

The provision of street trees within the road reservation delineating the on-street visitor car spaces will further assist to increase the tall tree coverage through the centre of the site as well as act as traffic calming devices to slow vehicle movement through the site.

At the Malabar Road interface to the east, the proposed townhouses face the internal accessway and their secluded private open spaces along the Malabar Road frontage are provided with 1.8 metre high timber paling fences setback 0.5 metre from the road alignment. This results in a hard and inactive frontage to Malabar Road with insufficient landscaping provision in front of the proposed fence. In order to improve the landscape character along the Malabar Road frontage, the applicant's suggestion that the fencing along this frontage is visually permeable is recommended, enabling glimpses of the gardens associated with the proposed townhouses, and the common landscape area forward of this fence is increased to 0.8 metres wide to enable the establishment of more substantial screening vegetation.

Subject to the changes above, overall the extent of landscaping areas available on the site is considered appropriate and will ensure that the development can be accompanied by a good level of landscaping, subject to the provision of a satisfactory landscape plan which will be required as a condition of approval. This will ensure that the site enhances the Garden Suburban character of the area.

#### **Clause 55 (Rescode)**

The townhouses have been assessed against the objectives and standards of Clause 55 and are largely considered to be a satisfactory response. Further discussion in relation to the following outstanding matters:

#### *Streetscape Objective*

The front boundary setbacks of the townhouses do not meet Standard B6, however, as discussed above, the reduced front boundary setbacks are considered acceptable within the context of a Substantial Change Area and the surrounding building forms.

### **9.1.2**

(cont)

#### *Overlooking*

To the north, the proposed townhouses have upper level windows and balconies facing the adjacent shared accessway at No. 406 Middleborough Road, and with the required 4 metre boundary setback, there will be a minimum 9.1 metre separation between the townhouses and the adjacent dwellings, and as a result screening will not be required. However the upper level habitable room windows of townhouses situated adjacent to No. 34 Malabar Road will require screening of all facing upper level habitable room windows to prevent unreasonable overlooking of the adjacent secluded private open space.

The 5 metre separation between the apartment balconies requires reliance on privacy screenings for upper level balconies (Apartments 222, 203, 204, 320, 303, 304, 418, 403 and 404). It is noted that the apartments on the west side of the internal pedestrian link are dual aspect, whereas many of the eastern apartments facing them are single aspect. In order to ensure that equitable access to light and views is provided to all dwellings, a condition will require the window and balcony outlooks and configuration of all apartments facing the pedestrian link to be arranged to ensure that privacy screening is not required to be provided to the balconies of single aspect west facing apartments at this interface.

#### *Private Open Space*

The secluded private open space areas of many of the townhouses do not meet the required minimum 5 metre width required by the RGZ2, however in the overall context of the proposed development within a Substantial Change Area, the provision of private open space areas having a minimum width of 4 metres and sizes ranging from 40m<sup>2</sup> to 232m<sup>2</sup> are acceptable.

The apartments are provided with balcony sizes from 8.3m<sup>2</sup> to 119m<sup>2</sup>, which comply with the Clause 55 requirements that are used as a guideline in this instance.

A communal passive recreation area will be provided at the south-east of the site, and there are several public open space areas within walking distance to serve the recreation needs of residents.

#### *Storage*

Not all of the townhouses are provided with external storage, and this will be required as a condition of approval.

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

The Guidelines for Higher Density Development require applications to be assessed against six key urban design principles as detailed below:

#### *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 Structure Plan and expected impact of future development. Given the location of the site within a Substantial Change Area, higher density development is encouraged.

**9.1.2**  
(cont)

*Element 2 Height and Massing*

The overall design concentrates the five storey apartment building forms at the less sensitive southern interface, and provides two storey townhouses to the north of the site to transition to established Natural Change Areas.

It is noted that the Residential Growth Zone Schedule 2 recommends a preferred maximum building height of 14.5 metres, which the proposed apartment buildings exceed, having heights between 15.5 and 18.7 metres (plus plant and lift overrun), owing to the slope of the land. The preferred building heights are not absolute restrictions, as the Planning Scheme allows for consideration of the site circumstances within the exercise of Council's discretion. In this instance, the subject site is a substantial size (7,421m<sup>2</sup>) and is bounded on three sides by roads (including two arterial roads) and has one non-sensitive abuttal (service station).

As a result, the subject site has only one non-sensitive interface (the dwellings to the north), which, owing to the orientation of the land, will not be impacted by overshadowing. Taking all of these aspects of the site circumstances into consideration, it is considered appropriate that the preferred building heights are exceeded in this instance, as the arrangements of the building forms have ensured that the higher building forms are distanced from the sensitive interface. In addition, the apartment building forms are concentrated to the south where they reflect the more intensive residential and commercial development occurring at the south-east corner of the intersection of Whitehorse and Middleborough Roads.

The amended sketch plans have improved the expansive southern elevation through modulation and articulation of the lower levels, however a similar approach is required along the internal northern elevation, in particular at the top levels. Council's Urban Designer has recommended that the architectural articulation of the apartment buildings is improved to temper the strong horizontal expression of architectural features and improve the vertical definition, in particular at the internal northern elevation which should be more legible as a domestic form, instead of the current commercial appearance. The use of blade walls and slab edges to create a rhythmic pattern of interlocking blocks of render and timber is recommended, to accentuate the sense of a series of townhouse forms within the lower three levels to compliment the two storey townhouse elements.

The 30 metre separation between the apartment buildings and the northern boundary is sufficient to provide a recession of these building forms when viewed from the north. The separation between the two apartment building forms is considered appropriate given the variations in their heights, footprints and elevations which provide a legible differentiation between these two buildings.

Subject to conditions, the quality of the architectural response will present well when viewed in the round from a distance, although as discussed, the proximate pedestrian scale interfaces require additional detailing to improve public-private interfaces.

Internal overlooking between the two apartment buildings, which include a 5 metre separation between facing balconies must be managed by the provision of appropriate screening measures to prevent unreasonable privacy impacts.

*Element 3 Street Pattern and Street-Edge Quality*

A condition will require that all townhouses have at least one ground level habitable room window facing the shared accessway, as indicated in the suggested layout plans provided by the applicant, to provide a sense of address and connectivity with the street.

### **9.1.2** (cont)

The provision of secluded private open space areas for ground level apartments has been discussed above. This issue requires a balance to be struck between the conflicting needs to provide adequate secluded private open space for new dwellings against the Element 3 requirement to ensure that frontages are not inactive as a result of fencing. The previous discussion has recommended the provision of landscaped setbacks in front of fenced open spaces, and in addition the use of visually permeable fencing along the Malabar Road frontage, which responds to the objectives of Element 3.

As discussed above, the urban design and streetscape treatments will integrate the public and private pedestrian spaces around the building, however the pedestrian entrances to the two apartment buildings also require further definition to enhance their legibility.

#### *Element 4 Circulation and Services*

The proposed internal access road is proposed to narrow to a 3.4 metre width in parts, as a strategy to delineate it as a private access road and discourage “rat running”. Council’s Transport Engineer has confirmed that this access width is sufficient to provide for service and emergency vehicles, and will provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience.

The submitted plans do not provide details of the surface materials, kerbs or other design features of the proposed internal access road. Although it is noted that subdivision is not proposed at this stage, Clause 56 (Subdivision) provides useful guidelines in relation to assessing the proposed street layout and pedestrian spaces.

In particular, Clause 56.06 recommends provision of clear physical distinctions between arterial roads and neighbourhood streets, and conditions will be imposed requiring details of the access road construction and materials, including the provision of traffic calming measures to prevent the proposed internal access road from being used as a “rat run”. The use of linemarking and signs to delineate traffic movements at the T-intersection within the site, plus details for the design and location of street furniture, lighting, and other features will also be required.

Footpaths should also be designed to accommodate wheelchairs, prams, scooters and other footpath traffic, and allow for continuous and connected travel throughout the site. As such, details of the pavement, edge, kerb, channel and crossover details are required for the footpath area. These must support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and be structurally sound, including a durable, non-skid surface and include tactile ground surface indicators and kerb ramps required for the movement of people with disabilities. It is further recommended that integrated water sensitive urban design measures are included to use water run off from the road to assist in watering the street trees which are proposed within the roadway.

The internal layouts of the two apartment buildings provides for central, straight communal corridors approximately 1.5 metres wide that allow for view lines along the lengths of the corridors, and these corridors have some natural light access at all levels.

Mechanical plant and other related mechanical service units are generally located within the basement, or on the roofs of the towers. Air conditioning units have been shown on all apartment balconies.

#### *Element 5 Building Layout and Design*

A range of one to three bedroom dwellings are provided, and all habitable rooms have direct access to daylight and ventilation. It is noted that the shape of the site has resulted in a proportion of the proposed apartments being oriented southwards, where solar access will be limited but access to daylight is sufficient.

### **9.1.2** (cont)

As the subject site is located at the intersection of two main roads, the proposed dwellings may be impacted by traffic noise, and so acoustic protection measures will be required for windows.

#### *Element 6 Open Space and Landscape Design*

Common areas are easily identifiable, including car parking, vehicular and pedestrian access. Improvements to the legibility of the apartment building entrances have been suggested above. All apartments are provided with a balcony over the required 8m<sup>2</sup> in area.

Subject to conditions providing further detail on some aspects, the landscaping provided should be high quality and will provide an engaging and functional space for users.

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

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

- 103 Apartments.
- 12 Townhouses, each served by two car spaces in tandem.
- 111 car spaces within the basement (including four tandem pairs each of which must be allocated to one apartment).
- Eight at grade visitor car spaces.

Compliant car parking provision is achieved for the residents of the townhouses and apartments. However the required visitor parking rate of one per five dwellings is not achieved. The proposal requires 23 visitor car spaces to be provided on site, and only 12 are proposed; four are within the basement car park and eight on-street car spaces, producing a shortfall of 11 visitor spaces.

Owing to the limited availability of on-street car parking in the vicinity, any shortfall in the required visitor car parking rate is not supported, and a condition will be included to ensure that an additional 11 visitor car spaces are provided on site. It is anticipated that an increase in basement size or the introduction of independent vehicle stackers within the basement could be utilised to satisfactorily achieve the visitor parking requirement. Details of how visitors will gain access to the basement (such as via an intercom system) are also required to be provided.

Subject to some conditions Council's Transport Engineers raised no objection with regard to car parking layout.

#### *Bicycle facilities*

The proposed bicycle parking provision of 84 spaces within the basement for residents and 10 at grade for visitors exceeds the statutory bicycle parking rate, and is acceptable subject to conditions to ensure that bicycle parking signage is provided to bicycle spaces.

#### *Public Transport Access*

Laburnum 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. Although it is noted that not every train stops at this station, and it is not permanently staffed, the provision of fixed rail transport within convenient walking distance of the subject site is considered likely to reduce the reliance of residents on cars. In addition, bus services running along Whitehorse Road and stopping beside the subject site provide a direct connection to the transport interchange at Box Hill. It is therefore considered that the site is amply served by public transport, which further supports the intensification of residential development in this location.



### 9.1.2

(cont)

#### Clause 44.05 Special Building Overlay

The Special Building Overlay applies to a small portion of land at the south of the site and Melbourne Water is satisfied that the purpose of the Overlay to ensure that development manages floodwaters, minimises flood damage, is compatible with the flood hazard will be achieved by the proposal, subject to conditions.

#### 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 Middleborough Roads. The application was referred to Vic Roads in accordance with the requirements of Section 55 of the Act and conditions required by Vic Roads will be included on any approval issued.

#### Objectors Concerns not Previously Addressed

- Increased noise emissions and bin odours.

The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise, can be pursued as a civil matter.

- Potential for antisocial behaviour of residents.

This is not a matter that can be considered as part of a planning application.

- Impacts to the physical and mental health of neighbours.

This is not a matter that can be considered as part of a planning application. As discussed above, the development of the proposed dwellings will be conducted to ensure no unreasonable impacts to surrounding lots, with various planning, building and civil enforcement mechanisms in place to regulate this.

- Wind impacts from the towers to the surrounds.

Building forms of this size are unlikely to produce unacceptable wind impacts.

- Box Hill Oval is locked and not able to be accessed as open space.

The proposed dwellings are provided with compliant secluded private open space, and publically accessible parks including playgrounds are located within a 10 minute walk at Bolton Park, Elmhurst Basin and Laburnum Lot.

- The rear interface of the proposed buildings which faces the adjacent residential properties will be dominated by unsightly pipes and air conditioners.

A condition will be imposed requiring all pipes and air conditioners above the ground floor level to be screened from view so that the development will present well when viewed in the round.

- Impacts to existing infrastructure.

Infrastructure provision will be addressed by the relevant service authorities during the building and subdivision stages of the development.

- Visual impact of clothes horses and washing displayed on balconies.

This is a site management issue, not a planning concern, and can be addressed by the owners corporation if and where required.

### **9.1.2**

(cont)

#### **CONCLUSION**

The proposal is for construction of a two five storey apartment building plus basement parking and townhouses and the alteration of access to two roads in the Road Zone Category 1. A reduction in the proposed number of townhouses to 12 will be conditioned. A reduction of car parking requirements was also proposed, however conditions will be included to ensure that compliant resident and visitor car parking is provided on site, and the preamble will be amended accordingly.

Subject to conditions, the proposal is considered to be consistent with the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Residential Growth Zone Schedule 2, the Special Building Overlay, Clause 52.06 Car Parking, Clause 52.29 Land Adjacent to a Road Zone Category 1, Clause 55 ResCode, and the Guidelines for Higher Density Residential Development.

A total of 51 objections from 45 properties were received as a result of public notice and all of the issues raised have been discussed as required.

It is recommended that the application be approved.

## **Strategic Planning**

### **9.1.3 Heritage Advisor – Annual Report 2014/15**

FILE NUMBER: SF09/52

#### **SUMMARY**

*The fourteenth year of work by the Heritage Advisor at Whitehorse City Council is now complete. This is an outline of the work undertaken by the Advisor between 1 July 2014 and 30 June 2015.*

#### **COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Harris

***That Council receives the report and acknowledges the valuable contribution made by the Heritage Advisor towards the protection of heritage places across the City.***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

This is the fifth year that Ian Coleman of Coleman Architects Pty. Ltd. has provided heritage advisory services to Council. Ian is located in the Strategic Planning Unit, generally one day a week.

The main role of the Heritage Advisor is to provide advice to both planning staff and members of the public regarding development on properties covered by a Heritage Overlay (HO) within the Whitehorse Planning Scheme. Council has provided this service since 2002.

#### **DISCUSSION**

Below is an outline of work, tasks and achievements undertaken by the Heritage Advisor over the last financial year. These are in response to duties set out in the Heritage Advisor Contract.

The primary duties of the Heritage Advisor are:

- a) *To liaise with the owners of buildings and places listed in the local planning scheme with respect to their requirements, and the requirements for achieving conservation of the cultural environment. This will involve:*
  - *Encouraging property owners to seek advice with respect to any development and conservation work to be undertaken to heritage items, ideally, prior to the lodging of planning applications;*
  - *Offering advice and, where necessary, preparing simple drawings or specifications for such work;*
  - *Giving advice and assistance as required in obtaining quotations for work, contacting appropriate trades-people, or obtaining suitable material suppliers;*
  - *Providing advice to builders and tradespeople on relevant conservation/restoration techniques and material sources for specific tasks; and*
  - *Assisting owners, where necessary, to apply for permit approvals from relevant authorities and to make applications for financial assistance from relevant sources.*

### 9.1.3 (cont)

Heritage property owners who make enquiries to the Planning and Building Department are advised of the heritage advisory services and the benefit of speaking directly to the Heritage Advisor before submitting an application and/or when preparing documentation for works. In this way, the Heritage Advisor spends a majority of his time guiding owners making planning applications for properties which are affected by the HO. Such advice is provided during meetings or over the phone during both the pre and post-application stage. Advice commonly entails:

- Overview of the site's issues following an on-site inspection;
- Advice as to the types of changes possible for the properties;
- Guidance on tradespeople and suitability of materials/suppliers selected by applicants to undertake works;
- Appropriate conservation/restoration techniques, particularly for detailing and the materials required for additions and/or alterations; and
- Appropriate conservation works as part of the Heritage Assistance Fund.

Pre-application consultations with potential applicants consistently result in the submission of planning permit applications which need little or no further comment by the Heritage Advisor. This indicates that Council's policy of encouraging potential applicants to meet with the Heritage Advisor prior to finalising their application is clearly successful.

- b) *To actively promote heritage conservation and the advisory service within the Council area through mail-drops, public discussions, seminars, publications, local media interviews or other similar means;*

Over the past 12 months, the Heritage Advisor has been involved in promoting the Whitehorse Heritage Assistance Fund. There have not been any other opportunities for further promotional work this year.

- c) *To assist the Council in the administration of the planning scheme as it relates to the conservation of buildings, areas and other places of cultural significance. The Heritage Adviser may provide advice on permit applications, and on ways of achieving conservation aims within the scope of the local planning scheme, including the development of policies and guidelines, where requested by Council.*

Appendix 1 provides an overview of the number of pre-application advice meetings and referral reports for planning permit applications completed by the Heritage Advisor this year.

The Heritage Advisor provided advice to the strategic planning team regarding demolition applications and the investigation of the appropriateness of seeking interim HO protection to these places.

The Heritage Advisor also provided advice to planning officers on preliminary proposals for large projects in Box Hill including 934-946 Whitehorse Road, 560 Station Street and 740 Station Street.

- d) *To ensure that the town planning staff administering the planning scheme are kept informed on heritage issues and practice.*

When preparing referral reports, the Heritage Advisor discusses the issues with the appointed planner to explain reasoning behind the comments provided, to assist in their understanding of heritage principles to accurately assess applications.

**9.1.3**  
(cont)

- e) *With the assistance of the town planning staff, prepare a report each year on the extent of change to heritage assets within the municipality.*

The Heritage Advisor keeps a record of all heritage meetings, enquiries and referrals, outlining the changes proposed (summarised in Appendix 1). This record provides a snapshot of significant changes to heritage properties that are occurring, for both individual places and within the heritage precincts to enable appropriate monitoring.

- f) *To review the adequacy of heritage education in the area and take steps to correct deficiencies. Such a review should consider the heritage educational needs of local council staff, local councillors, local professionals, local tradespeople and the community generally.*

Sections of the community and Council staff appear to be well informed about heritage issues. Potential gaps are identified and monitored through discussions with applicants, community consultation for heritage planning scheme amendments and by reviewing community reaction to particular planning outcomes as seen in the local press or as a result of customer enquiries.

The Heritage Advisor presented a review of Heritage Planning in Whitehorse to Councillors late 2014.

Heritage Steering Committee Meetings are also an opportunity to disseminate heritage information to Councillors and the community through the Historical Society members.

- g) *To organise, supervise and seek appropriate funding for public conservation or restoration projects, in conjunction with council officers as requested.*

Unfortunately there were no funding opportunities this year for heritage projects.

- h) *To assist the efficient running of local heritage restoration funds where these are established, and submit brief reports to Restoration or Heritage Advisory Committee meetings on work in progress, works completed, and applications under consideration.*

The Heritage Advisor assessed all applications received last year under the Whitehorse Heritage Assistance Fund. A total of 39 applications were received and approval was granted to 28 applicants. Twenty three proposals were implemented.

This year's Fund closed on 11 September 2015. As part of the process, the Heritage Advisor will again assess each application, make funding recommendations to the Heritage Steering Committee, provide advice to applicants about appropriate methods of work and inspect completed works to provide final sign-off.

- i) *To maintain lists of suitably qualified and experienced local architects, engineers, other conservation specialists, tradespeople and material suppliers who can offer appropriate advice to owners of heritage properties.*

A list of suitably qualified and experienced local architects, engineers, conservation specialists, tradespeople and material suppliers has been established and is continually expanded as others are brought to the attention of the Heritage Advisor.

**9.1.3**  
(cont)

- j) *To report on places included or being considered for inclusion on State or Commonwealth heritage registers, as required.*

Two places identified in Amendment C140 were considered to be of potential State significance. However at this stage no further action has been taken. The two places are:

1. St Paschal's Friary, Albion Road, Box Hill
2. Former Box Hill Reverberatory Incinerator, Wembley Park, Box Hill

- k) *To promote places of historic interest and enhance knowledge of the history and cultural significance of the local area and specific places. This may include advice on the interpretation of buildings and places of heritage significance, the development of heritage trails; the production of publications and other materials etc.*

The Heritage Advisor's investigations of individual properties for possible inclusion in a Heritage Overlay have enhanced the knowledge base of the history and cultural significance of the local area. This material is being added to a database that is intended to be generally available at a future date.

- l) *To advise on places under threat, needing urgent attention, and appropriate conservation action.*

Throughout the year, the Heritage Advisor provided comment on applications for demolition of properties with potential heritage interest as well as providing conservation advice to Council staff for works to Schwerkolt's cottage, and the boundary wall and former gateway to the Box Hill cemetery. The Heritage Advisor also negotiated appropriate reinstatement works to the former Pound House that had been subject to unauthorised works.

The Heritage Advisor in his capacity as the consultant responsible for preparing the Whitehorse Heritage Review 2012, also provided expert advice to Council at the panel hearing for amendment C157 which included the Burvale Hotel. The Advisor also provided a peer review for the heritage assessment of the telecommunications tower in Canterbury Road and advice to council officers on the proposed Blue Flame heritage precinct and the former Nunawading Primary School.

- m) *To formulate recommendations for conservation of the cultural environment under the Heritage Act 1995, the Planning and Environment Act 1987, or any other applicable means.*

No new recommendations have been made during 2014/2015. However a report was prepared in August 2015 regarding the State government's review of the Heritage Act.

- n) *To encourage the implementation of recommendations from existing heritage studies. Review the adequacy and encourage the preparation of heritage studies where appropriate.*

Part of the role of the Heritage Advisor is the ongoing review of places with potential heritage significance. Until recent years, assessment of these places has been guided by the *City of Whitehorse Potential Heritage Framework* 2008. With the completion of the *Whitehorse Heritage Review* 2012 and the draft *Post 1945 Heritage Study*, these two documents now provide the basis for ongoing assessment of heritage places in Whitehorse.

### 9.1.3

(cont)

The Heritage Advisor has provided peer reviews of citations prepared as part of the draft Post 1945 Heritage Study, which has assisted the application of interim heritage controls for properties considered 'under threat'.

- o) To establish the orderly collection of heritage resource material, including photographs, to assist local heritage conservation and promotion in association with relevant Council departments, libraries and local historical societies.*

A library of heritage publications and technical literature is kept and maintained within the strategic planning unit. The library includes photos of good examples of alterations/additions to heritage properties and infill development in heritage precincts. The Heritage Advisor is continually collecting and adding information.

### CONSULTATION

The Heritage Advisor is a member of the Heritage Steering Committee, overseeing the heritage work of the municipality. The committee for the reporting year comprised:

- Two Councillors – Councillors Harris and Davenport,
- Mr William Orange (Box Hill Historical Society)
- Mrs Valda Arrowsmith (Whitehorse Historical Society)
- Ms Pamela Neivandt (Whitehorse City Council)
- Mr Will Gerhard (Whitehorse City Council – 2014/2015 only)

### FINANCIAL IMPLICATIONS

The contract with Coleman Architects Pty Ltd was renewed in January 2015 for a period of 4 years with an option to extend for a further 12 months.

In some past years, funding for the position has been available from Heritage Victoria. However funding was not available during 2014/2015.

### POLICY IMPLICATIONS

The continued work of the Heritage Advisor will address some of the key strategies identified in the *Council Plan 2015 – 2019*, the *Council Vision 2013-2023*, and the *Municipal Strategic Statement*. This will include:

- Continuing the vibrancy of the community by preserving places of heritage significance.
- Protecting the natural and built heritage environments through the appropriate legislative frameworks.
- Encourage sustainability practices by retaining and maintaining heritage places as well as appropriate ESD design adaptations.

Protecting and enhancing the built environment to ensure a livable and sustainable city

### 9.1.3

(cont)

#### APPENDIX 1

#### Summary of Heritage Advisor Planning Advice and Referral Reports (1 July 2014 and 30 June 2015)

Heritage Places	Enquiries/referrals
<b>Blacks Estate Precinct</b>	
Pre-application visit/ verbal discussion	6
Referrals	3
<b>Churchill Street Precinct</b>	
Pre-application visit/ verbal discussion	2
Referrals	5
<b>Combarton Street Precinct</b>	
Pre-application visit/ verbal discussion	12
Referrals	5
<b>Mates Estate Precinct</b>	
Pre-application visit/ verbal discussion	0
Referrals	0
<b>Mont Albert Residential Precinct</b>	
Pre-application visit/ verbal discussion	7
Referrals	2
<b>Mont Albert Shopping Precinct</b>	
Pre-application visit/ verbal discussion	1
Referrals	0
<b>Mount View Precinct</b>	
Pre-application visit/ verbal discussion	0
Referrals	0
<b>Thomas Street Precinct</b>	
Pre-application visit/ verbal discussion	7
Referrals	9
<b>Tyne Street &amp; Watts Street Corner Precinct</b>	
Pre-application visit/ verbal discussion	0
Referrals	0
<b>Vermont Park Precinct</b>	
Pre-application visit/ verbal discussion	5
Referrals	3
<b>William Street Precinct</b>	
Pre-application visit/ verbal discussion	1
Referrals	2



**9.1.3**  
(cont)

<b>Heritage Places</b>	<b>Enquiries/referrals</b>
<b>Adjacent to heritage Listed Property</b>	
Pre-application visit/ verbal discussion	0
Referrals	0
<b>Bluestone Kerb and Channel</b>	
Pre-application visit/ verbal discussion	0
Referrals	0
<b>Individually Listed Properties</b>	
Pre-application visit/ verbal discussion	51
Referrals	33
<b>Other</b>	
Potential heritage places and demolition of, heritage grant enquiries, painting, Council projects and heritage insurance.	27

### 9.1.4 Amendment C183 to the Whitehorse Planning Scheme – request to amend the Whitehorse Planning Scheme to facilitate the Blackburn Road and Heatherdale Road level crossing removal projects

FILE NUMBER: 15/144710  
ATTACHMENTS

#### SUMMARY

VicRoads is seeking Council's support for a proposed amendment to the Whitehorse Planning Scheme to introduce two Incorporated Documents to facilitate the Blackburn Road and Heatherdale Road level crossing removal projects. This amendment is proposed to be sought by VicRoads through Section 20(4) of the Planning and Environment Act 1987. This report recommends providing support for the amendment.

#### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Stennett

***That Council, having been requested by VicRoads, provide support for a proposed amendment to the Whitehorse Planning Scheme to be undertaken via Section 20(4) of the Planning and Environment Act 1987, to insert the following into the Planning Scheme:***

- 1. An Incorporated Document titled "Blackburn Level Crossing Removal Project Incorporated Document, October 2015" in relation to the Blackburn Road level crossing removal; and***
- 2. An Incorporated Document titled "Heatherdale Road Level Crossing Removal Project Incorporated Document, October 2015" in relation to the Heatherdale Road level crossing removal.***

**CARRIED UNANIMOUSLY**

MELWAYS REFERENCE 47 K10, 48 A10 (Blackburn)  
49 D9 (Heatherdale)

Applicant:	VicRoads
Zoning:	Public Use Zone Schedule 4 Public Park and Recreation Zone Industrial 1 Zone Neighbourhood Residential Zone Schedule 7 General Residential Zone Schedule 3 Residential Growth Zone Schedule 2 Commercial 1 Zone Road Zone Category 1
Overlay:	None
Ward:	Central (Blackburn) Springfield (Heatherdale)



Figure 1 - Blackburn Road location



Figure 2 - Heatherdale Road location

#### 9.1.4 (cont)

### BACKGROUND

In May 2015 the Victorian Government announced funding for the removal of 17 level crossings under the Level Crossing Removal Project (LCRP), including Blackburn Road, Blackburn and Heatherdale Road, Mitcham on the Belgrave/Lilydale railway line.

Whitehorse City Council has been active in encouraging the removal of level crossings within the municipality over several years. Council's position in relation to rail crossing removals is outlined in the *Whitehorse Integrated Transport Strategy 2011*. Council's action within the Strategy is to "advocate for the grade separation of all level crossings within Whitehorse. All future grade separations are to consider access needs of cyclists, pedestrians and motorists" (page 28).

To facilitate the state government's timelines for delivery of the removal of the level crossings at Blackburn Road and Heatherdale Road, a planning scheme amendment to the Whitehorse Planning Scheme will be required. This will involve the introduction of two Incorporated Documents into the Planning Scheme as schedules to Clauses 52.03 and 81.01, to remove the permit and referral requirements from various uses and development associated with the two level crossing removals.

An amendment to the Maroondah Planning Scheme will also be required to rezone land in the vicinity of the Heatherdale railway station.

The area affected by the proposed removal of the level crossings comprises mainly the Belgrave/Lilydale railway corridor on the eastern side of Blackburn railway station and on either side of the Heatherdale railway station, including land located in Maroondah.

This amendment will utilise Section 20(4) of the *Planning and Environment Act 1987*, with VicRoads making the request to the Minister for Planning to prepare, adopt and approve the amendment. Through this process, Council is a party which is invited to make comment on the proposed amendment. The amendment process that is proposed for the Blackburn and Heatherdale LCRP is the same process that was used for the Mitcham and Rooks Road LCRP.

### PROPOSAL

#### Blackburn Road

The Blackburn LCRP proposes the removal of the level crossing at Blackburn Road, Blackburn. Figures 3 and 4 show the proposed project area for the Blackburn LCRP.

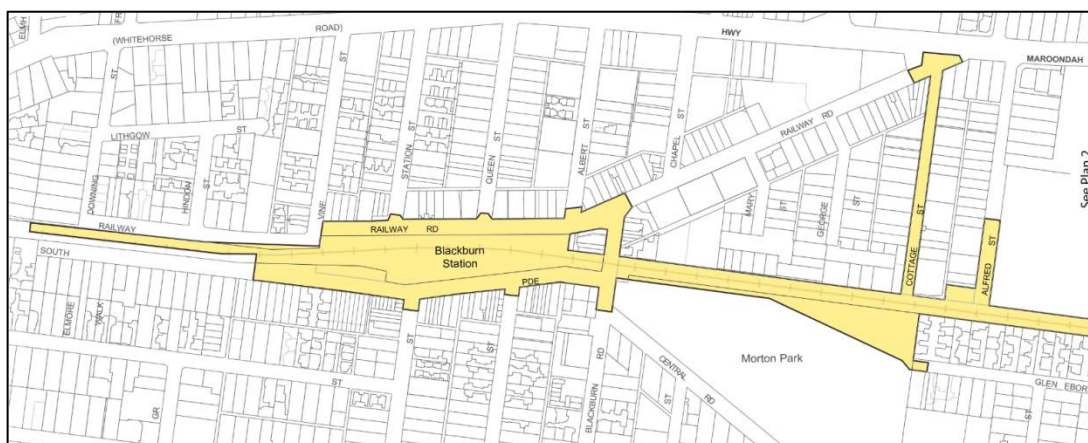
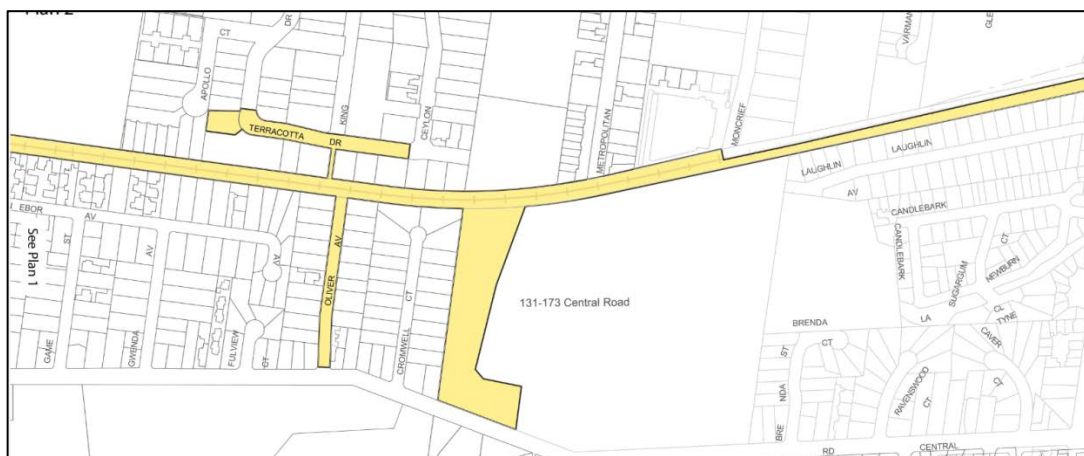


Figure 3 – Western section of Blackburn LCRP

### 9.1.4 (cont)



**Figure 4 – Eastern section of Blackburn LCRP**

The project includes, but is not limited to, the following uses and development:

- Removal of the rail level crossing at Blackburn Road, Blackburn with the new railway (including rail infrastructure) lowered under Blackburn Road and including a new bridge at Blackburn Road.
- Upgraded station forecourt at the existing Blackburn Station.
- Upgraded Disability Discrimination Act compliant access to Blackburn Station.
- New pedestrian overpass bridges at Cottage Street and Oliver Avenue.
- Construction of retaining structures for the new lowered railway.
- New shared use path between Main St, Blackburn and Springvale Rd, Nunawading (including a new underpass under Blackburn Rd) as part of the Box Hill to Ringwood Shared Path.
- Upgraded sub-station.
- Roadworks (including creating or altering access to roads).
- Associated vegetation removal.
- Display of construction, directional and business identification signage.
- Use of a portion of Morton Park for construction access, associated works and reinstatement, subject to Council approval.
- Use of 131 – 171 Central Road for construction access, a construction compound, project parking, associated works and reinstatement.
- Activities ancillary to the above mentioned matters including:
  - Removal and pruning of vegetation to the minimum extent necessary.
  - Landscape protection
  - Relocation of services e.g. sewer realignment
  - Construction of temporary access roads
  - Establishment of temporary parking areas for construction vehicles and commuters.

#### 9.1.4 (cont)

The amendment proposes the introduction of the *Blackburn Level Crossing Removal Project Incorporated Document, October 2015* in the schedules of Clauses 52.03 and 81.01 (See Attachment 3a). The introduction of the Incorporated Document is to exempt uses and development associated with the Blackburn Road LCRP from the permit requirements of several Clauses in the Planning Scheme and to exempt the project from the referral requirements under Clause 52.36. The Incorporated Document will exempt uses and developments from the requirements of the following Clauses for the reasons outlined:

- 32.07 Residential Growth Zone: Use of the land for a transport terminal is prohibited
- 32.08 General Residential Zone: Use of the land for a transport terminal is prohibited
- 32.09 Neighbourhood Residential Zone: Use of the land for a transport terminal is prohibited and a permit is required for the use and building and works associated with a contractors depot
- 33.01 Industrial 1 Zone: Permit required for use and building and works for a transport terminal and permit required for building and works including railway
- 34.01 Commercial 1 Zone: Permit required for use and building and works for a transport terminal and permit required for building and works including railway
- 36.01 Public Use Zone: Permit required for use and building and works for a railway station with over 50m<sup>2</sup> of retail floor space
- 36.02 Public Park and Recreation Zone: Use of the land for a transport terminal is prohibited
- 36.04 Road Zone: Permit required for use and building and works for a Transport Terminal
- 42.01 Environmental Significance Overlay: Permit required for buildings and works except a roadway and a permit required for removal of any indigenous vegetation.
- 42.03 Significant Landscape Overlay: Permit required for buildings and works except a roadway and a permit is required to remove, destroy or lop a tree.
- 43.02 Design and Development Overlay Schedule 8: Permit required for buildings and works except a roadway.
- 44.05 Special Building Overlay: Permit required for buildings and works including roadworks, pathways and trails.
- 52.17 Native vegetation: Permit required to remove, destroy or lop native vegetation, including dead native vegetation.

The Public Use Zone, in which the majority of the LCRP is located, does not require a permit for a railway or a railway station that has a total leasable floor area for the selling of food, drink and other convenience goods and services that does not exceed 50m<sup>2</sup>.

The Incorporated Document proposes that the control in the document expires if any of the following circumstances applies:

- The development allowed by the control is not started by July 2016.
- The development allowed by the control is not completed by July 2020.
- The use allowed by the control is not started by July 2020.

The responsible authority may extend these periods if a request is made in writing before the expiry date or within three months afterwards. VicRoads has indicated that following completion of the project, the area will revert back to current planning controls.

#### 9.1.4 (cont)

The proposed Blackburn Road incorporated document discusses conditions to be met by the LCRP, relating to:

- Native vegetation removal, including the provision of vegetation offsets, protective fencing to remnant native vegetation to be retained and plans prepared according to the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013)
- Floodplain management
- Construction management requirements
- Seventh Day Adventist site

The Incorporated Document specifies the Minister of Planning as the Responsible Authority for enforcement of the document and as the approver of plans together with the relevant approving authorities. Council's role is primarily as a body to be consulted and it is not proposed in the Incorporated Document that Council will have a role in approving the plans. VicRoads has provided advice that it commits to working with Council on the preparation of relevant plans required in the Incorporated Documents (such as the preparation of the CEMPs), as well as ongoing engagement with Council across the life of the project.

The Incorporated Document also provides for preparatory works to take place without the need to meet the conditions therein.

#### Heatherdale Road

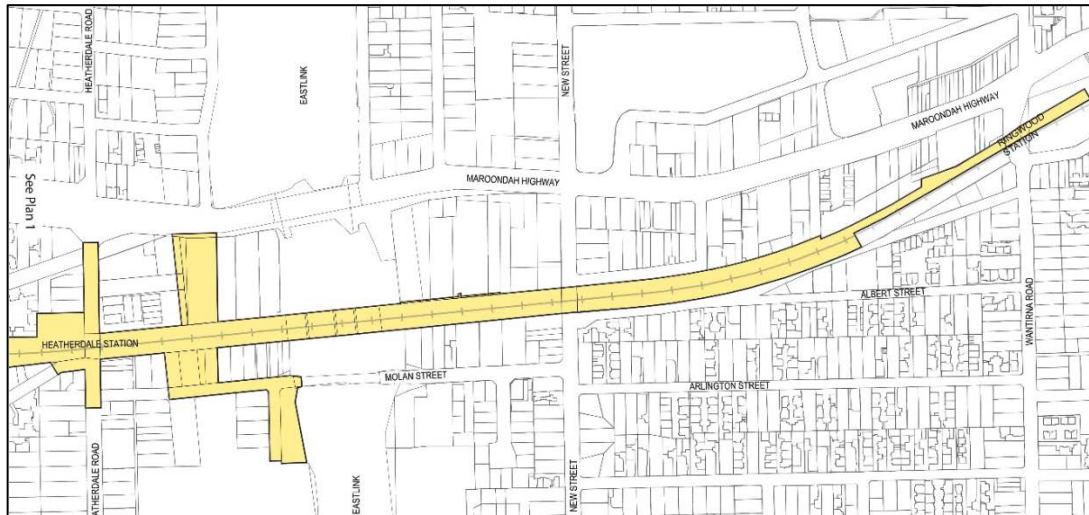
The Level Crossing Removal Authority is proposing to undertake the removal of the level crossing on Heatherdale Road, Mitcham at the same time as the Blackburn Road LCRP. The centreline of Heatherdale Road is the municipal boundary between Whitehorse Council and Maroondah Council. Figures 5 and 6 show the proposed project area for the Heatherdale LCRP.



**Figure 5 – Western section of Heatherdale LCRP**



#### 9.1.4 (cont)



**Figure 6 – Eastern section of LCRP**

The Project includes but is not limited to the following uses and development:

- Demolition of the existing Heatherdale Railway Station on the western side of Heatherdale Road.
- New Heatherdale Railway Station, including access ways and facilities, on the eastern side of Heatherdale Road.
- Re-construction of Station/Commuter car parking facilities.
- New railway (including associated rail infrastructure) lowered under Heatherdale Road (including a new bridge at Heatherdale Road).
- New pedestrian overpass bridge at Purches Street.
- Construction of retaining structures and systems for the new lowered railway.
- Construction of retaining structures for various civil and road works.
- New shared use path between Brunswick Park, Mitcham and Molan Street, Ringwood.
- Re-alignment of the pedestrian operated signals on Heatherdale Road.
- Roadworks (including creating or altering access to roads).
- Display of construction, directional and business identification signage.
- Removal, destroying and lopping of vegetation.
- Drainage infrastructure and other utility and services infrastructure.

As with the Blackburn LCRP, the amendment proposes the introduction of the *Heatherdale Road Level Crossing Removal Project Incorporated Document, October 2015* in the schedules of Clauses 52.03 and 81.01 (See Attachment 3c). The introduction of the Incorporated Document is to exempt uses and development associated with the Heatherdale LCRP from the permit requirements of several Clauses in the Planning Scheme and to exempt the project from the referral requirements under Clause 52.36

The Incorporated Document will exempt uses and development from the requirements of removing Native Vegetation under Clause 52.17.

Some land is required to be rezoned as part of the removal of the level crossing at Heatherdale Road, however the rezoned land is wholly located within Maroondah and therefore the Maroondah Planning Scheme will be required to be updated.

The conditions included in the Incorporated Document, the role of Council and the document's expiry dates are largely the same as for the Blackburn LCRP Incorporated Document.

#### **9.1.4** (cont)

### **DISCUSSION**

Section 20(4) of the *Planning and Environment Act 1987* enables the Minister for Planning to amend a planning scheme with exemption from notice requirements. In this case, the amendment is being requested by VicRoads, and the relevant party from which support is being sought is Whitehorse City Council and Maroondah City Council.

In considering whether to support the proposed amendment Council must have regard to the Strategic Assessment Guidelines. This General Practice Note outlines issues that 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.

#### Why is the amendment required?

The amendment is required in order to facilitate the Blackburn Road and Heatherdale Road LCRP. The Blackburn LCRP will improve the road, rail and pedestrian safety in the Blackburn Neighbourhood Activity Centre (NAC) by removing the level crossing on Blackburn Road. It will also improve public transport facilities and efficiency. The amendment will ensure that the works necessary to undertake the project are exempt from permit and referral requirements.

The Heatherdale Road LCRP will improve the road, rail and pedestrian safety in the vicinity of the Heatherdale railway station by removing the level crossing on Heatherdale Road. The activation of the level crossing at Heatherdale Road can also affect the flow of traffic on Maroondah Highway and therefore the removal of the crossing will be beneficial to the wider road network. The amendment will ensure that the works necessary to undertake the project are exempt from permit and referral requirements.

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

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

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

The proposed amendment will implement these objectives by improving the pedestrian and cycle environment within the vicinity of the Blackburn Road and Heatherdale Road level crossings. It will protect public utilities and assets by improving the efficiency of the railway service and public transport at both Blackburn and Heatherdale railway stations. It will also improve safety on Blackburn Road and Heatherdale Road and the efficiency of private vehicle movements in the area.

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

The amendment will have positive environmental effects as it will help to relieve traffic congestion on the road network around both railway stations and reduce the rate of growth of vehicle emissions. The removal of the level crossing will improve the operation of the existing public transport with faster and more reliable services.



#### **9.1.4** (cont)

The amendment will also have positive social and economic effects as it will help to improve access for the community using the Blackburn NAC and railway station, improve infrastructure, improve public safety and improve the accessibility to employment and services. It will also facilitate improved linkages between related businesses in the area.

#### Does the amendment address relevant bushfire risk?

There is no bushfire risk considered relevant to this amendment. The Blackburn and Heatherdale LCRP proposes to remove a level crossing in an established urban area.

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

The proposed amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes and Strategic Assessment Guidelines and is also consistent with the Practice Note - Ministerial Powers for Intervention in Planning and Heritage Matters and the Advisory Note - Protocol for Fast Tracking Amendments.

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

Specific policy that is relevant to the Blackburn Road LCRP includes:

*Clause 11.01* which notes that Activity Centres which are to be the focus for development and lists a variety of strategies for activity centre planning, including the reduction of "the number of private motorized trips" and improving access by walking, cycling and public transport". The area surrounding the Blackburn railway station is a Neighbourhood Activity Centre.

Policy that is relevant to both the Blackburn and Heatherdale LCRP include:

*Clause 15* discusses the built environment and heritage and aims to "support initiatives that provide safe walking and cycling routes and improved safety for people using public transport". The removal of the railway crossing will result in a safer pedestrian and cyclist environment in and around the railway station and surrounding road network. The LCRP also proposes the provision of a shared path to be integrated with the project. This will improve pedestrian and cycle access in the area and promote active forms of transport.

*Clause 18.01* includes an objective "to create a safe and sustainable transport system by integrating land-use and transport". There are several relevant strategies supporting the objective including "coordinating improvements to public transport...with the ongoing development and redevelopment of the urban area" and "providing safe, convenient and direct cycling access to activity centres, public transport interchanges".

The amendment will facilitate the removal of the Blackburn Road and Heatherdale Road level crossings and the improvement of pedestrian and cycle facilities. This will provide safer, more direct and more convenient access to both railway stations and improve the railway service on the Belgrave/Lilydale railway line.

*Plan Melbourne* contains several directions around the theme "A More Connected Melbourne" which are relevant to the LCRP.

- Direction 3.2 is to "improve access to job-rich areas across Melbourne and strengthen transport networks in existing suburbs".
- Direction 3.3 is to "improve transport infrastructure, services and affordability".
- Direction 3.4 is to "improve local travel options".

#### **9.1.4** (cont)

*Plan Melbourne* offers several solutions to the directions which are relevant to this amendment, including “facilitate development and drive investment through strategic removal of level crossings” and “improve road, suburban rail and bus networks in growth areas and outer suburbs, make neighbourhoods pedestrian friendly”.

The removal of the level crossings at Blackburn Road and Heatherdale Road therefore is consistent with, and implements, these aspects of State planning policy.

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

The Municipal Strategic Statement (MSS) recognises that the Blackburn NAC has been identified as an appropriate location for residential and commercial development for several reasons, including that it is located in close proximity to the Belgrave/Lilydale railway line.

*Clause 22.09 (Blackburn and MegaMile [West] Activity Centres)* of the LPPF notes that the Blackburn NAC will strengthen its role as an urban village focused around the Blackburn Railway Station and the Blackburn Station Shopping Centre. It also notes that development in the Centre is to achieve several objectives, including to “enable safe and secure pedestrian access throughout the centre day and night”.

Clause 22.09 also states that an objective is “to encourage integration of the north and south parts of Blackburn NAC through compatible design and scale with the existing Blackburn Station Village and improved linkages between the two halves.”

The preparation of the amendment assists the implementation of this objective by facilitating the removal of the level crossing. This will provide a safer pedestrian environment in the NAC, better connectivity across the centre and assist the NAC to strengthen its role as an urban village.

The MegaMile (West) and Blackburn Activity Centres Urban Design Framework (UDF) was adopted by Council in July 2010 and is a reference document to Clause 22.09. It is a tool to be used by Council to guide the future growth of the area for the next 15 years in a sustainable manner that reflects the community's needs, values and aspirations.

The UDF supports the removal of the Blackburn Road level crossing and enhanced pedestrian pathway connections between South Parade, Railway Road, Blackburn Road and Morton Park. The UDF implementation plan includes an ongoing action of advocating for the grade separation of the Blackburn Road / rail line intersection. There have been several planning permits issued for multi-unit residential developments in streets to the north of the railway station. The removal of the level crossing and the enhanced pedestrian connections will be important for residents living in these developments and promote access for them to the station and businesses in the Activity Centre.

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

The amendment is consistent with the intent and use of the Victorian Planning Provisions as it seeks to introduce an Incorporated Document to enable the works necessary for the LCRP to be undertaken without planning permit or referral requirements.

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

The amendment will facilitate the removal of the Blackburn Road and Heatherdale Road level crossings. It will therefore have a positive impact on the transport system by improving the efficiency and accessibility of public transport along the Belgrave/Lilydale rail corridor. It will also optimize the capacity of the road system, particularly in relation to the Blackburn NAC and on Blackburn, Railway and Heatherdale Roads.

#### **9.1.4** (cont)

#### **CONSULTATION**

VicRoads is requesting a Ministerial Amendment from the Minister for Planning. This involves requesting the amendment under Section 20(4) of the *Planning and Environment Act 1987*, which exempts the amendment from public consultation.

However, Council expects that VicRoads will undertake consultation with the community in and around the Blackburn and Heatherdale railway stations to ascertain their views and expectations of the project more broadly. Council also expects that appropriate management during construction will occur and surrounding residents, landowners and commuters will be advised of changes to rail services and road closures and to minimise any construction impacts.

In order to undertake the amendment as part of the Section 20(4) process, VicRoads is seeking Council's support for the amendment.

#### **FINANCIAL IMPLICATIONS**

Other than use of existing staff resources, there are no financial implications for Council. However, if Council was required to be the Planning Authority and administer this amendment, additional staff resources would be required.

The amendment proposes to introduce the Incorporated Documents which will exempt VicRoads from being required to apply for planning permits for the associated buildings and works. Therefore this will reduce the number of planning permits required to be assessed by Council which will reduce financial and time costs to Council.

#### **CONCLUSION**

VicRoads has requested Council support in seeking the Minister for Planning to prepare, adopt and approve an amendment to the Whitehorse Planning Scheme to introduce two Incorporated Documents to facilitate the Blackburn Road and Heatherdale Road LCRP, through Section 20(4) of the *Planning and Environment Act 1987*.

This project will improve traffic flow, pedestrian and cycle accessibility and journey efficiency in the vicinity of both Blackburn and Heatherdale railway stations and create a safer community. Therefore it is recommended that Council provide support for the amendment provided that the Minister for Planning has regard to what the community views and expectations may be in relation to the project.

## **Business & Economic Development**

### **9.1.5 Brentford Square Shopping Centre - Declaration of Two Special Rates/Charges for Marketing and Promotion Purposes and Infrastructure Purposes**

FILE NUMBERS: SF15/84 & SF15/85

#### **SUMMARY**

*A signed letter of support was received from the Brentford Square Traders' Association regarding the Brentford Square Special Rate/Charge Scheme. Through consultation it has been identified that there is a strong level of support for the renewal of a Special Rate/Charge Scheme for the Brentford Square Shopping Centre.*

*The necessary statutory process for the renewal of the Special Rate/Charge Scheme has been completed. Council is now in a position to decide whether to declare the Scheme for the Brentford Square Shopping Centre. This report outlines the basis of the two declarations of Special Rate/Charge.*

*It is recommended that Council declare two related, but otherwise separate, Special Rates/Charges for the Brentford Square Shopping Centre, one for marketing, promotion and economic development purposes and the other for physical infrastructure purposes (both of which are consistent with the Brentford Square Traders Association Business Plan and Council's previous consideration of the matter).*

#### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Bennett

#### **That:**

- 1. Having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (Act), and making no further alteration to the proposed declarations of Special Rate/Charge specified in the public notices given by Council, Council hereby declares the following separate Special Rates/Charges under section 163(1) of the Act:**
  - a) A Special Rate/Charge for the purposes of defraying expenses to be incurred by Council in, administratively only and subject to the approval and direction of Council, providing funds to the body operating and known as the Brentford Square Traders' Association (Traders' Association) to be used for the purposes of promotion, marketing, business development and the appointment of a part-time Shopping Centre Coordinator as agreed to between Council and the Traders' Association, all of which are associated with the encouragement of retail and commercial activity and economic development in the Brentford Square Shopping Centre (Marketing and Promotion Special Rate/Charge); and**
  - b) A Special Rate/Charge for the purposes of defraying expenses to be incurred by Council in, administratively only and subject to the approval and direction of Council, providing funds to the body operating and known as the Brentford Square Traders' Association (Traders' Association) to be used for the purposes of providing and maintaining new physical infrastructure for the benefit of the Brentford Square Shopping Centre in the form of lighting, security, signage, fixed shopping centre decorations, logos, mural paintings, audio systems and other similar physical improvements as agreed to between Council and the Traders' Association, all of which are associated with the encouragement of retail and commercial activity and economic development in the Centre and the physical improvement of the Centre (Infrastructure Special Rate/Charge).**

### **9.1.5**

(cont)

2. *The Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge (collectively, unless the context otherwise requires, Scheme) will each be based on geographic criteria, having regard to the location of those rateable properties in the area of the Scheme that are presently (or are reasonably capable of) being used for, commercial, retail or professional purposes, the addresses of such rateable properties being more particularly described and listed in column 1 of the amended table forming Annexure A to these declarations of Special Rate/Charge, which rateable properties are otherwise shown as being situated within the highlighted areas enclosed by continuous thick black lines on the amended plan forming Annexure B to these declarations of Special Rate/Charge.*
3. *In performing functions and exercising powers in relation to activities associated with the encouragement of retail and commercial activity and economic development in the area for which the Marketing and Promotion Special Rate/Charge is to be declared and in relation to activities associated with the physical improvement of the Centre and the properties in the Centre for which the Infrastructure Special Rate/Charge is to be declared, Council intends to declare and levy:*
  - a) *In relation to the Marketing and Promotion Special Rate/Charge, an amount of approximately \$40,000 per annum; and*
  - b) *In relation to the Infrastructure Special Rate/Charge, an amount of approximately \$11,000 per annum.*

*Such amounts being the total cost of the performance of the function and the exercise of the power by Council (in relation to the encouragement of retail and commercial activity and economic development and in relation to the physical improvement of the Centre and the properties in the Centre respectively), each to be adjusted annually over the five year period of the Scheme, in accordance with movements in the Consumer Price Index (CPI).*

4. *The Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge are respectively both declared (and will remain in force) for the period commencing 1 January 2016 and ending 31 December 2020, each being for a period of five years.*
5. *The area for which the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge are respectively to be declared is the area containing all of the rateable land known as the Brentford Square Shopping Centre, as that area is otherwise shown as being situated within the highlighted areas enclosed by continuous thick black lines on the amended plan forming Annexure B to these declarations of Special Rate/Charge.*
6. *The land in relation to which the Marketing and Promotion Special Rate/ Charge and the Infrastructure Special Rate/Charge are respectively to be declared is all that rateable land as described and listed as property addresses in column 1 of the amended table forming Annexure A to these declarations of Special Rate/Charge.*

**9.1.5**  
(cont)

- 7. The Special Rates/Charges will be assessed and levied as follows:**
- a) In relation to the Marketing and Promotion Special Rate/Charge, for the first year of the Special Rate/Charge, the Special Rate/Charge will comprise the respective amounts that are set out in column 2 of the amended table forming Annexure A to these declarations of Special Rate/Charge;**
  - b) In relation to the Infrastructure Special Rate/Charge, for the first year of the Special Rate/Charge, the Special Rate/Charge will comprise the respective amounts set out in column 3 of the amended table forming Annexure A to these declarations of Special Rate/Charge; and**
  - c) For each subsequent year, the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge will comprise the amounts that were payable in the previous year, adjusted in accordance with movements in the CPI (but shall not be less than the amounts payable in the immediate preceding year).**
- 8. Council considers that there will be a special benefit to the persons required to pay both the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge (being the owners and/or the occupiers of the properties listed in column 1 of the amended table shown forming Annexure A to these declarations of Special Rate/Charge) in that there will be a special benefit over and above that available to persons who are not subject to the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge respectively, and directly and indirectly, the viability of the Centre as a commercial, retail and professional area will be enhanced through increased economic activity and/or physically improved because of the following:**
- a) In relation to the Marketing and Promotion Special Rate/Charge, there will be:**
    - i. Improved marketing and promotion for the Centre as a whole increasing the public awareness, profile, image and perception of the Centre and attracting increased patronage to the Centre;**
    - ii. All businesses will have better access to advice, information and assistance on latest trends in marketing, retailing, small business and promotion;**
    - iii. All businesses will benefit from having an experienced person coordinating their activities for their mutual advantage and acting as a single liaison point, lobbyist and spokesperson to represent local business within the Centre and deal with various arms of Government (Federal, State and Local); and**
    - iv. The value and the use, occupation and enjoyment of the properties and the individual businesses in the Scheme area will be maintained or enhanced through increased economic activity.**

**9.1.5**  
(cont)

*b) In relation to the Infrastructure Special Rate/Charge, there will be:*

- i. The provision and maintenance of improved physical infrastructure in the form of lighting, security, signage, fixed shopping centre decorations, logos, mural paintings, audio systems and other physical improvements; and*
- ii. As a result of the provision and maintenance of improved physical infrastructure for the shopping centre, the value and the use, occupation and enjoyment of the properties and the individual businesses in the Scheme area will be maintained or enhanced.*

- 9. Council considers only those properties included in the Scheme area as proposed will derive a relevant special benefit from the imposition of the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge and that there are no wider special benefits or community benefits to be taken into account in relation to the proposed Scheme. Council formally determines for the purposes of sections 163(2)(a), 163(2A) and 163(2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge is, in respect to both special rates/charges, in a benefit ratio of one to one (or 100%).*
- 10. Having regard to the preceding parts of this declaration, the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge will be levied by sending notices to the owners or (if authorised by the owners) the occupiers of the properties included in the Scheme, which will require that the initial Special Rates/Charges as set out in columns 2 and 3 of the table forming Annexure A to these declarations of Special Rates/Charges and the subsequent Special Rates/Charges payable under this Scheme must be paid in full by the date specified in the notices, which will be a date not less than thirty days after the issue of the notices, or if an owner or an occupier so elects to pay the Special Rates/Charges by four equal instalments (or near equal in respect to the final instalment) by the dates fixed by the Minister by notice published in the Government Gazette being the dates on which payment by four instalments of rates and charges are fixed pursuant to section 167(2) of the Act, and further declares that interest shall be charged on all late payments of the Special Rates/Charges as set from time to time by Council pursuant to section 172 of the Act.*
- 11. The Brentford Square Traders' Association be informed of the matters specified in this resolution.*
- 12. The Brentford Square Traders' Association be authorised to administer the proceeds of the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge on the express condition that it maintains and renews its funding agreement with Council for the period of the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge.*

**9.1.5**  
(cont)

13. *Council authorises the General Manager, City Development (or a nominee) to prepare the funding agreement between Council and the Brentford Square Traders' Association by which the administrative arrangements in relation to the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge are confirmed, such agreement being a precondition to the payment by Council to the Brentford Square Traders' Association of any of the funds to be obtained from the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge.*
14. *All owners and occupiers of the properties included in the Scheme be notified in writing of the decision of Council to declare and levy the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge, and the reasons for the decision.*
15. *For the purposes of paragraph 14 of this resolution, the reasons for the decision of the Council to declare the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge are that:*
  - a) *There is minimal opposition and/or objection to the Scheme and it is otherwise believed that there is a broad level of support for the proposed Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge from all property owners and occupiers;*
  - b) *Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area and the physical improvement of shopping centres throughout the municipal district;*
  - c) *All persons who are liable or required to pay the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the occupation, use or enjoyment of the properties;*
  - d) *The basis of distribution of the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge amongst those persons who are liable or required to pay the special rates/charges is considered to be fair and reasonable, and further, that in the opinion of Council, the most appropriate manner of levying the Marketing and Promotion Special Rate/Charge and the Infrastructure Special Rate/Charge is by way of differential Special Rates/Charges; and*
16. *The Brentford Square Traders' Association must each financial year prepare a summary of the annual budget, showing marketing and promotional and infrastructure activities for submission to Council and must present this at a Special Committee meeting of Council each year on the anniversary of the Special Rate/Charge Scheme.*

**CARRIED UNANIMOUSLY**



### 9.1.5 (cont)

#### BACKGROUND

Since 1994 there have been active Business Plans and an accompanying Special Rate/Charge Scheme in place for the Brentford Square Shopping Centre (**Centre**). The renewal of the Special Rate/Charge Scheme looks to raise two related, but otherwise separate, Special Rates/Charges for the Centre, one for marketing, promotion and economic development purposes (**Marketing and Promotion Special Rate/Charge**), the other for physical infrastructure purposes (**Infrastructure Special Rate/Charge**) (**Scheme**).

On 20 July 2015, Council resolved to give notice of its intention to declare a renewal of the Special Rate/Charge Scheme for the Centre, for the purpose of defraying expenses incurred by Council in providing funds to the body operating and known as the Brentford Square Traders Association (**Traders' Association**) and to give public notice under sections 163A, 163B and 223 of the *Local Government Act 1989* (**Act**), and to invite submissions and/or objections in writing.

#### DISCUSSION

It is considered that, based on feedback and the results of surveys from traders, business operators and property owners (and also arising from the positive "history" of the Scheme), the Traders' Association has clearly demonstrated a strong case for the re-introduction of this Special Rate/Charge Scheme, including the likely "special benefit" for the properties and the businesses in the Centre. This case has previously been reported to Council.

In support of the Scheme and the fair application of the Special Rate/Charge, it is considered that:

- Special Rate/Charge Schemes are investment funds for the local business community, and should not be considered as yet another levy "imposed" by Council; and
- Special Rate/Charge Schemes help to provide local shopping centres with the most viable method of achieving outcomes through long term business planning.

Specifically, the benefits of a Marketing and Promotion Special Rate/Charge are:

- It helps to provide a coordinated management approach for advertising and promotion, networking, communications, business development initiatives and lobbying/advocacy on behalf of a shopping centre;
- It helps to create a more professional and vibrant business environment; and
- It helps to bring about coordination of marketing activities, which would be unlikely to occur with businesses acting in isolation.

Further, the benefits of an Infrastructure Special Rate/Charge are:

- It helps to enhance economic activity through the provision and maintenance of improved physical infrastructure in the form of lighting, security, signage fixed shopping centre decorations, logos, mural paintings, audio systems and other similar physical improvements;
- It helps to enhance the physical environment of a shopping centre; and
- It helps to create a more professional and vibrant business environment.

### **9.1.5** (cont)

#### **CONSULTATION**

Council has been involved in a full and proper consultation process with all relevant stakeholders, including involvement in the preparation of the Brentford Square Shopping Centre Business Plan, the development of the Special Rate/Charge Scheme and the preparation of the statutory processes that are required under the *Local Government Act* 1989. In particular, public notices of Council's intention to declare the two Special Rates/Charges were given in the Whitehorse Leader newspaper on 27 July 2015 and also placed on Council's Internet web site. Further, copies of the public notices were sent to all property owners and business operators affected by the proposed Special Rate/Charge by separate letters.

As at the closing date for written submissions and/or objections (Wednesday 26 August 2015) Council had not received any letters in relation to the Scheme proposal.

A Committee of Council comprising Councillors Raylene Carr and Bill Bennett were not required to meet as no written submissions were received.

#### **FINANCIAL IMPLICATIONS**

Preparation, raising and ongoing administration of the Special Rate/Charge is covered within Council's annual budget. However, it should be noted that this does not apply in the instance of any VCAT appeal, where the costs of both an application for review and legal advice are usually borne by Council and are not a budgeted item (such costs can accumulate up to approximately \$50,000, as Council has previously experienced from the Blackburn Station Village VCAT appeal).

In determining and calculating a Special Rate/Charge, the Act now requires Council to ensure that it takes into account any wider special benefits or community benefits. These are defined as tangible and direct benefits to properties outside of the Special Rate/Charge Scheme area or to people in the broader community, and are not confined to the Scheme contributors.

It is considered that no such wider special benefits or community benefits exist in this Scheme because, in the relevant sense, the Special Rate/Charge will be used exclusively for the benefit of the owners and occupiers (businesses) of the properties included in the Scheme, by way of:

- Appointing a part-time Centre Manager,
- Authorising expenditure for promotional, marketing and business development activities for the benefit of the businesses within the Scheme area; and
- The provision of improved physical infrastructure, which will only benefit the Centre and the properties, the shops and the businesses within the Centre.

It is also noted that Council has not received objections from a majority of the rateable properties included in the Scheme so section 163B of the Act (which would otherwise prohibit Council from making the proposed declarations) does not apply to either of the Special Rates/Charges being proposed.

#### **POLICY IMPLICATIONS**

The declaration of the Special Rates/Charges proposed in this report are consistent with relevant Council policies.

#### **Whitehorse Council Plan 2014 - 2018**

The Whitehorse Council Plan 2014 – 2018 Key Strategic Objective: *"Dynamic local economic environment that is regionally connected"*.

### **9.1.5** (cont)

#### **Whitehorse Economic Development Strategy 2014 – 2019**

The Whitehorse Economic Development Strategy 2014 – 2019 provides that Council will continue to implement the economic development strategy by –

- *Engage with “precinct champions” to advocate with other traders and property owners towards gaining support with projects, proposals and activities.*
- *Provide support to business associations in the development of marketing plans, business plans and governance guidelines.*
- *Work with organisations to deliver programs that will assist businesses in shopping and activity centres to operate sustainably.*

#### **CONCLUSION**

This report proposes and recommends that Council implement the renewal of the Brentford Square Shopping Centre Special Rate/Charge Scheme for a further five-year period commencing January 2016.

The Brentford Square Shopping Centre Special Rate/Charge Scheme looks to raise two related, but otherwise separate, Special Rates/Charges for the Centre, one for marketing, promotion and economic development purposes (*Marketing and Promotion Special Rate/Charge*), the other for physical infrastructure purposes (*Infrastructure Special Rate/Charge*).

The renewal of the Special Rate/Charge Scheme was instigated and requested by the Brentford Square Traders’ Association. Subsequently a thorough consultation process with business and property owners was conducted, which generated widespread support and the development of the Centre’s five-year business plan.

All requirements under the Local Government Act 1989 with regards to the Brentford Square Special Rate/Charge Scheme have been complied with

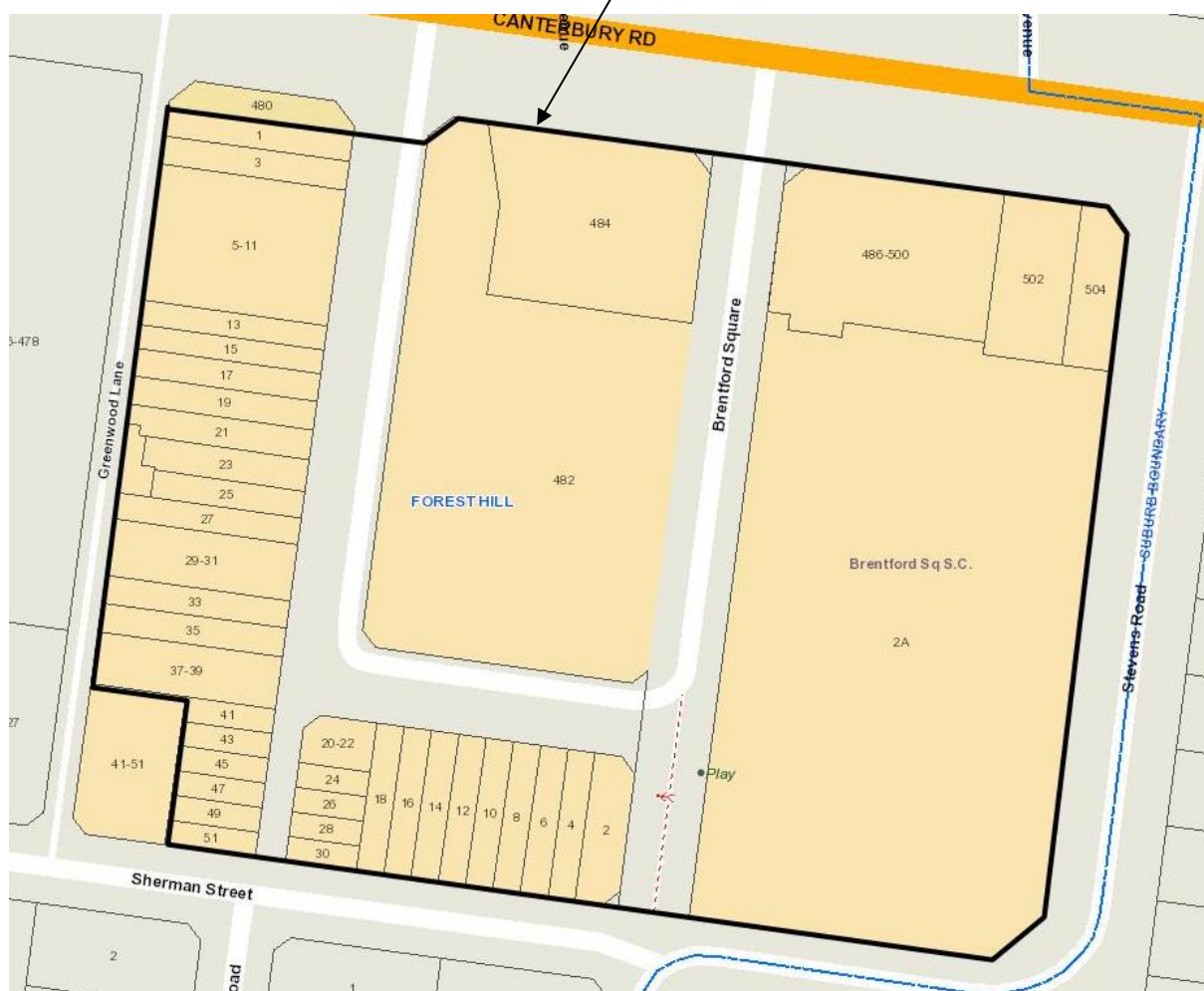
**Annexure A - Payments – Year One (2016)**

Column 1	Column 2	Column 3	Column 4
Property	Marketing and Promotion	Infrastructure	Total
Site 1	\$739.00	\$205.10	\$944.10
Site 2	\$739.00	\$205.10	\$944.10
Site 3	\$831.40	\$230.80	\$1,062.20
Site 4	\$660.00	\$183.20	\$843.20
Site 5	\$739.00	\$205.10	\$944.10
Site 6	\$741.70	205.90	\$947.60
Site 7	\$ 855.90	\$237.60	\$1,093.50
Site 8	\$ 864.10	\$239.90	\$1,104.00
Site 9	\$ 743.50	\$206.50	\$ 950.00
Site 10	\$ 652.70	\$181.30	\$ 834.00
Site 11	\$ 798.80	\$221.80	\$1,020.60
Site 12	\$ 1,086.70	\$301.80	\$1,388.50
Site 13	\$ 1,106.50	\$307.30	\$1,413.80
Site 14	\$ 1,143.90	\$317.70	\$1,461.60
Site 15	\$ 729.80	\$202.60	\$ 932.40
Site 16	\$ 3,008.40	\$835.70	\$3,844.10
Site 17	\$ 660.00	\$183.20	\$ 843.20
Site 18	\$ 887.70	\$246.50	\$1,134.20
Site 19	\$ 660.00	\$183.20	\$843.20
Site 20	\$ 739.00	\$205.10	\$944.10
Site 21	\$ 739.00	\$205.10	\$944.10
Site 22	\$ 1,358.40	\$377.20	\$1,735.60
Site 23	\$ 800.50	\$222.30	\$1,022.80
Site 24	\$ 796.00	\$221.00	\$1,017.00
Site 25	\$ 660.00	\$183.20	\$843.20
Site 26	\$ 778.80	\$216.20	\$ 995.00
Site 27	\$ 890.50	\$247.30	\$1,137.80
Site 28	\$ 652.70	\$181.30	\$834.00
Site 29	\$ 1,725.90	\$479.30	\$2,205.20
Site 30	\$ 660.00	\$183.20	\$843.20
Site 31	\$ 800.60	\$222.30	\$1,022.90
Site 32	\$ 877.70	\$243.70	\$1,121.40
Site 33	\$ 680.90	\$189.60	\$870.50
Site 34	\$ 4,613.00	\$1,281.30	\$5,894.30
Site 35	\$ 845.10	\$234.60	\$1,079.70
Site 36	\$ 854.10	\$237.20	\$1,091.30
Site 37	\$ 652.70	\$181.30	\$834.00
Site 38	\$ 876.90	\$243.40	\$1,120.30
Site 39	\$ 945.70	\$262.60	\$1,208.30
Site 40	\$ 652.70	\$181.30	\$834.00
Site 41	\$ 660.00	\$183.20	\$843.20
<b>Total</b>	<b>\$39,908.30</b>	<b>\$ 11,082.00</b>	<b>\$50,990.30</b>

**9.1.5**  
(cont)

**Annexure B**

**Brentford Square  
Special Rate/Charge  
Scheme Area**



## **9.2 HUMAN SERVICES**

### **9.2.1 Naming of Park at 36 Central Road, Blackburn after Frederick McCubbin**

FILE NUMBER: PR11/1

#### **SUMMARY**

*Council developed the land at 36 Central Road, Blackburn as a park during the 2013/2014 financial year. Since then the land has been referred to as 36 Central Road. A community postal vote was undertaken in March 2015 asking residents to select one of four names as a preferred name. This report recommends that the park be formally named 'McCubbin Park' as this is the name that received the most community votes.*

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Ellis

#### **That Council:**

- 1. Endorses the naming of the land at 36 Central Road, Blackburn as 'McCubbin Park'.**
- 2. Makes a submission to the Registrar of Geographic Names to name the land at 36 Central Road, Blackburn 'McCubbin Park'.**

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

In 2008 the land at 36 Central Road, Blackburn was purchased from Regis by Whitehorse City Council with contributions from the Federal and State Governments. The 'Tripartite' Agreement signed by all levels of Government at the time of the sale has key clauses about future management of the site, including;

#### **4. Management of Adjacent Land**

- 4.1 After acquisition of the Adjacent Land, the Council agrees that the Adjacent Land is to be managed in accordance with the following general objectives:*

- 1) Conserve and protect indigenous flora and fauna and habitats;*
- 2) Eradicate or control exotic flora and fauna; and*
- 3) Conserve and protect specific ecological, scenic, cultural and other nominated features.*

- 4.2 The Council must not use the Adjacent Land, or permit the Adjacent Land to be used for any purpose other than a purpose that is consistent with the Public Park And Recreation Zone, under the City Of Whitehorse Planning Scheme.*

In 2013 an extensive community consultation process was undertaken to ask local residents and key stakeholder groups what they would like to see happen with the land. Following the consultation, a Concept Plan was developed for the land recommending the installation of fences, pathways, bollards, extensive locally indigenous planting as well as the establishment of areas for regeneration of native grasses.

Works were undertaken in 2014 to implement the recommendations of the Concept Plan. This work was completed in June 2014, and the site was made available as a public park.

### 9.2.1

(cont)

#### DISCUSSION

One issue that was raised by a number of residents during the consultation phase was the lack of a suitable name for the park. In response to this, discussions were held with the nearby Blackburn Lake Sanctuary Advisory Committee to establish options for the naming of the park. As a result of these discussions, four potential names were put forward for further consultation including, 'Sanctuary Corner', 'McCubbin Park', 'Sanctuary Point' and 'Lake Corner'.

In March 2015 a letter was sent to 800 local residents in the area surrounding 36 Central Road, Blackburn. The letter contained a voting form and asked residents to select their preferred name for the park from the four options, with each household allowed one vote.

In total, 322 responses were received. The following votes were recorded for each option:

- 'Sanctuary Corner' – 58 votes
- **'McCubbin Park' – 127 votes**
- 'Sanctuary Point' – 27 votes
- 'Lake Corner' – 110 votes

Based on the vote, the name 'McCubbin Park' received the most votes.

'McCubbin Park' was included as an option to recognise the significant contribution of artist Frederick McCubbin to Australian landscape painting. The name is relevant to this site as McCubbin and other members of what would become the 'Heidelberg School' of artists camped and painted in the local area and a number of well-known works were painted nearby.

#### CONSULTATION

Consultation was undertaken with the nearby Blackburn Lake Sanctuary Advisory Committee to establish options for the naming of the park. Consultation was also undertaken with the Whitehorse Historical Society and the Box Hill Historical Society about the use of 'McCubbin Park' for the park at 36 Central Road, Blackburn. Both organisations were supportive of its use.

In accordance with Council policy, the proposed name was advertised as a public notice for two weeks in the Whitehorse Leader during July 2015. Two written submissions were received, one in support of the name, and one opposed to the name, including a suggestion that one of the other names from the vote would be more appropriate.

Given the number of responses received from the local residents for the name 'McCubbin Park' received during the public vote, it is seen to have broad public support. If Council resolves to endorse 'McCubbin Park' as the name for the park at 36 Central Road, Blackburn, a submission will be made to the Registrar of Geographic Names to formalise the name. The Registrar will advertise the proposal for further consideration and approval.

#### FINANCIAL IMPLICATIONS

Identification signage will be required for the park, with the cost to be borne by Council. Once a name for the park is approved, a 'totem' style sign will be fabricated and installed to identify the park. The cost of the totem sign will be approximately \$2000 and will be covered by operational budgets.

#### POLICY IMPLICATIONS

The naming of the park complies with Council's Criteria and Procedures for Naming Council Facilities After Individuals and the Geographic Place Names Act 1998.

## **9.3 CORPORATE SERVICES**

### **9.3.1 Annual Report 2015**

FILE NUMBER: SF15/149041  
ATTACHMENT

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#### **SUMMARY**

*The Council has given public notice of its intention to discuss the Annual Report for 2014/15 at this Council meeting in accordance with Section 131 and Section 134 of the Local Government Act 1989. It is recommended that the Annual Report incorporating the Financial Statements, and Performance Statement be received.*

#### **COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Davenport

***That Council having considered the report, as per Section 134 of the Local Government Act 1989, that the Annual Report incorporating the Report on Operations, Annual Financial Statements and Performance Statement for 2014/15 be received and noted.***

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

The Council is required under Section 134 of the Local Government Act 1989 to meet to discuss the annual report each year. Council gave public notice in The Age on 25 September 2015 and for information purposes in the Whitehorse leader on 28 September 2015, of this meeting to be held to discuss the Annual Report for the year ended 30 June 2015. Council approved the draft Annual Report incorporating the Financial and Performance statements in principle at its meeting on 17 August 2015 and the draft Annual Report incorporating the Report of Operations in principle at its meeting on 21 September 2015. The Auditor General has supplied the Council with the signed, unqualified opinion on the Financial Statements and Performance Statement.

The Council was able to forward a copy of the completed Annual Report including the Audited Financial Report the Minister for Local Government by 30 September 2015, in accordance with Section 131 of the Local Government Act 1989.

#### **DISCUSSION**

The Council is required under Section 131 of the Local Government Act 1989 to complete the annual report each year and forward it to the Minister by 30 September 2015. The Annual report comprises:

- A report on the operations
- Audited annual financial statements
- An audited performance statement.

The Annual Report incorporating, the report of operations the audited financial statements and performance statement were required to be certified by Council's Principal Accounting Officer and by two Councillors on behalf of the Council prior to the Council's Auditor signing the Audit Report.



### 9.3.2 Rates Hardship Assistance Policy

FILE NUMBER: SF06/95  
ATTACHMENT

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#### SUMMARY

*To present the amended Rates Hardship Assistance Policy (Refer Appendix #1) in order to provide ratepayers experiencing genuine financial hardship to seek relief in accordance with Council's policy. It is recommended that Council adopt the Rates Hardship Assistance Policy as presented.*

#### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Carr

***That Council resolves to adopt the amended Rates Hardship Assistance Policy.***

**CARRIED UNANIMOUSLY**

---

#### BACKGROUND

Council's Rates Hardship Assistance Policy (**the Policy**) requires minor amendment to ensure that the Policy remains legislatively relevant and continues to provide fair and reasonable outcomes to those ratepayers who are experiencing genuine financial hardship.

Under Section 170 of the *Local Government Act (LGA) 1989*, Council may defer in whole or part, the payment by a person of any rate or charge on the grounds of hardship. A deferment of payment of rates can be provided in whole or part and be specified for a period of time.

Under Sections 171 and 171A of the *LGA 1989*, Council may waive the whole or part of any rate or charge or interest on the grounds of financial hardship. A waiver exempts whole or part payment of any rate or charge.

Under Section 172 of the *LGA 1989*, Council may exempt any person from paying the whole or part of any interest either generally or specifically.

Under Section 27 of the *Fire Services Property Levy Act 2012*, Council may defer or waive the whole or part of the levy amount or levy interest on the grounds of financial hardship. A waiver exempts whole or part payment of the levy amount or levy interest. Council may only defer or waive the whole or part of the levy payment if Council has waived the whole or part of any rate, charge or interest under sections 170, 171 and 171A of the *LGA 1989*.

Under Section 28 of the *Fire Services Property Levy Act 2012*, Council may waive the whole or part of the levy amount or levy interest on non-rateable leviable land on the grounds of financial hardship. A waiver exempts whole or part payment of the levy amount or levy interest.

Under Section 29 of the *Fire Services Property Levy Act 2012*, a property owner may be entitled to a concession.

#### DISCUSSION

The Municipal Association of Victoria (**the MAV**) Hardship Policy Guidelines (**the MAV Guidelines**) were circulated in November 2013 and these guidelines were result of a working group comprising Victorian councils established by the MAV. Council's Manager of Property & Rates was member of the MAV working group that developed guidelines.

Whilst Council's existing policy already incorporated many of the items included in the MAV Guidelines it was deemed appropriate for the Policy to be reviewed and presented to Council.

**9.3.2**  
(cont)

Additionally, all levels of Australian government have a common law responsibility to act as model litigants.

The Victorian State Government has model litigant guidelines; these guidelines set the standards for how the State should behave as a party to legal proceedings. The State's guidelines have been considered by Council Officers when amending the Policy.

It is important to note that being a 'model litigant' does not prevent Council from acting firmly and properly when collecting unpaid rates, charges or levies and does not prevent Council from enforcing cost orders or seeking to recover costs.

**CONSULTATION**

The MAV Hardship Policy Guidelines and the Victorian State Government's Model Litigant Guidelines ("Guidelines on the State of Victoria's obligation to act as a model litigant") were considered when amending Council's Rates Hardship Assistance Policy.

**FINANCIAL IMPLICATIONS**

During the 2014/15 financial year approximately \$52,000 of rates were deferred with an extra \$1,280,000 approximately being on payment arrangements as at 30 June 2015. It is important to note that these figures exclude the State Government's Fire Services Property Levy.

Both the deferred rates and the payments arrangements mentioned above are undertaken in accordance with Council's existing Rates Hardship Assistance Policy and Council's Rate Department actively encourages those ratepayers experiencing genuine financial hardship to enter into payment arrangements.

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## PROCEDURAL MOTION

Moved by Cr Davenport, Seconded by Cr Daw

***That items numbered 9.3.3, 9.3.4 and 9.3.5 be considered together and the recommendations adopted.***

**CARRIED**

## 9.3.3 Supplementary Valuation Quarterly Return: July to September 2015

FILE NUMBER: SF14/549

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### SUMMARY

*This report presents supplementary valuations and recommends adjustment of rate records. The supplementary valuations in this return are effective from 01 July 2015. The supplementary valuations have been carried out on properties in accordance with Section 13DF of the Valuation of Land Act 1960.*

### COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Bennett

***That Council:***

- 1. Note and accept the supplementary valuations undertaken during the period commencing 01 July to 30 September 2015.***
- 2. Authorise the rate records being adjusted to take account of the supplementary valuations returned.***

**CARRIED**

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### BACKGROUND

Item 1.11 of the Schedule of Powers contained within the Chief Executive Officer's Instrument of Delegation adopted by Council on 18 May 2015 states the following:

*"The delegate must not determine the issue, take the action or do the act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:*

- The return of the general valuation and any supplementary valuations."*

This report relates to supplementary valuations undertaken by Council in accordance with *Valuation of Land Act 1960* for the period from 01 July 2015 to 30 September 2015.

Supplementary valuations are conducted regularly throughout the financial year to maintain the equity and accuracy of Council's rating valuation base.

Additionally, supplementary valuations are primarily due to construction, subdivision and/or planning activities. The majority of supplementary valuations are completed between July and August; this is so the amended valuation base resulting from the supplementary valuations are displayed on Council's annual valuation and rate notices.

Seven supplementary valuation batches were completed between 01 July 2015 and 30 September 2015. Refer Table #1

### 9.3.3 (cont)

Table # 1: Supplementary Valuation Batches completed between 01 July and 30 September

Supplementary Valuation Reference (Batch #)	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
WH14.14	80	\$44,290,000	\$74,170,000	\$3,708,500
WH14.16	259	\$102,892,333	\$169,683,500	\$9,112,600
WH14.17	254	\$162,771,000	\$203,641,000	\$10,276,350
WH14.18	290	\$ 80,959,000	\$165,738,000	\$9,015,950
WH14.19	181	\$159,645,000	\$212,544,500	\$10,676,650
WH14.20	313	\$ 51,594,000	\$233,637,000	\$14,686,300
WH14.21	56	\$25,618,000	\$36,946,000	\$1,975,000
Supplementary Valuations Total	1,433	\$627,769,333	\$1,096,360,000	\$49,175,000

NB: supplementary valuations on non-rateable properties are recorded on Council's rating system and their totals are included in the supplementary valuation reports.

### CONSULTATION

The legislative requirement for Council to complete supplementary valuations is contained within the *Valuation of Land Act 1960*.

All supplementary valuations contained in this report have been undertaken in accordance with the 2015 Valuation Best Practice guidelines and have been certified by the Valuer-General's office as being suitable for use by Council.

### FINANCIAL IMPLICATIONS

The total change to the Capital Improved Value (CIV) caused by the supplementary valuations undertaken is an increase of \$409,467,999. This change in CIV has generated an additional \$874,229 of supplementary rate income and it is important to note that this figure includes approximately \$280,000 in supplementary rates associated with the rating of the new ATO Building.

A summary of Council's valuation totals for all rateable properties and non-rateable properties are set out below in Table #2, Table #3 and Table #4.

Table #2: Valuation Totals as at 01 July 2015

BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
Rateable	69,488	\$32,403,520,401	\$47,824,766,501	\$2,509,023,126
Non-Rateable	1,084	\$ 2,443,691,500	\$ 2,843,074,000	\$ 165,501,150
<i>Municipal Total</i>	<i>70,572</i>	<i>\$34,847,211,901</i>	<i>\$50,667,840,501</i>	<i>\$2,674,524,276</i>

Table#3 Change to valuation totals due to supplementary valuations from 01 July 2015 to 30 September 2015

Supplementary Valuations	Assessments within Supplementary Valuation Batches	Change to Site Value	Change to CIV	Change to NAV
	1,433	\$13,632,999	\$409,467,999	\$23,819,749

Table #4: Valuation Totals as at 30 September 2015

NEW BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
New Rateable	69,910	\$32,417,805,400	\$48,234,647,500	\$ 2,532,872,325
New Non Rateable	1,082	\$2,443,039,500	\$2,842,661,000	\$165,471,700
<i>New Municipal Total</i>	<i>70,992</i>	<i>\$34,860,844,900</i>	<i>\$51,077,308,500</i>	<i>\$2,698,344,025</i>

### 9.3.4 Council Meeting Cycle - January to December 2016

FILE NUMBER: SF10/646

#### SUMMARY

*This report is to set the meeting dates for the period January to December 2016. It is recommended that Council continue with the current meeting cycle which provides for meetings to take place on Monday nights as follows:*

*Week 1 – Strategic Planning Session*

*Week 2 – Councillor Briefing and Special Committee Meeting*

*Week 3 – Council Meeting*

#### COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Bennett

**That:**

- 1. The report be received and noted and the Meeting Cycle for the period January to December 2016 as detailed in Appendix A to this report be adopted.***
- 2. Meetings of the Council and Special Committee of Council be held in the Council Chamber, 379 Whitehorse Road, Nunawading, with the exception of the first Ordinary Council meeting of the year Monday 1 February 2016 which will be held in the Council Chamber Box Hill Town Hall.***
- 3. Public notice of Council's meeting schedule be given as required by Section 89 (4) of the Local Government Act 1989.***

**CARRIED**

#### BACKGROUND

The Council Meeting Cycle is currently as follows:

<b>Week 1</b>	<b>Week 2</b>	<b>Week 3</b>
6.30pm  Strategic Planning Session (not a formal or public meeting)	6.30 - 8.00pm  Councillor Briefing Information gathering for briefing on agenda for Council Meeting on Week 3 (not a formal or public meeting)  8.00pm  Special Committee of Council Meeting	7.00pm  Council Meeting

### 9.3.4

(cont)

This report is to set meeting dates for the period January to December 2016 as listed in Appendix A to this report.

It is recommended that Council continue with the current meeting cycle which provides for meetings to take place on Monday nights as follows:

Week 1 – Strategic Planning Session

Week 2 – Councillor Briefing and Special Committee Meeting

Week 3 – Council Meeting

- Meetings will take place on Monday nights in a four weekly cycle, with Week 4 (and Week 5 in those months with a fifth Monday) being a meeting free night, to schedule other matters for consideration as necessary. Where Monday is a public holiday the meeting will take place on the Tuesday night immediately following.
- During January and February 2016 the Councillor Briefing will be held on Wednesday 27 January and the first Ordinary Council Meeting for 2016 will be held Week 1 of February, with an Ordinary Council Meeting also scheduled for Monday 15 February 2016. **(nb the Ordinary Council meeting Monday 1 February will be held at the Box Hill Town Hall)**
- The meeting cycle has been adjusted in June due to the Australian Local Governance Association National General Assembly being scheduled for 19-22 June 2016.
- During October 2016, following the Council Election, the meeting to swear in new Council and Elect Mayor will be held on Monday 31 October. *(Note: The City of Whitehorse General Election will be conducted by postal voting during October with Election Day being Saturday 22 October 2016.)*
- During December 2016 the Councillor Briefing will be held Week 1 and the Council Meeting will be held Week 2.
- Strategic Planning Sessions will be held from February to October 2016 inclusive.
- Special Committee of Council meetings will be held from February to November 2016 inclusive.
- All meetings will be conducted in accordance with the Charters and Council's Meeting Procedure and Common Seal Local Law 2013.

### CONSULTATION

Councillors are familiar with the meeting cycle, structure and Council meeting processes.

### FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

### POLICY IMPLICATIONS

There are no policy implications associated with this report.

**9.3.4**  
(cont)

**APPENDIX A**



**PUBLIC MEETING CYCLE 2016**

<b>January</b>		<b>July</b>	
		Special Committee	11
		Ordinary Council Meeting	18
<b>February</b>		<b>August</b>	
Ordinary Council Meeting*	1	Special Committee	8
Special Committee	8	Ordinary Council Meeting	15
Ordinary Council Meeting	15		
<b>March</b>		<b>September</b>	
Special Committee	15 (Tues)	Special Committee	12
Ordinary Council Meeting	21	Ordinary Council Meeting	19
<b>April</b>		<b>October</b>	
Special Committee	11	Special Committee	10
Ordinary Council Meeting	18	Ordinary Council Meeting	17
		<b>Election Day</b>	<b>22 (Sat)</b>
		<sup>2</sup> Special Statutory Council meeting to swear in new Councillors and to Elect Mayor	<b>31 (Mon)</b>
<b>May</b>		<b>November</b>	
Special Committee	9	Special Committee	14
Ordinary Council Meeting	16	Ordinary Council Meeting	21
<b>June</b>		<b>December</b>	
Special Committee	14 (Tues)	Ordinary Council Meeting	12
Ordinary Council Meeting <sup>1</sup>	27		

- Additional meetings may be called as required and will be advertised in local newspapers when possible and/or by notice on the public noticeboards at Civic Offices.
- All meetings to be held in the Council Chamber, Whitehorse Civic Centre, 379 Whitehorse Rd, Nunawading, with the exception of the meeting scheduled for **\*Monday 1 February 2016, which will be held in the Council Chamber, Box Hill Town Hall\***
- Council Meetings commence at 7.00pm unless otherwise advised.
- Special Committee of Council Meetings commence at 8.00pm unless otherwise advised.
- All meetings open to the public, unless Council resolves to close the meeting to the public to consider an item 'in camera'.
- All these meetings are subject to change as necessary, changes to the meeting cycle will be advised by public notice as appropriate.

<sup>1</sup> Meeting schedule adjusted due to ALGA National Conference scheduled 19-22 June 2016

<sup>2</sup> The City of Whitehorse General Election will be conducted by postal voting during October, with Election Day being 22 October 2016; Swearing in of the new Council and election of the Mayor will take place the week following on Monday 31 October 2016.

### 9.3.5 Delegated Decisions – August 2015

FILE NUMBER: SF 13/1527#02

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

#### COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Bennett

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

**CARRIED**

DELEGATION	FUNCTION	Number for August 2014	Number for August 2015
Planning and Environment Act 1987	- Delegated decisions	95	135
	- Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		22	23
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	49	48
Liquor Control Reform Act 1998	Objections and prosecutions	1	Nil
Food Act 1984	- Food Act orders	1	2
Public Health & Wellbeing Act 2008	- Improvement / prohibition notices	Nil	Nil
Local Government Act 1989	Temporary road closures	8	2
Other delegations	CEO signed contracts between \$150,000 - \$500,000	Nil	Nil
	Property Sales and leases	Nil	8
	Documents to which Council seal affixed	1	Nil
	Vendor Payments	1060	939
	Parking Amendments	8	2
	Parking Infringements written off (not able to be collected)	185	239

\*The number is very 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 AUGUST 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
438	17-08-15	Application Lapsed	1 Wright St, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
443	24-08-15	Application Lapsed	7 Glenora Drv, Vermont	Morack	Two double storey attached dwellings	Multiple Dwellings
504	19-08-15	Application Lapsed	22 Beddows St, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
526	14-08-15	Application Lapsed	984 Whitehorse Rd, Box Hill	Elgar	Building & works (construction of roof, firewall and external mechanical equipment)	VicSmart - General Application
1221	06-08-15	Application Lapsed	27 Clyde St, Box Hill North	Elgar	Construction of 8 double storey dwellings	Multiple Dwellings
111	04-08-15	Delegate Approval - S72 Amendment	13/41-49 Norcal Rd, Nunawading	Springfield	Amendment to Permit WH/2015/111 to delete Condition 1.a) and 1.b) and increase in size of ancillary office	Permit Amendment
168	27-08-15	Delegate Approval - S72 Amendment	213-243 Burwood Hwy, Burwood	Riversdale	Buildings and works for the construction of temporary stairs	Permit Amendment
217	07-08-15	Delegate Approval - S72 Amendment	11 Rosslyn St, Blackburn South	Central	Amendment to Planning Permit WH/2013/217 (Issued for the development of the land for the construction of a dwelling in a Significant Landscape Overlay (SLO2)) for buildings and works to construct a spa and decking	Permit Amendment
429	17-08-15	Delegate Approval - S72 Amendment	20 Wridgway Ave, Burwood	Riversdale	Construction of a new double storey dwelling associated with the existing church	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
774	18-08-15	Delegate Approval - S72 Amendment	313 Middleborough Rd, Box Hill South	Riversdale	Amendment to Planning Permit WH/2013/774 (issued for the 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
800	27-08-15	Delegate Approval - S72 Amendment	41A Thames St, Box Hill	Elgar	Amendment to Planning Permit WH/2014/800 (Issued for the construction four double storey dwellings) for reduction to the first floor ceiling heights and modifications to external features	Permit Amendment
1204	04-08-15	Delegate Approval - S72 Amendment	811 Whitehorse Rd, Mont Albert	Elgar	Buildings and works for the installation of exhaust fans, reduction in standard car parking requirement and display of advertising signs in association with a restaurant	Permit Amendment
13029	14-08-15	Delegate Approval - S72 Amendment	2-12 Simla St, Mitcham	Springfield	Amendmend to WH/2002/13029 (issued for the use and development of a Place of Worship and separate Warehouse along with car parking dispensation) for use of land as Place of Assembly	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
14298	17-08-15	Delegate Approval - S72 Amendment	641-647 Burwood Hwy, Vermont South	Morack	Use and Development of a Four Storey Medical Centre with Ancillary Pharmacy and Food and Drink Premises Requiring Dispensation for Car Parking, Creation of Access to Burwood Highway and Removal of Native Vegetation	Business
801925	05-08-15	Delegate Approval - S72 Amendment	2/126-128 Springvale Rd, Nunawading	Springfield	Amendment to endorsed plans to increase the size of the service premises (chemist) and delete consulting rooms	Permit Amendment
81	25-08-15	Delegate NOD Issued	37 Saxton St, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
132	19-08-15	Delegate NOD Issued	36 Linlithgow St, Mitcham	Springfield	Construction of a double storey dwelling at the rear of the existing dwelling.	Multiple Dwellings
146	20-08-15	Delegate NOD Issued	19 Gerald St, Blackburn	Springfield	Buildings and works to construct one (1) dwelling and removal of trees	Special Landscape Area
184	10-08-15	Delegate NOD Issued	73 Margaret St, Box Hill North	Elgar	Construction of four (4) double storey dwellings	Multiple Dwellings
242	24-08-15	Delegate NOD Issued	18 Grandview Rd, Box Hill South	Riversdale	Construction of three dwellings including one triple storey dwelling and two double storey dwellings	Multiple Dwellings
280	31-08-15	Delegate NOD Issued	208 Blackburn Rd, Blackburn South	Central	Construction of four dwellings including three double storey dwellings and one single storey dwelling	Multiple Dwellings
283	28-08-15	Delegate NOD Issued	26 Vernon St, Blackburn South	Central	Development of the land for two dwellings comprising the retention of the single storey dwelling and the construction of a double storey dwelling	Multiple Dwellings
301	31-08-15	Delegate NOD Issued	47 Nicholson St, Nunawading	Springfield	Construction of two double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
390	20-08-15	Delegate NOD Issued	288 Whitehorse Rd, Nunawading	Springfield	Display of a major promotional sign and a business identification sign (at the rear facing the railway line)	Business
689	27-08-15	Delegate NOD Issued	587 Middleborough Rd, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
695	31-08-15	Delegate NOD Issued	2 Alice St, Burwood East	Morack	Construction of eight (8) double storey dwellings	Multiple Dwellings
773	20-08-15	Delegate NOD Issued	6 Burch St, Blackburn North	Central	Constructoin of two double storey dwellings	Multiple Dwellings
847	26-08-15	Delegate NOD Issued	37 Harrow St, Box Hill	Elgar	Amendment to Planning Permit WH/2010/847 (issued for the construction of a four (4) storey plus basement level residential building comprising 29 dwellings and a reduction of the required car parking requirements), for the change of use of the land for serviced apartments and waiver of the loading and unloading requirement	Permit Amendment
987	13-08-15	Delegate NOD Issued	439 Springfield Rd, Mitcham	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
1138	18-08-15	Delegate NOD Issued	451 Highbury Rd, Burwood East	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
1168	31-08-15	Delegate NOD Issued	134 Woodhouse Grv, Box Hill North	Elgar	Buildings and works for the alterations to the exsiting place of worship	Residential (Other)
1250	31-08-15	Delegate NOD Issued	18 Faulkner St, Blackburn South	Central	Construction of two double storey dwellings	Multiple Dwellings
16	27-08-15	Delegate Permit Issued	78 Quarry Rd, Mitcham	Springfield	2 lot vacant land subdivision	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
19	13-08-15	Delegate Permit Issued	63 Vicki St, Forest Hill	Central	Development of the land for two dwellings (comprising the construction of a double storey dwelling to the rear of the existing single storey dwelling)	Multiple Dwellings
92	13-08-15	Delegate Permit Issued	1A Thomas St, Mitcham	Springfield	Partial demolition of existing dwelling and buildings and works including first floor addition	Heritage
113	06-08-15	Delegate Permit Issued	10 William St, Mitcham	Springfield	Development and use of the land for a Medical Centre	Residential (Other)
131	25-08-15	Delegate Permit Issued	260 Burwood Hwy, Burwood	Riversdale	Construction of a part four, part five storey building comprising 44 dwellings plus two levels of basement parking, a reduction in car parking and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
160	13-08-15	Delegate Permit Issued	6 Ray Rd, Burwood East	Morack	Construction of two double storey dwellings	Multiple Dwellings
174	21-08-15	Delegate Permit Issued	52 Goodwin St, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
193	17-08-15	Delegate Permit Issued	33 Ashley St, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
213	31-08-15	Delegate Permit Issued	15 Station St, Blackburn	Central	Buildings and works to construct a three storey building comprising six dwellings	Multiple Dwellings
217	11-08-15	Delegate Permit Issued	13 Landale St, Box Hill	Elgar	Part demolition of and buildings and works to extend a dwelling in a Heritage Overlay	Heritage
228	13-08-15	Delegate Permit Issued	19 Alexander St, Box Hill	Elgar	Partial demolition, alterations and additions to existing dwelling	Neighbourhood Character Overlay
242	27-08-15	Delegate Permit Issued	28 Acacia St, Box Hill	Elgar	Partial demolition of an existing dwelling and sub sequential alterations and additions to the dwelling including a second storey addition	Neighbourhood Character Overlay

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
251	13-08-15	Delegate Permit Issued	1 Tarrangower Ave, Mitcham	Springfield	Construction of one (1) double storey dwelling to the rear of an existing dwelling	Multiple Dwellings
269	13-08-15	Delegate Permit Issued	24 Tasman Ave, Nunawading	Springfield	Construction of a roofed deck to the rear of the existing dwelling	Single Dwelling < 300m2
271	18-08-15	Delegate Permit Issued	385 Canterbury Rd, Forest Hill	Springfield	Use and construction of a medical centre and alteration of access to a Road Zone Category 1.	Residential (Other)
273	13-08-15	Delegate Permit Issued	4 Francesca St, Mont AlbertNorth	Elgar	Construction of two double storey dwellings	Multiple Dwellings
282	21-08-15	Delegate Permit Issued	41 Station St, Burwood	Riversdale	Construction of three double storey dwellings and to alter access to a road in a Road Zone, Category 1	Multiple Dwellings
284	12-08-15	Delegate Permit Issued	711-713 Whitehorse Rd, Mont Albert	Elgar	Buildings and works associated with the use of land for a restaurant (cafe) and reduction of the standard car parking requirements	Multiple Dwellings
299	12-08-15	Delegate Permit Issued	10 Hannaslea St, Box Hill	Elgar	Building and works to construct an extension to the rear of the dwelling within a Heritage Overlay	Heritage
333	18-08-15	Delegate Permit Issued	236-238 Whitehorse Rd, Nunawading	Central	Building and works to alter the existing showroom, reduction of the standard car parking requirement and display of business identification signage	Business
345	18-08-15	Delegate Permit Issued	1 Endeavour St, Mitcham	Springfield	Removal of five (5) trees	Special Landscape Area
358	14-08-15	Delegate Permit Issued	46/66-104 Springfield Rd, Blackburn	Central	Reduction of carparking for a medical centre	Business
401	18-08-15	Delegate Permit Issued	7 Chilcote Crt, Box Hill South	Riversdale	2 lot subdivision	Subdivision
424	10-08-15	Delegate Permit Issued	515 Whitehorse Rd, Mitcham	Springfield	Display of advertising signage	Advertising Sign
429	14-08-15	Delegate Permit Issued	Level 1 17 Sevenoaks Rd, Burwood East	Morack	Reduction in car parking	Business
455	18-08-15	Delegate Permit Issued	Shop 3/2-8 Burwood Hwy, Burwood East	Riversdale	Use of land to sell and consume liquor	Liquor Licence

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
458	04-08-15	Delegate Permit Issued	25 Lalwa St, Blackburn	Central	Removal of three (3) trees in a Significant Landscape Overlay 2	Special Landscape Area
459	17-08-15	Delegate Permit Issued	1 Hopetoun Pde, Box Hill	Elgar	Use and development of the land for a community and cultural centre incorporating a childcare centre, education centre, place of assembly (day centre for the elderly and senior citizens club) and a reduction in car parking requirements	Permit Amendment
464	31-08-15	Delegate Permit Issued	37 Saligna Wlk, Vermont South	Morack	Buildings and works comprising alterations to an existing dwelling (replacement of windows)	Heritage
471	31-08-15	Delegate Permit Issued	976 Whitehorse Rd, Box Hill	Elgar	Buildings and works for alterations to building facades and the display of internally illuminated signage	Business
475	18-08-15	Delegate Permit Issued	55 Katrina St, Blackburn North	Central	Reduction of standard car parking requirement associated with a cafe	Business
486	31-08-15	Delegate Permit Issued	36 Hamilton St, Mont Albert	Elgar	2 lot subdivision	Subdivision
491	18-08-15	Delegate Permit Issued	112-114 South Pde, Blackburn	Central	External Signage in a Heritage Overlay 74	Advertising Sign
503	27-08-15	Delegate Permit Issued	11 Sevenoaks Rd, Burwood East	Morack	Reduction in car parking associated with the use of the land for a medical centre	Business
533	18-08-15	Delegate Permit Issued	1 Karens Close Mitcham	Springfield	Buildings and works within a Significant Landscape Overlay to construct a deck	Special Landscape Area
535	18-08-15	Delegate Permit Issued	122-126 Whitehorse Rd, Blackburn	Central	Display of two (2) panel signs	Advertising Sign
544	18-08-15	Delegate Permit Issued	141 Springvale Rd, Nunawading	Springfield	Buildings and works to the existing building, waiver of the standard car parking requirements and use of land to sell and consume liquor.	Business

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
566	11-08-15	Delegate Permit Issued	4 Orion St, Vermont	Springfield	Two lot subdivision of existing strata subdivision	Subdivision
571	31-08-15	Delegate Permit Issued	1 Archibald St, Box Hill	Elgar	2 lot subdivision	Subdivision
579	24-08-15	Delegate Permit Issued	372 Burwood Hwy, Burwood	Riversdale	7 lot subdivision	Subdivision
585	07-08-15	Delegate Permit Issued	814-818 Whitehorse Rd, Box Hill	Elgar	Display of internally illuminated high-wall signage	Business
588	11-08-15	Delegate Permit Issued	641-647 Burwood Hwy, Vermont South	Morack	Use of land for the sale and consumption of liquor	Liquor Licence
589	11-08-15	Delegate Permit Issued	515 Whitehorse Rd, Mitcham	Springfield	Use of land for the sale of packaged liquor	Liquor Licence
596	21-08-15	Delegate Permit Issued	5 Vernal Ave, Mitcham	Springfield	Three lot subdivision	Subdivision
601	21-08-15	Delegate Permit Issued	647 Middleborough Rd, Box Hill North	Elgar	Four lot subdivision	Subdivision
603	25-08-15	Delegate Permit Issued	8 Hawkins Ave, Mont AlbertNorth	Elgar	Removal of easement	Subdivision
607	28-08-15	Delegate Permit Issued	125 Brunswick Rd, Mitcham	Springfield	Three lot subdivision	Subdivision
621	10-08-15	Delegate Permit Issued	29 Erasmus St, Surrey Hills	Riversdale	Construction of a front fence in a Heritage Overlay	VicSmart - General Application
622	05-08-15	Delegate Permit Issued	77 Glenburnie Rd, Vermont	Springfield	Removal of a protected tree in a Significant Landscape Overlay	VicSmart - General Application
625	20-08-15	Delegate Permit Issued	1/110 Parer St, Burwood	Riversdale	Construction of a fence	Residential (Other)
628	05-08-15	Delegate Permit Issued	15 Eckersley Crt, Blackburn South	Central	Removal of one (1) tree in a Significant Landscape Overlay	VicSmart - General Application
631	25-08-15	Delegate Permit Issued	12 Badenoch St, Blackburn	Central	Construction of a double storey dwelling	Residential (Other)
635	28-08-15	Delegate Permit Issued	156 Junction Rd, Nunawading	Springfield	Buildings and works and a reduction in the standard car parking requirement for a Medical Centre (Psychology practice)	Business
641	31-08-15	Delegate Permit Issued	14 Raymond St, Blackburn North	Central	3 lot subdivision	Subdivision
642	12-08-15	Delegate Permit Issued	24 Pakenham St, Blackburn	Central	2 lot subdivision	Subdivision
643	12-08-15	Delegate Permit Issued	3 Valma Crt, Forest Hill	Springfield	2 lot subdivision	Subdivision
644	12-08-15	Delegate Permit Issued	2 Strabane Ave, Mont AlbertNorth	Elgar	2 lot subdivision	Subdivision



Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
645	12-08-15	Delegate Permit Issued	7 Orchard Grv, Blackburn South	Central	2 lot subdivision	Subdivision
646	12-08-15	Delegate Permit Issued	135 Woodhouse Grv, Box Hill North	Elgar	2 lot subdivision	Subdivision
650	31-08-15	Delegate Permit Issued	8 Tyrrell Ave, Blackburn	Central	3 lot subdivision	Subdivision
651	31-08-15	Delegate Permit Issued	4 Terrara Rd, Vermont	Morack	10 lots subdivision	Subdivision
652	21-08-15	Delegate Permit Issued	17 Parer St, Burwood	Riversdale	2 lot subdivision	Subdivision
656	20-08-15	Delegate Permit Issued	36 Carween Ave, Mitcham	Springfield	Removal of a protected tree in the Vegetation Protection Overlay	VicSmart - General Application
662	27-08-15	Delegate Permit Issued	57 View St, Mont Albert	Elgar	Construction of a garage associated with a dwelling in a Heritage Overlay	VicSmart - General Application
664	24-08-15	Delegate Permit Issued	4 Andrews St, Burwood	Riversdale	2 lot subdivision	Subdivision
665	24-08-15	Delegate Permit Issued	1/1 Somerset St, Box Hill North	Elgar	2 lot subdivision	Subdivision
666	24-08-15	Delegate Permit Issued	1/35 Wellman St, Box Hill South	Riversdale	2 lot subdivision	Subdivision
667	21-08-15	Delegate Permit Issued	12 Harcourt St, Blackburn North	Central	2 lot subdivision	Subdivision
674	21-08-15	Delegate Permit Issued	33 Cumming St, Burwood	Riversdale	2 lot subdivision	Subdivision
675	21-08-15	Delegate Permit Issued	2 Eugenia St, Nunawading	Springfield	2 lot subdivision	Subdivision
693	27-08-15	Delegate Permit Issued	984 Whitehorse Rd, Box Hill	Elgar	Buildings and works to an existing restaurant	VicSmart - General Application
699	27-08-15	Delegate Permit Issued	40 Beaver St, Box Hill South	Riversdale	Proposed new 2 storey dwelling in an SBO	VicSmart - General Application
718	31-08-15	Delegate Permit Issued	12 Molleton St, Blackburn	Central	2 lot subdivision	Subdivision
719	31-08-15	Delegate Permit Issued	21 Caroline Cres, Blackburn North	Central	2 lot subdivision	Subdivision
721	31-08-15	Delegate Permit Issued	142 Station St, Burwood	Riversdale	2 lot subdivision	Subdivision
730	13-08-15	Delegate Permit Issued	76 Mahoneys Rd, Forest Hill	Central	Construction of six (6) double storey dwellings and consolidation of land into one lot	Multiple Dwellings
743	28-08-15	Delegate Permit Issued	17 Fisher St, Forest Hill	Springfield	Construction of two double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
772	28-08-15	Delegate Permit Issued	80-80A South Pde, Blackburn	Central	Buildings and works to extend existing restaurant, reduction in car parking and waiver of loading bay	Business
786	13-08-15	Delegate Permit Issued	47 Dunlavin Rd, Mitcham	Springfield	Construction three double storey dwellings	Multiple Dwellings
809	31-08-15	Delegate Permit Issued	10 Delany Ave, Burwood	Riversdale	Amendment to Planning Permit WH/2014/809 (issued for the construction of three double storey dwellings) to increase overall floor levels and maximum dwelling heights	Permit Amendment
821	21-08-15	Delegate Permit Issued	9 Manniche Ave, Mont AlbertNorth	Elgar	Construction of two double storey dwellings and the removal of trees	Multiple Dwellings
997	05-08-15	Delegate Permit Issued	71 Severn St, Box Hill North	Elgar	Construction of eight (8) dwellings, comprising one (1) double storey and seven (7) three storey dwellings and reduction of visitor car parking requirements	Multiple Dwellings
1042	06-08-15	Delegate Permit Issued	788 Station St, Box Hill North	Elgar	Construction of three double storey dwellings and to create access to a road, in a Road Zone, Category 1	Multiple Dwellings
1055	12-08-15	Delegate Permit Issued	14A Lee Ann St, Blackburn South	Central	Construction of two double storey dwellings and subdivision of land into 2 lots	Multiple Dwellings
1068	13-08-15	Delegate Permit Issued	451 Belmore Rd, Mont AlbertNorth	Elgar	Tree Removal in a Vegetation Protection Overlay	Vegetation Protection Overlay
1196	20-08-15	Delegate Permit Issued	7 Luckie St, Nunawading	Springfield	Construction of four (4) double storey dwellings	Multiple Dwellings
1220	27-08-15	Delegate Permit Issued	155 Highbury Rd, Burwood	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
147	18-08-15	Delegate Refusal - S72 Amendment	4 Watts St, Box Hill	Elgar	Amendment to WH/2012/147 (issued for development of a six storey building plus basement carpark) for internal and external alterations	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
32	04-08-15	Delegate Refusal Issued	8 Beacon St, Vermont South	Morack	Construction of two semi-detached double storey dwellings	Multiple Dwellings
200	25-08-15	Delegate Refusal Issued	32 Box Hill Cres, Mont Albert North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
238	20-08-15	Delegate Refusal Issued	1/18 Collina St, Mitcham	Springfield	Construction of a deck and verandah and buildings and works to construct a front entrance	Special Landscape Area
774	28-08-15	Delegate Refusal Issued	5 McComas Grv, Burwood	Riversdale	Construction of four double storey semi detached dwellings	Multiple Dwellings
814	31-08-15	Delegate Refusal Issued	30 Nielsen Ave, Nunawading	Springfield	Construction of two double storey dwellings	Multiple Dwellings
913	19-08-15	Delegate Refusal Issued	370-372 Mitcham Rd, Mitcham	Springfield	Construction of a part 3 and part 4 storey apartment building including 30 dwellings and a reduction in car parking requirements	Multiple Dwellings
956	11-08-15	Delegate Refusal Issued	221 Highbury Rd, Burwood	Riversdale	Construction of six dwellings comprising two triple storey dwellings and four double storey dwellings and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
1235	28-08-15	Delegate Refusal Issued	800 Station St, Box Hill North	Elgar	Development and use of a Child Care Centre, buildings and works in a Heritage Overlay and reduction in car parking requirements	Child Care Centre
288	18-08-15	Permit Corrected	546 Elgar Rd, Box Hill North	Elgar	Development of a three storey building plus basement comprising 12 dwellings and alteration of access to a road in a Road Zone (Category 1)	Multiple Dwellings
376	12-08-15	Permit Corrected	117 Rooks Rd, Nunawading	Springfield	Construction of a new single storey dwelling to the rear of the existing dwelling.	Multiple Dwellings
168	11-08-15	Withdrawn	10 Barwon St, Box Hill North	Elgar	Construction of 6 double storey dwellings	Multiple Dwellings
302	28-08-15	Withdrawn	13 Plymouth Crt, Nunawading	Springfield	Construction of a double storey dwelling at the rear of an existing dwelling	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
307	10-08-15	Withdrawn	219-223 Burwood Hwy, Burwood East	Morack	Buildings and works and use of the land for service industry (tyre service centre) and restricted retail premises, and alteration of access to a road in a Road Zone Category 1	Residential (Other)
470	31-08-15	Withdrawn	61 Severn St, Box Hill North	Elgar	Construction of seven double storey dwellings	Multiple Dwellings
645	17-08-15	Withdrawn	1/56 Belgravia Ave, Mont AlbertNorth	Elgar	Four (4) lot subdivision of land	Permit Amendment

#### BUILDING DISPENSATIONS/APPLICATIONS AUGUST 2015

Address	Date	Ward	Result
48 Pakenham Street, BLACKBURN	28-08-15	Central	Amendment Approved R409
6 Iris Court, BLACKBURN NORTH	03-08-15	Central	Amendment Approved R409
1 Rialton Avenue, BLACKBURN NORTH	19-08-15	Central	Granted R424
14 John Holland Court, BLACKBURN	04-08-15	Central	Granted R414
29 Lawrence Street, BLACKBURN SOUTH	28-08-15	Central	Granted R417
49 Williams Road, BLACKBURN	14-08-15	Central	Granted R424
30 Forest Glen Avenue, BLACKBURN SOUTH	19-08-15	Central	Refused R424
24 Victoria Crescent, MONT ALBERT	03-08-15	Elgar	Amendment Approved R409
35 Karen Street, BOX HILL NORTH	28-08-15	Elgar	Amendment Approved R424
72 Kenmare Street, MONT ALBERT	03-08-15	Elgar	Amendment Approved R424
1 Elland Avenue, BOX HILL	07-08-15	Elgar	Granted R604
1/17 Francesca Street, MONT ALBERT NORTH	04-08-15	Elgar	Granted R414
125 Nelson Road, BOX HILL NORTH	19-08-15	Elgar	Granted R414
13 Lightfoot Street, MONT ALBERT	28-08-15	Elgar	Granted R424, R427
219 Dorking Road, BOX HILL NORTH	07-08-15	Elgar	Granted R424
43 Harrison Street, BOX HILL NORTH	11-08-15	Elgar	Granted R424
53 Victoria Crescent, MONT ALBERT	14-08-15	Elgar	Granted R409
71 Strabane Avenue, MONT ALBERT NORTH	28-08-15	Elgar	Granted R424
81 Thames Street, BOX HILL	10-08-15	Elgar	Granted R604
11 Evan Street, Box Hill North	12-08-15	Elgar	Refused R409
5 Bell Street, Box Hill North	19-08-15	Elgar	Refused R414, R415
3 Longbrae Avenue, FOREST HILL	11-08-15	Morack	Granted R409, R416, R415
47 Husband Road, FOREST HILL	28-08-15	Morack	Granted R409
5 Sarah Court, VERMONT	21-08-15	Morack	Granted R415
19 Panorama Drive, FOREST HILL	27-08-15	Morack	Refused R415
23 Frank Street, VERMONT	14-08-15	Morack	Refused R409
3 Ida Court, VERMONT	11-08-15	Morack	Refused R409
52 Lenna Street, BURWOOD EAST	31-08-15	Riversdale	Amendment Approved R424
1157 Riversdale Road, BOX HILL SOUTH	10-08-15	Riversdale	Granted R414
13 Jenner Street, BLACKBURN SOUTH	28-08-15	Riversdale	Granted R415
18 Elm Street, SURREY HILLS	28-08-15	Riversdale	Granted R424
4 Iris Street, BURWOOD	18-08-15	Riversdale	Granted R424
13 Jenner Street, BLACKBURN SOUTH	28-08-15	Riversdale	Refused R409
2 Donald Road, BURWOOD	10-08-15	Riversdale	Refused R425
8 Gladys Street, NUNAWADING	20-08-15	Springfield	Amendment Approved R409
1/33 Scott Street, MITCHAM	11-08-15	Springfield	Granted R411
13 Collina Street, MITCHAM	11-08-15	Springfield	Granted R427, R409
193-195 Springvale Road, NUNAWADING	14-08-15	Springfield	Granted R604
5 Harrison Street, MITCHAM	11-08-15	Springfield	Granted R424
8 Bullen Avenue, MITCHAM	28-08-15	Springfield	Granted R414
1 Karens Close Mitcham	19-08-15	Springfield	Refused R409
34 Boyle Street, Forest Hill	14-08-15	Springfield	Refused R409
7 Scott Street, Mitcham	28-08-15	Springfield	Refused R409

**DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – AUGUST 2015**  
*Under the Planning and Environment Act 1987*

Nil

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

Nil

**REGISTER OF PROPERTY DOCUMENTS EXECUTED AUGUST 2015**

Property Address	Document Type	Document Detail
<b>Leases</b>		
21 Wattle Valley Road, Mitcham	Residential Tenancy Agreement	Landlord (expires 2/03/2016)
1/1049 Whitehorse Road, Box Hill (Gowanlea)	Residential Tenancy Agreement	Landlord (expires 9/01/2016)
<b>Licences</b>		
8 Station Street, Nunawading	Licence	Council as Licensee (expires 30/9/2025)
<b>Land Transfers</b>		
Rear 7 Stott Street, Box Hill South	Road Discontinuance	Transfer of Land Section 207D Local Government Act 1989
22 Grange Road, Mont Albert	Statement	Statement pursuant to section 7(1)(b)(i) of the Land Acquisition and Compensation Act 1986
22 Grange Road, Mont Albert	Creation of Easement Deed	Section 45 (1) of Transfer of Land Act 1958
<b>Rateability Changes (Section 154 of the Local Government Act 1989)</b>		
470 Whitehorse Road, Mitcham	Property now exempt	Premises leased to SCOPE for a charitable purpose
2/194-202 Rooks Road, Vermont	Property now exempt	Premises leased to International Needs for a charitable purpose.

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

Nil

**PARKING RESTRICTIONS APPROVED BY DELEGATION AUGUST 2015**

**Address:** Wakefield Street, Nunawading: from Susanne Avenue to 50m south of Susanne Avenue – West Side outside School  
**Previously:** 2 Minute parking, 8:30 to 9:15am & 3:15 to 4pm  
**Now:** No Parking, 8:30am to 9:15am & 3:15pm to 4pm, School Days  
**Spaces:** 8

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

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
06.08.15	\$3,779.81	8	EFC
06.08.15	\$51,998.17	26	CHQ
06.08.15	\$247,986.56	38	EFT
13.08.15	\$2,903.27	8	EFC
13.08.15	\$96,728.28	20	CHQ
13.08.15	\$1,158,365.14	262	EFT
14.08.15	\$25.30	1	EFC
20.08.15	\$9,652.33	14	EFC
20.08.15	\$97,928.03	56	CHQ
20.08.15	\$459,815.18	50	EFT
27.08.15	\$4,672.97	9	EFC
27.08.15	\$57,617.48	40	CHQ
27.08.15	\$3,253,999.25	406	EFT
31.08.15	\$982.73	1	EFT
<b>Monthly Leases</b>	\$30,000.00		
<b>GROSS</b>	\$5,476,454.50	939	
<b>CANCELLED PAYMENTS</b>	-\$79,751.31	10	
<b>NETT</b>	\$5,396,703.19	929	

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

### **10.1 Reports by Delegates**

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

- 10.1.1 Cr Massoud reported on her attendance at the Whitehorse Business Group 2015 Whitehorse Excellence in Business Awards held on 16 October 2015.
- 10.1.2 Cr Ellis reported on her attendance at the Whitehorse Matsudo Sister City Relationship Friendship Group meeting held on 14 October 2015.
- 10.1.3 Cr Daw reported on his attendance at the Whitehorse Business Group 2015 Whitehorse Excellence in Business Awards held on 16 October 2015.
- 10.1.4 Cr Stennett reported on his attendance at the Whitehorse Matsudo Sister City Relationship Friendship Group meeting held on 14 October 2015.
- 10.1.5 Cr Munroe reported on his attendance at the City of Whitehorse Bicycle Advisory Committee meeting held 23 September 2015
- 10.1.6 Cr Munroe reported on his attendance at the Whitehorse Matsudo Sister City Relationship Friendship Group meeting held on 14 October 2015.
- 10.1.7 Cr Munroe reported on his attendance at the 2015 Whitehorse Sports Awards held on 7 October 2015.
- 10.1.8 Cr Munroe reported on his attendance at the Whitehorse Business Group 2015 Whitehorse Excellence in Business Awards held on 16 October 2015.
- 10.1.9 Cr Munroe reported on his attendance at the Whitehorse Spring Festival held on 18 October 2015

The Mayor congratulated all staff who planned the event, stating that it was an excellent day.

### **COUNCIL RESOLUTION**

Moved by Cr Ellis, Seconded by Cr Harris

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

**CARRIED UNANIMOUSLY**

### **10.2 Recommendations from the Special Committee of Council Meeting of 12 October 2015**

Nil

### 10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
21-09-15 6.30-7.00pm	<b>Councillor Informal Briefing Session</b>	Cr Munroe (Mayor & Chair) Cr Carr Cr Chong AM Cr Daw Cr Ellis Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner P Smith T Wilkinson S Freud J Russell	Nil	Nil
29-09-15 7.30-9.30pm	<b>COWBAC</b> - Election of Office Bearers - Recap of previous meeting - Whitehorse Cycling Strategy	Cr Munroe (Mayor & Chair)	I Goodes L McGuinness	Nil	Nil
05-10-15 6.40 – 9.00pm	<b>Strategic Planning Session</b> - Melbourne Citizens Panel - Finance Report - Rates Hardship Policy - Capital Works - Cambridge Street Upgrade Project - Eram Park Water Reticulation Proposal Yarra Valley Water - Meeting with Shaun Leane MP-Topics for Discussion 15 Oct 2015	Cr Munroe (Mayor & Chair) Cr Carr Cr Chong AM Cr Daw Cr Davenport Cr Ellis Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner P Smith T Wilkinson T De Fazio M Giglio J Blythe T Peak D Logan	Nil	Nil
14-10-15 6.30-7.00pm	<b>Councillor Briefing Session</b> - Special Committee Agenda & other Business Motions - Draft Agenda 19 October 2015	Cr Munroe (Mayor & Chair) Cr Carr Cr Chong AM Cr Daw Cr Davenport Cr Ellis Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner P Smith T Wilkinson T De Fazio J Russell S Freud K Marriott P McAleer V Mogg	Nil	Nil
14-10-15 5.00pm -	<b>Whitehorse Matsudo Sister City Relationship Friendship Group</b>	Cr Munroe (Mayor & Chair) Cr Ellis Cr Stennett	H Anderson R Orger J Russell	Nil	Nil

#### COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Massoud.

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

**CARRIED UNANIMOUSLY**



## **11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

- 11.1 Cr Harris reported on her attendance at the Victorian Community History Awards held on 19 October 2015. Published by Australian Local Government Women's Association to recognise the Centenary of Women Councillors, the book *The Right to Vote; the Right to Stand* received a commendation in the Small Publication Award for best small limited run publication or e-book featuring Victorian local, cultural or social history. The winner of the Small Publication Award was *Boroondara Remembers – Stories of World War I*, authors Fiona Poulton and Katherine Sheedy. Local resident Graeme Davison AO won the prestigious Judges Special Prize for an Outstanding Entry for his book *Lost Relations. Fortunes of my Family in Australia's Golden Age*.
- 11.2 Cr Carr reported on the Australian Local Government Women's Association 2015 Bursary Award which was presented by the Governor of Victoria Linda Dessau AM at Parliament House on 8 October 2015.
- Cr Carr also congratulated Cr Harris as the author of the book *The Right to Vote; the Right to Stand* which received a Victorian Community History award.

### **COUNCIL RESOLUTION**

Moved by Cr Daw, Seconded by Cr Stennett

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

**CARRIED**

## **12 CONFIDENTIAL REPORTS**

Nil

## **13 CLOSE MEETING**

Meeting closed at 8.08pm

**Confirmed this 23<sup>rd</sup> day of November 2015.**

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**CHAIRPERSON**