



# 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 23 November 2015**

at 7.00 p.m.

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

**Ms Noelene Duff**  
Chief Executive Officer

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**Meeting opened at 7.00pm**

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

## **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 Stennett has previously sought and been granted a leave of absence for the Ordinary Council Meeting 23 November 2015.

### **3 DISCLOSURE OF CONFLICT OF INTERESTS**

None Disclosed

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

Minutes of the Ordinary Council Meeting 19 October 2015 and Special (Statutory) Council Meeting 26 October 2015.

#### **COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Ellis

***That the minutes of the Ordinary Council Meeting 19 October 2015 having been circulated now be confirmed***

**CARRIED**

#### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Harris

***That the minutes of the Special (Statutory) Council Meeting 26 October 2015 having been circulated now be confirmed.***

**CARRIED**

**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 1-3 Ruby Street, BURWOOD EAST– Buildings and works to construct a three storey building, use of land for dwellings and reduction in the standard car parking requirement.**

FILE NUMBER: WH/2015/198  
ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 22 objections were received. The objections raised concerns regarding amenity impacts, neighbourhood character, car parking, and traffic. A Consultation Forum was held on 3 September, 2015, chaired by Councillor Bennett, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **RECOMMENDATION**

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

- A** *Being the Responsible Authority, having caused Application WH/2015/198 for 1-3 Ruby Street, Burwood East 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 a three storey building, use of land for dwellings and reduction in the standard car parking requirement is acceptable and should be supported.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 1-3 Ruby Street, Burwood East for buildings and works to construct a three storey building, use of land for dwellings and reduction in the standard car parking requirement, 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 first floor of the building, including the terrace at the north-west corner, to be setback a minimum 1 metre from the rear (north) boundary of the subject site.*
    - b)** *The second floor of the building, including the terrace area, to be setback a minimum of 6 metres from the rear (north) boundary of the subject site (with no associated reductions in boundary setbacks at this level). The internal rearrangement of the two dwellings and alterations to windows may be necessary to enable the above change.*
    - c)** *Provision of an additional two car spaces to the main office tenancy by the replacement of the two at grade car spaces with vehicle stackers for four cars.*

**9.1.1**  
(cont)

- d) The available sight distance at access driveways is to be in accordance with Clause 52.06 of the Whitehorse Planning Scheme or a convex mirror/s to be installed within the property to provide adequate vision, from vehicles utilising the on-site parking, to approaching traffic along the laneway.*
- e) The colour, finishes, and materials schedule to be amended to include:
  - i. A light coloured roofing material.*
  - ii. Cladding materials to have low reflectivity.**
- f) Any amendments to plans required by the Waste Management Plan and Sustainability Management Plan.*
- g) Documents required for endorsement in accordance with conditions 8 and 12.*

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

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. The commercial tenancies must only be used for the purpose of office, owing to the absence of a loading bay.*
- 4. 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.*
- 5. The amenity of the area shall not be detrimentally affected by the use or development, through:
  - a) Transportation of materials, goods or commodities to or from the land,*
  - b) Appearance of any building, works or materials,*
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,*
  - d) Presence of vermin*
  - e) In any other way.**
- 6. The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.*

**9.1.1**  
(cont)

**Waste Management**

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

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

*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**

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

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

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

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

**Car Parking and Access**

9. *The use and development permitted must provide a minimum of six car spaces on the site, allocated as follows:*

*a) Four vehicle stacker car spaces to the large office tenancy on the ground and first floor.*

*b) One car space to each dwelling.*

10. *The car parking areas and access ways 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.*

11. *Parking areas and access lanes must be kept available for these purposes at all times.*

**9.1.1**  
(cont)

***Environmentally Sustainable Development***

- 12. Prior to the commencement of any buildings or works, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. In particular, this should address the need to protect the internal amenity of the upper levels from the thermal impacts of the west facing windows.***

***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***

- 13. The existing street trees must not be removed or damaged.***
- 14. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.***
- 15. 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.***
- 16. 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.***
- 17. 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.***
- 18. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
- 19. 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.***



### **9.1.1**

(cont)

#### ***Expiry***

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

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

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

#### **Permit Notes:**

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

**9.1.1**  
(cont)

**COUNCIL MOTION**

Moved by Cr Carr, Seconded by Cr Bennett

***That Council:***

- A. *Being the Responsible Authority, having caused Application WH/2015/198 for 1-3 Ruby Street, Burwood East to be advertised and having received and noted the objections is of the opinion that the application for buildings and works to construct a three storey building, use of land for dwellings and reduction in the standard car parking requirement is unacceptable and should be refused.***
- B. *Issue a Notice of Decision to Refuse to Grant a Permit under the Whitehorse Planning Scheme to the land described as 1-3 Ruby Street, Burwood East for buildings and works to construct a three storey building, use of land for dwellings and reduction in the standard car parking requirement, on the following grounds:***
- 1. *The proposal fails to make a positive contribution to the local urban character and thus fails the strategies for urban environment contained under Clause 15 (Built Environment and Heritage).***
  - 2. *The proposal fails to improve the amenity and visual appearance of the Hutchinson and Ruby Street Neighbourhood Activity Centre and thereby fails to comply with Clause 22.06 (Activity Centres).***
  - 3. *There is insufficient car parking provided on site or available in the surrounding area to accommodate the anticipated parking demand associated with the proposed use and development, contrary to the requirements of Clause 52.06 (Car Parking).***
  - 4. *The application fails to demonstrate how the varied setbacks continue to achieve the Design Objectives and Built Form Outcomes of Schedule 4 to the Design and Development Overlay at Clause 43.02.***
- 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.***

**LOST**

**9.1.1**  
(cont)

**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Harris

**That Council:**

- A** *Being the Responsible Authority, having caused Application WH/2015/198 for 1-3 Ruby Street, Burwood East 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 a three storey building, use of land for dwellings and reduction in the standard car parking requirement is acceptable and should be supported.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 1-3 Ruby Street, Burwood East for buildings and works to construct a three storey building, use of land for dwellings and reduction in the standard car parking requirement, subject to the following conditions:*
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    - c)** *Provision of an additional two car spaces to the main office tenancy by the replacement of the two at grade car spaces with vehicle stackers for four cars.*
    - d)** *The available sight distance at access driveways is to be in accordance with Clause 52.06 of the Whitehorse Planning Scheme or a convex mirror/s to be installed within the property to provide adequate vision, from vehicles utilising the on-site parking, to approaching traffic along the laneway.*
    - e)** *The colour, finishes, and materials schedule to be amended to include:*
      - iii.** *A light coloured roofing material.*
      - iv.** *Cladding materials to have low reflectivity.*
    - f)** *Any amendments to plans required by the Waste Management Plan and Sustainability Management Plan.*
    - g)** *Documents required for endorsement in accordance with conditions 8 and 12.*
- 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.*

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(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 commercial tenancies must only be used for the purpose of office, owing to the absence of a loading bay.*
4. *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.*
5. *The amenity of the area shall not be detrimentally affected by the use or development, through:*
  - f) *Transportation of materials, goods or commodities to or from the land,*
  - g) *Appearance of any building, works or materials,*
  - h) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,*
  - i) *Presence of vermin*
  - j) *In any other way.*
6. *The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.*

**Waste Management**

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*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.*

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**Construction Management**

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**Car Parking and Access**

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- c) *Four vehicle stacker car spaces to the large office tenancy on the ground and first floor.*
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11. *Parking areas and access lanes must be kept available for these purposes at all times.*

**Environmentally Sustainable Development**

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*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.*

### **9.1.1**

(cont)

#### **Infrastructure**

- 13. The existing street trees must not be removed or damaged.**
- 14. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.**
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- 16. 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.**
- 17. 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.**
- 18. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 19. 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**

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

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

**9.1.1**  
(cont)

**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.*
- 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**




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**9.1.1**  
 (cont)

MELWAYS REFERENCE 62 A6

Applicant:	Ratio Consultants Pty Ltd
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay Schedule 4
Relevant Clauses:	Clause 15 Built Environment and Heritage
	Clause 17 Economic Development
	Clause 18 Transport
	Clause 21.05 Environment
	Clause 21.07 Economic Development
	Clause 22.04 Tree Conservation
	Clause 22.06 Activity Centres
	Clause 34.01 Commercial 1 Zone
	Clause 43.02 Design and Development Overlay Schedule 4
	Clause 52.06 Car Parking
	Clause 55 Two or More Dwellings on a Lot or Residential Buildings
	Clause 65 Decision Guidelines
Ward:	Morack



	Subject site		22 Objections from 20 Properties		North
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### **9.1.1**

(cont)

#### **BACKGROUND**

##### **History**

Planning Permit BH/4069 was issued on 15 September, 1988, allowing an accountants Office.

##### **The Site and Surrounds**

The subject site is located at the north-east corner of the intersection of Ruby Street and Hutchinson Street in Burwood East.

The site is rectangular in shape and has a frontage to Ruby Street of 12.19 metres and a sideage facing Hutchinson Street of 30.48 metres, producing a total area of 371.6m<sup>2</sup>. The land currently contains a single storey office building approximately 290m<sup>2</sup> in area, with a rear parking area accessed off the 6.09 metre wide laneway to the rear (north) of the site.

The subject site is within the Hutchinson and Ruby Street Neighbourhood Activity Centre which comprises a total of three single storey commercial premises. On-street 90° car parking is provided along both Ruby and Hutchinson Streets, comprising eight car spaces on Ruby Street and seven car spaces on Hutchinson Street, with unrestricted hours. A double width laneway runs to the rear and east of these commercial premises, which all provide some off-street car parking accessed from this laneway.

The area surrounding this Neighbourhood Activity Centre is within the General Residential Zone Schedule 1 and developed with predominantly single storey detached dwellings, with occasional examples of infill medium density development and double storey building forms.

Trams and busses run along Burwood Highway to the south of the subject site, and the nearest tram stop is located within 400 metres walking distance.

##### **Planning Controls**

Clause 34.01-1 requires planning approval to be sought for use of land for accommodation (including dwellings) with a frontage at ground floor level in excess of 2 metres wide. In this instance, the width of the frontage serving the lobby for the dwellings is 4 metres wide.

Pursuant to Clause 34.01-4 (Commercial 1 Zone), planning approval is required for buildings and works.

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.

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

### 9.1.1

(cont)

#### PROPOSAL

The application proposes buildings and works to construct a three storey building, use of land for dwellings and reduction in standard car parking requirement, comprising the following:

- A new three storey building faced with render and metal cladding, with a non-reflective flat dark grey metal roof.
- Ground Floor:
  - Ground floor portion of the office tenancy accessed from Ruby Street and from the rear, comprising reception, board room, meeting room, filing and service areas, with an internal stair to the first floor.
  - Two small office tenancies each 36m<sup>2</sup> facing Hutchinson Street.
  - Residential lobby facing Hutchinson Street, serving a lift and stairwell.
  - Four undercroft car spaces accessed from the rear laneway, with two car spaces allocated to residential tenancies and associated bin areas and storage cages, and two car spaces allocated to the office tenancy.
  - The existing awning over Ruby Street is proposed to be replaced, and a new awning extending along the southern portion of the Hutchinson Street frontage is proposed.
- First Floor:
  - Office space associated with the office on the ground floor, comprising an open plan work area, one office, copy room, computer room, staff room and service areas, plus an open terrace at the north-west corner of the building accessed from the staff room.
- Second Floor:
  - Two dwellings accessed from the common stairwell and lift. Both dwellings include two bedrooms, with Dwelling 1 located at the front (south) with a balcony facing Ruby Street, and Dwelling 2 to the rear (north) having a balcony on the north elevation.
- Aside from the undercroft parking and terraces/balconies, the building is constructed to all site boundaries at ground and first floors. The second floor is built to the east boundary, but is setback 3.14 metres from Ruby Street to the south, a minimum of 1 metre from Hutchinson Street to the west and 3 metres from the rear (north).

### **9.1.1** (cont)

#### **CONSULTATION**

##### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting two notices to the Ruby Street and Hutchinson Street frontages. Following the advertising period 22 objections from 20 objector properties were received, raising the following concerns:

- Amenity Impacts:
  - Loss of views
  - Increased noise to surrounding residential areas.
  - Overshadowing of residential properties to the west and east.
  - Loss of privacy/overlooking.
  - Loss of security.
- Neighbourhood Character:
  - Excessive building height in one and two storey streetscape.
  - The blue and zinc cladding is out of keeping with the neighbourhood.
  - Zinc cladding could cause glare.
  - Impact of future advertising signs for businesses.
- Car Parking and Traffic:
  - Increased traffic in residential streets.
  - Increased on-street parking.
  - Traffic safety impacts on the surrounding streets.
  - High numbers of learner drivers utilise the surrounding streets.
  - Potential for accidents as children play in the street.
  - Insufficient on-site car parking.
  - Currently, during weekdays 95% of the on-street car spaces are utilised.
  - On-street parking causes problems with waste collection.
  - There is no provision for a loading bay to serve the commercial tenancies.
  - Bicycle facilities are not shown on the plans.
- Non-planning Matters:
  - Negative impact on surrounding property values.
  - Set an undesirable precedent.
  - The site's location will limit the commercial success of the shops.
  - Construction noise.
  - The end uses of the commercial tenancies are not known.
  - Potential antisocial behaviour of new residents.
  - Health impacts to surrounding residents.

A petition with 20 signatories expressing their objection to the proposal was also presented to Council on 7 September, 2015.

##### **Consultation Forum**

A Consultation Forum was held on 3 September, 2015, chaired by Councillor Bennett and attended by 17 objectors and the representative of the applicant.

### **9.1.1**

(cont)

The applicant explained that the proposal was made to facilitate the expansion of the existing office use on the subject site, which is for financial advisors. The proposal was clarified and the applicant indicated that the two smaller tenancies on the Hutchinson Street frontage were not proposed to be used for retail purposes, despite the submitted Traffic Report assessing these as retail premises. As no retail use is proposed, there is no requirement to provide a loading bay for the proposal. The preamble has been corrected to reflect the applicant's stated proposal.

The key objector concerns related to the proposed building form, car parking and traffic impacts. No consensus between parties was reached at the Forum.

Subsequent to the Forum, the applicant made further written submissions in relation to the key concerns raised, which will be discussed where relevant in the report below. This submission has confirmed that the two small tenancies facing Hutchinson Street are proposed to be utilised as offices, and an updated Traffic Report has been supplied reflecting the proposed office uses for the small tenancies.

#### **Referrals**

The application was not required to be referred externally.

#### Engineering and Environmental Services Department

- Transport Engineer

The Transport Team supports the approval of the proposed development subject to the placement of a condition on the permit relating to driver sight lines.

- Asset Engineer

Consent subject to the inclusion of standard permit conditions.

#### **DISCUSSION**

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

The proposal is broadly consistent with State and Local Planning Policies in providing an intensification of development within an existing Activity Centre, including two compact dwellings which will contribute to the diversity of housing stock in the vicinity.

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

The purpose of the Commercial 1 Zone which includes:

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

### 9.1.1 (cont)

The use of land for accommodation having a frontage of under 2 metres is allowed as-of-right within the Commercial 1 Zone, reflecting an allowance for “shop-top” housing. In this instance, the lobby to the proposed dwellings is 4 metres wide, triggering approval, but this is acceptable as the lobby represents a small proportion of the overall 30.48 metre long frontage to Hutchinson Street, and this is a sideage to the subject site which has its primary facade facing Ruby Street.

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

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

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

Whilst the DDO4 was only gazetted on 24 September, 2015, the DDO4 implements the recommendations of the Neighbourhood Activity Centre Urban Design Guidelines, which were adopted by Council on 28 April, 2014, and were referred to in the applicant's original submission.

**9.1.1**  
(cont)

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

<b>Preferred maximum height</b>	11 metres (3 storeys)  7.5 metres (2 storeys) on a boundary adjoining a residential zone.	Maximum height 10.96 metres, and 3 storeys. <b>Complies</b>  Not applicable, because the subject site does not immediately adjoin a residential property or a residential zone.
<b>Preferred front (street) setbacks</b>	0m  Set back upper levels over 7.5 metres a minimum of 3 metres from the front boundary.	Zero front setback to Ruby Street proposed at the ground and first floor levels. <b>Complies</b>  The second floor is over 7.5 metres high and is set back 3 metres from the frontage. <b>Complies</b>
<b>Preferred rear setbacks</b>	Where the rear of the lot abuts a residential property or street, set back buildings a minimum of 3 metres from the rear boundary.  Where the rear of the lot abuts a laneway, setback buildings a minimum of 1 metre from the rear boundary.  Set back upper levels over 7.5 metres a minimum of 5 metres from the rear ground level building footprint.	Not applicable.  Whilst the undercroft car parking produces a 6.1 metre ground floor set back from the rear boundary, the first floor has a zero rear boundary setback from the adjacent lane. <b>Not compliant.</b>  As the lower floors are required to have a minimum 1 metre setback, the second floor is required to have a 6 metre setback from the rear to comply, however the proposed upper level has a minimum setback of 3 metres from the rear boundary. <b>Not compliant.</b>
<b>Preferred side setbacks</b>	Where the side of the lot abuts a residential property, buildings over 7.5 metres should be set back 1 metre from that boundary.	The subject site does not have a direct abuttal to a residential property at the side boundaries, as the residential lots to the west are separated by Hutchinson Street. Not applicable.
<b>Built form outcome</b>	Development respects the low scale built form character of the surrounding residential areas.	The proposed three storey building form is a new element within the surrounding one and two storey dwellings, however the site is included in a Neighbourhood Activity Centre and is separated by at least 6 metres from surrounding dwellings, so a three storey form can be contemplated. However the preferred rear setbacks which would provide a more sensitive built form transition to the residential area to the rear have not been met, and this will be discussed below.

As demonstrated in the table above, the rear boundary setbacks of the proposed building are not compliant with the preferred setbacks set out in the Design and Development Overlay Schedule 4 (DDO4).

### 9.1.1 (cont)

In support of the proposed setbacks, the applicant has submitted that the majority of laneways serving activity centres are single width (3 metres wide) and that the 6 metre wide laneway to the rear of the subject site provides a substantial setback which should be off-set against the required DDO4 setbacks. In this instance, with a double width laneway, the DDO4 minimum rear boundary setback at the lower levels has translated to an effective 7 metre setback (1 metre plus 6 metre wide laneway), which the applicant has indicated is well in excess of the 3 metre rear setback that would have been required if no laneway was present, and as such, a zero rear setback at the first floor has been provided. The applicant has further noted that the secluded private open space of the dwelling to the north of the subject site is located to the north-east of the subject site, and as such the rear boundary of the subject site is opposite a less sensitive interface.

Whilst the applicant's submissions have merit, they do not account for the amenity impacts associated with laneways serving activity centres. The laneway acts as a physical separation, but it is not a benign buffer, as it carries traffic, and could be utilised for other purposes such as loading and unloading of goods and waste, and as such the laneway generates some amenity impacts to residential dwellings. This is an existing circumstance, and is consistent with the purpose of the laneway, but it undermines the applicant's contention that the laneway should be considered as part of the required building setbacks.

It is further noted that the DDO4 provides for three storey building forms within small-medium activity centres which are typically located within Whitehorse's single and double storey scale residential hinterland. This acknowledges the need to support and strengthen activity centres whilst recommending preferred built form transitions and setbacks to residential areas. These setbacks should be observed by new development in order to ensure that three storey buildings do not overwhelm the scale of surrounding residential development.

Therefore, it is considered that the first floor, including the terrace at the north-west corner, should be setback a minimum 1 metre from the rear (north) boundary of the subject site, consistent with the preferred building form outlined in the DDO4. This will be included as a condition of permit. It is considered that the reduction in floor area at the first floor can be absorbed by the proposed office space.

At the second floor, the DDO4 requires a 6 metre rear boundary setback. This would allow for the top level to be significantly recessed from the sensitive residential interface to the rear, limiting its visibility. It is therefore recommended that the rear setback of the second floor, including the dwelling and terrace area is setback a minimum of 6 metres from the rear boundary, and this will be included as a condition on the permit. This will result in a significant reduction in the size of Dwelling 2, which may need to be reduced to a one bedroom or studio dwelling, or the upper level could be rearranged to also reduce the size of Dwelling 1. It is considered that the reduced dwelling sizes will contribute to dwelling diversity and create affordable dwellings, and windows of the dwelling may be rearranged to facilitate this change as there will be no unreasonable overlooking possible from this building footprint.

Subject to these alterations, the proposed building will be compliant with the preferred built form specified by the DDO4.

The renewal and expansion of the existing building on the subject site will support the economic viability of the Hutchinson and Ruby Street Activity Centre by increasing the available commercial floor area and adding two dwellings in a location in close proximity to the Burwood Highway tram line. The ground level frontages are substantially glazed, allowing for activation of the frontages. At the upper levels, the commercial and residential windows and terraces will provide for passive surveillance over the surrounding streets, contributing to the safety of the area.

### 9.1.1 (cont)

The proposed building façade will include metal and render cladding in shades of grey, with blue highlights, resulting in a visually interesting commercial building presentation. The flat roof form is typical of the commercial precinct and helps to minimise building height. The east elevation is a sheer three storey high wall, which will allow for future development of a similar scale to occur on the adjoining lot to the east. The existing awning over the Ruby Street footpath will be replaced, and extended along the west (Hutchinson Street) elevation in front of all of the commercial tenancies, which will provide shading to the west facing windows serving the ground level and extend weather protection over the footpath.

It is noted that a Sustainability Management Plan has not been submitted with the application, and one will be required as a condition of approval. In particular, this should address the need to protect the internal amenity of the upper levels from the significant heating that will result from the extent of west facing windows, as well as addressing other building, energy and water efficiency outcomes. In order to limit the heating of the building through the roof, a condition will be included that a light coloured roofing material is used.

#### **Amenity**

Amenity impacts such as increased noise, overlooking and overshadowing were raised as concerns by surrounding residents. The office use of the land is existing and is compatible with residential amenity. Noise emissions are governed by the requirements of the Environmental Protection Authority (EPA), and conditions will be placed on the permit to ensure that they do not exceed the EPA guidelines, noting that the office use is as of right. Residential noise associated with dwellings is considered normal and reasonable within the area, and the required boundary setbacks will provide further mitigation of residential noise.

The subject site is bounded by roads to the north, west and south, and adjoins commercial premises at the east boundary. As a result, the nearest residential boundary is 6 metres to the north of the subject site. At this interface, there are no facing windows at the ground level and the office kitchen window has a sill height of 1.7 metres, and the office terrace has a balustrade and privacy screen to 1.7 metres above the finished floor level, which satisfy the requirements of Standard B22 (Overlooking) of ResCode. It is however noted that there is no requirement to screen views from commercial uses.

At the second floor, the proposed 3 metre north boundary setback, in combination with the adjacent 6 metre wide laneway produces a 9 metre setback from the facing residential lot, and this separation distance will be increased as a result of the changes discussed above. This will result in the entire upper level being separated over 9 metres from residential lots, in accordance with the Overlooking Standard.

To the east, west and south, the nearest residential boundaries are over 20 metres distant, with the result that there will be no unreasonable overlooking possible from the windows of the new dwellings in accordance with the Overlooking Standard B22 of ResCode.

The shadow diagrams submitted with the application show that the 9am Equinox shadow falls primarily over Hutchinson Street to the east- extending to approximately the centre line of the road, and the noon Equinox shadow will fall over part of the adjacent 90° angle car spaces. The 3pm Equinox shadow extends approximately 1 metre beyond the existing awning shadow, and will fall primarily over the roofs of the adjacent commercial buildings to the east, and the car parking spaces serving the activity centre. As such, there will be no unreasonable overshadowing impacts to surrounding residential lots as required by Standard B21 (Overshadowing) of ResCode.

The DDO4 requires the consideration of noise emissions from site services such as plant equipment, and light spill, and conditions will be placed on the permit to restrict unreasonable emissions.



### 9.1.1 (cont)

#### Clause 55 (ResCode)

Clause 55 (ResCode) is one of the Decision Guidelines for the Commercial 1 Zone, and the Overlooking and Overshadowing standards have been discussed above.

The proposed dwellings are each provided with terraces over 8m<sup>2</sup> and have a minimum width of 2 metres, although this will require reassessment when the plans are amended to provide the required rear setbacks. It is noted that the Dwelling 1 terrace is south facing, however this is acceptable given the constraints of the site orientation and layout.

#### Car Parking

The documents submitted by the applicant after the Forum includes responses to the key concerns raised by the objectors, in particular the proposed car parking provision. The additional documentation provided included an updated Traffic Report by a qualified Traffic Engineer which reviewed several potential options to improve the car parking provision on and around the subject site, and the applicant indicated that these could form conditions of permit, if required by Council.

In particular, an assessment of the provision of a dependent four car stacker unit to replace the two at grade car spaces for the office staff, which would increase the on-site car parking provision from four to six car spaces.

The additional traffic submission also included a review of the available 90° angle on-street car parking serving the activity centre on Ruby Street and Hutchinson Street and identified that there is available space for four additional on-street car spaces, including one disabled car space, if the line-marking and kerb layout were to be revised. Whilst this does not form part of the current proposal, it does indicate that there are opportunities to increase available on-street car parking should this be identified as a problem in the future.

It is noted that the objectors queried the car parking survey undertaken by a Traffic Engineer that was submitted with the application, and one objector provided their own data indicating that the on-street car parking for the activity centre was more heavily utilised than suggested by the submitted traffic survey. As a result, Council Officers visited the site on three further occasions during business hours on weekdays, and found that of the fifteen 90° car parking spaces serving the centre, an average of six of these car spaces were available at the times surveyed, consistent with the findings of the applicant's Traffic Engineer, and upon which Council's Transport Engineer has based their findings.

Owing to the restricted access resulting from the existing rear gate, the existing 290m<sup>2</sup> office provides for two on-site car spaces. Clause 52.06 of the Whitehorse Planning Scheme requires the following parking provision for the proposed 285m<sup>2</sup> additional net floor area for office and dwellings:

Use	Number/Area	Rate	Car Spaces
Existing office area	290m <sup>2</sup>	-	2 provided
Additional office area	285m <sup>2</sup>	3.5 spaces per 100m <sup>2</sup>	10 required
Dwellings	2 x 2 bedroom	1 space per dwelling	2 required
Total Car Spaces Required:			14

### 9.1.1

(cont)

Council's Transport Engineer has advised that the proposed parking provision of two parking spaces for the residential dwellings and two spaces for the proposed office is considered reasonable after taking into account the limited ability to provide on-site parking, the pre-existing office use and the availability of on-street parking demonstrated in the survey provided in the submitted Traffic Report.

However, in response to the objector's concerns and the applicant's subsequent offer, a condition will require an additional two car spaces to be provided to the main office tenancy by the replacement of the two at grade car spaces with dependent stackers for four cars. Dependent car stackers do not provide independent access to each car space, instead the upper car spaces can only be accessed when the lower car spaces are vacant. It is noted that it is not possible to provide independent car stackers as these would require additional head height and area that would result in unreasonable built form impacts to the proposed building. As such, the four stacker car spaces will all be required to serve the large office tenancy, to allow for staff to manage access and vehicle movements for the stacker spaces.

The unrestricted hours for the 90° angle on-street parking provided to the activity centre will allow for staff parking for the two smaller tenancies and any additional parking for the larger office tenancy. The site is also located within 400 metres walking distance (a five minute walk) of the nearest tram stop on Burwood Highway. The applicant has also advised that several staff of the larger office tenancy employ a car pool system or use public transport.

The additional office floor area results in a shortfall of eight car spaces in comparison with the requirements of the Planning Scheme. An empirical car parking rate of 3 spaces per 100m<sup>2</sup> may be allowed in areas well-served by public transport, such as the subject site, which would produce a shortfall of six car spaces for the proposed additional office floor area, which can be accommodated in the available on-street car spaces.

It is unlikely that there will be a significant impact upon the local road network or nearby intersections, as the proposed traffic generation can be absorbed into the surrounding street network, and therefore there is no objection to the proposal based on traffic impact.

Council's Transport Engineer has recommended that sight lines are kept clear or convex mirrors are installed for the undercroft parking, which will be included as a permit condition.

Bicycle parking is not required to be provided in association with the proposed development. The applicant has suggested that the provision of bicycle hoops on the footpath beside the subject site would be beneficial, however these would fall outside the subject site and do not form part of this application.

#### **Waste Storage and Collection**

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

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

- Loss of views.

Views are not protected by the Planning Scheme.

- Loss of security.

### 9.1.1

(cont)

As discussed above, the provision of additional passive surveillance is likely to improve the safety and security of the area. In addition, the presence of two dwellings which are occupied outside business hours would be more likely to improve the security of the area.

- Zinc cladding could cause glare.

A condition will be placed on permit that all cladding materials must have low reflectivity.

- Impact of future advertising signs for businesses.

Up to 8m<sup>2</sup> of non-illuminated business identification signage is allowed without planning permission within the Commercial 1 Zone. Larger or illuminated/animated signs require planning approval and will be assessed as required.

- There is no provision for a loading bay to serve the commercial tenancies.

The Planning Scheme does not require the provision of a loading bay for offices, only for uses involving the manufacture, servicing, storage or sale of goods or materials. A condition will be included on permit to restrict the use of the proposed tenancies to offices, owing to the lack of a loading bay.

- Negative impact on surrounding property values.

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

- Set an undesirable precedent.

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

- The site's location will limit the commercial success of the shops.

Commercial viability is not a planning consideration.

- Construction noise.

Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Building and EPA regulations regarding construction practices to ensure these impacts are mitigated.

- The end uses of the commercial tenancies are not known.

The commercial tenancies will be used as offices.

- Potential antisocial behaviour of new residents.

Potential antisocial behaviour of residents is not a planning matter.

- Health impacts to surrounding residents.

As discussed above, the use and 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.

### CONCLUSION

The proposed use and development of the subject site for offices and two dwellings, and associated reduction of car parking requirements is considered appropriate for the site and consistent with the zoning of the land. Subject to conditions, the proposed building will be sufficiently setback from residential interfaces in compliance with the Design and Development Overlay Schedule 4, and the car parking provision is considered acceptable.

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

## Strategic Planning

### 9.1.2 Consideration of submissions to Amendment C181 – Introduction of Vegetation Protection Overlay (Schedule 5)

FILE NUMBER: 15/155722

#### **SUMMARY**

*Amendment C181 was on public exhibition from 20 August 2015 until 25 September 2015. A total of eleven (11) submissions were received about the amendment, nine (9) of which were received from private landowners and two (2) of which were received from public authorities. This report discusses the issues raised during the exhibition period and recommends that the amendment and all submissions be referred to an independent Planning Panel for consideration.*

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Ellis

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

- A. Being the Planning Authority, having considered the submissions in relation to Amendment C181, request the Minister for Planning appoint an Independent Panel to consider the Amendment and all submissions in accordance with the Planning and Environment Act 1987.***
- B. Advise all submitters of the request for an Independent Planning Panel.***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

The City of Whitehorse recognises that significant trees are integral to the neighbourhood character throughout the City and the desirability of Whitehorse as a place to live is in many respects related to its leafy and natural landscape character.

Council also recognises that significant trees need to be identified and retained with protection through the Whitehorse Planning Scheme (Planning Scheme) to ensure that the leafy and natural landscape character is maintained and enhanced.

As part of an ongoing program of protecting vegetation, Council commissioned Homewood Consulting to undertake a third phase of the Significant Tree Study in late 2014. A total of 89 nominations for a tree, or groups of trees, were assessed across 75 properties within the municipality.

### **9.1.2** (cont)

As a result of the inspections 38 trees across 31 properties were considered to meet one or more of the significance criteria and have been recommended for inclusion into the Significant Tree Register. The protection of vegetation through the Planning Scheme requires the preparation and exhibition of a Vegetation Protection Overlay (VPO) to protect the trees. The trees were identified at the following properties:

- 7 Alern Court, Nunawading
- 14 Albion Road, Box Hill
- 90-100 Albion Road, Box Hill
- 26 Baldwin Road, Blackburn
- 8 Carlinga Drive, Vermont
- 78 Dunloe Avenue, Mont Albert North
- 114 Elgar Road, Box Hill South
- 33-35 George Road, Vermont South
- 34 Glen Valley Road, Forest Hill
- 1 Harding Street, Surrey Hills
- 3 Homewood Street, Nunawading
- 103-107 Koonung Road, Blackburn North
- 3 Malvern Road, Mont Albert
- 5 Merle Street, Blackburn North
- 2 Milne Road, Mont Albert North
- 52 Orchard Crescent, Mont Albert North
- 11 Patricia Street, Box Hill
- 16 Peacedale Grove, Blackburn
- 1180 Riversdale Road, Box Hill South
- 23 Russell Street, Surrey Hills
- 15 Slater Avenue, Blackburn North
- 103 Severn Street, Box Hill North
- 288 Springvale Road, Forest Hill
- 161 Surrey Road, Blackburn
- 4 Terrara Road, Vermont
- 7 Thomas Street, Mitcham
- 8 York Street, Mont Albert
- 20 York Street, Mont Albert
- 26 York Street, Mont Albert
- 91 Warrigal Road, Surrey Hills
- 147 Woodhouse Grove, Box Hill North

At the Council Meeting on 22 June 2015 Council resolved to adopt the Significant Tree Study (Stage 3) and prepare and exhibit an amendment to the Planning Scheme to apply VPO Schedule 5 (VPO5) to the 31 private properties. This overlay carries on the tree protection already afforded under the VPOs for individual trees (VPO1 and VPO3) and is of similar content and format to the existing VPOs.

## **9.1.2**

(cont)

### **CONSULTATION**

#### **Public notice**

Exhibition of the amendment occurred in the form prescribed by the *Planning and Environment Act 1987*. Exhibition took place from Thursday 20 August 2015 until Friday 25 September 2015. Exhibition involved the direct notification of owners and occupiers of the 31 private properties proposed to be covered by the VPO and direct notification of surrounding owners and occupiers, totalling approximately 470 letters. The notification of properties in the area included a cover letter, the statutory notice of amendment and an information sheet explaining the proposed VPO controls.

Relevant Ministers, bodies and referral authorities were also notified, together with the publication of the Notice of Preparation of Amendment in the Whitehorse Leader and the Government Gazette for one week.

For the duration of the exhibition period copies of the amendment documents were available for viewing on Council's website and in hardcopy at Council's Civic Centre in Nunawading, Council's Box Hill and Forest Hill Service Centres and the libraries in Whitehorse. Various inquiries were received about the amendment during the exhibition period, mostly via telephone.

#### **Submissions**

During the exhibition period eleven (11) submissions were received, with ten (10) being received during the exhibition period and one (1) submission being received after the submission period. Nine (9) submissions were received from private landowners and one (1) submission was received each from the Environment Protection Authority (EPA) and Melbourne Water. No submissions were received from the properties proposed to be covered by the VPO.

### **DISCUSSION**

#### Support for the amendment.

Six (6) of the submissions received, including those from the EPA and Melbourne Water, support the amendment. The submissions particularly support the introduction of the VPO to 8, 20 and 26 York Street, Mont Albert and 7 Alern Court, Nunawading. These submissions also support the wider application of the VPO.

#### *Officer response*

The submissions are noted.

#### Submission 5 - VPO on property at 288 Springvale Road, Forest Hill

The submission objects to the application of the VPO on the neighbouring property as it is believed it will make it very difficult for the tree to be trimmed. The submission is concerned that as the tree is located close to the boundary with their property that their house may be damaged by the tree.

The submission would also like to know who is responsible if the tree and/or its branches fall on private property and what checks are carried out on the tree if the overlay is applied.

**9.1.2**  
(cont)

*Officer response*

The tree on the property is a Sydney Blue Gum (*Eucalyptus Saligna*) that was identified by the arborists as a large tree in an urban context in good condition that dominates the surrounding landscape.

The VPO aims to protect vegetation of special significance, natural beauty, interest and importance such as the tree on this property and therefore if the VPO is applied a permit will be required to remove, destroy or lop any vegetation included in the Significant Tree Study.

However, the permit requirements do not apply to any vegetation which is:

- Deemed unsafe by a suitably qualified arborist, and to the satisfaction of the responsible authority;
- Being pruned for regeneration or ornamental shaping;
- A tree which is dead or dying to the satisfaction of the responsible authority; or
- Being maintained in accordance with a management program, developed by a suitably qualified arborist and approved by the responsible authority.

Therefore the tree is able to be trimmed and have branches removed, subject to it being deemed unsafe by a suitably qualified arborist or as part an approved management program. Furthermore, the entire tree could be removed if it posed a threat to property or life, again subject to it being deemed unsafe.

Trees on private property are the responsibility of the private landowners and the introduction of planning provisions for the retention of vegetation does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation.

Council does not have a regular inspection program for VPO trees however if the tree was considered unsafe Council may inspect the tree to determine if there are any issues. No change is proposed to the amendment as a result of this submission.

Submission 6 - VPO on property at 5 Merle Street, Blackburn North

The submission's primary concern with the proposed VPO on the neighbouring property is the designated Tree Protection Zone (TPZ), which is 12 times the diameter of the tree trunk at 1.4m above ground level. The TPZ encroaches into the submitter's property and because works such as building structures are not permitted in the TPZ, the submitter is concerned that they will be unable to extend their existing house or construct a new dwelling. The submission suggests that the TPZ be reduced so that it does not extend into their property.

*Officer response*

The arborist found that the tree at 5 Merle Street, Blackburn North is a large tree in an urban context in good condition and it dominates the surrounding landscape. However during the exhibition period of the amendment (20 August - 25 September 2015), Council's Strategic Planning Unit was notified by telephone and email that the tree was removed. As the tree is no longer on the property it will be removed from the amendment.

**9.1.2**  
(cont)

Submission 8 - VPO on 26 Baldwin Road, Blackburn

The submission objects to the application of the VPO on the neighbouring property as it is believed it will make it very difficult for the tree to be trimmed without applying for a planning permit. The submission is also concerned about a leaf disease which has infected the tree and results in the tree dropping leaves covered with a sooty mold which leaves a stain if not cleaned from pavers. Finally the submission is concerned that there is likely to be a significant number of dead leaves in guttering and this may be a fire hazard.

*Officer response*

The tree at 26 Baldwin Road has been identified as an English Oak (*Quercus robur*) that is in good condition. It is also considered to be a large tree in an urban context. The proposed VPO aims to protect vegetation of special significance, natural beauty, interest and importance and therefore if the VPO is applied a permit will be required to remove, destroy or lop the vegetation included in the Significant Tree Study.

However, the permit requirements do not apply to any vegetation which is:

- Deemed unsafe by a suitably qualified arborist, and to the satisfaction of the responsible authority;
- Being pruned for regeneration or ornamental shaping;
- A tree which is dead or dying to the satisfaction of the responsible authority; or
- Being maintained in accordance with a management program, developed by a suitably qualified arborist and approved by the responsible authority.

The introduction of planning provisions for the retention of vegetation does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation including keeping gutters clear of leaves for the future fire season. No change is proposed to the amendment as a result of this submission.

Submission 9 - Detail in tree citation

The submission wants more detailed information on the citation for 33-35 George Road, Vermont South. In particular, they would like the ownership to be recorded as partly private as the tree canopy extends in the private property from the council nature strip. They would also like it recorded that the tree is within 4m from a metal gate.

*Officer response*

It was determined by a boundary survey when the tree was first nominated as being potentially significant that 90% of tree is on the road reserve and 10% is privately owned. This will be verified again prior to a potential panel hearing. The citation currently records that there is a driveway, timber paling fence and brick retaining wall within 4m of the tree, with the brick retaining wall being part of the larger gate structure. Reference to the gate can be added to the citation.

Submission 10 - VPO on 11 Patricia Street, Box Hill

The submission states that the tree on the neighbouring property that is proposed to be protected has already dropped branches on to their property and the grass does not grow well under the canopy of the tree. The submission states that the root system of the tree is among the sewer and water pipes and could damage the pipes and the root system of the tree would have to be protected from any damage, particularly if further development occurred on the neighbouring property at 9 Patricia Street.



### **9.1.2** (cont)

The tree drops many leaves and acorns into the neighbouring property. The submission mentions that oak trees at the front of 11 Patricia Street, which are not proposed to be protected under the VPO, are causing the driveway of 9 Patricia Street to break up and fill the garage with leaves. The submission also mentions that the oak trees at 11 Patricia Street have been made possum proof and now the possums enter the roof space of 9 Patricia Street.

#### *Officer response*

The trees on the site that have been identified for inclusion on the Significant Tree Register are 2 English Oaks (*Quercus robur*) and an Algerian Oak (*Quercus canariensis*). All three trees were identified as large specimens in good condition, particularly in context with its built surrounds and that the group of 3 oaks are a dominant feature of the local landscape.

Any future development on the adjoining property would need to take into account the impact on existing trees on the development site and the adjoining property where the VPO trees are located.

The introduction of planning provisions for the retention of vegetation does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. Property owners are also entitled to enhance and improve their properties, such as by applying possum proofing, however this is not relevant to the amendment. No change is proposed to the amendment as a result of this submission.

#### Removal of trees

Council has been made aware that at least four (4) trees proposed to be covered by the VPO have been removed since the Significant Tree Study was undertaken and as such these properties will be removed from the amendment prior to the final adoption of the amendment. It is difficult to require trees to be retained as part of a development application without there being an overlay in place.

The tree at 5 Merle Street, Blackburn North was removed during the exhibition period. The following trees were all removed prior to the commencement of exhibition of the amendment as part of the statutory planning permit process:

- 114 Elgar Road, Box Hill South
- 103-107 Koonung Road, Blackburn North
- 4 Terrara Road, Vermont

An inspection of all the trees proposed to be covered by the VPO will be carried out prior to the final consideration of the amendment by Council.

### **FINANCIAL IMPLICATIONS**

Council will be required to pay for all costs associated with the independent Planning Panel hearing, including any expert witnesses and/or representation in support of Council at the Panel hearing. The costs associated with the Planning Panel can be funded from the current budget.

### **9.1.2**

(cont)

#### **POLICY IMPLICATIONS**

The application of the VPO on the identified trees will meet the following strategic direction in the Council Plan:

*Strategic Direction 3: Protect and enhance our open space and natural environments*

This direction is proposed to be achieved by identifying environmental priorities that preserve biodiversity and raising awareness of the benefits of trees and vegetation in an urban environment. The amendment proposes to introduce VPO5 to a number of private properties across the municipality, extending the protection of trees under the planning scheme which will assist in the preservation of biodiversity. The amendment process will also help to raise awareness about the benefits of trees in an established urban environment, in conjunction with other council initiatives such as the tree education program.

#### **CONCLUSION**

Amendment C181 seeks to introduce Vegetation Protection Overlay Schedule 5 to the Whitehorse Planning Scheme and apply it to 31 private properties across the municipality.

The amendment received eleven (11) submissions during the exhibition period. Nine (9) of the submissions were received from landowners and one (1) submission was received each from the EPA and Melbourne Water. Six (6) of the submissions, including those from the EPA and Melbourne Water, support the amendment.

The four (4) submissions who oppose the amendment relate to trees on specific properties, and they are all from neighbouring properties. One of the submissions discusses a tree that was removed during the exhibition period and therefore the concerns raised by the submission about this tree no longer apply. Officers recommend that all other trees remain in the amendment including those that received objections. The citation for 33-35 George Road can be updated to reflect the presence of the gate structure.

In considering submissions Council can change the amendment in the manner requested, refer the submissions and amendment to an independent Planning Panel or abandon the amendment. As there are submissions that seek changes to the amendment which cannot be supported, the first option cannot be considered.

While the amendment can be supported on a strategic basis and there are submitters that do not object to the amendment, it should not be abandoned. Accordingly, the most transparent and fair method to enable all parties to have their comments assessed is for all submissions and the amendment to be referred to an independent Planning Panel for its consideration. Therefore it is recommended that the amendment is referred to an independent Planning Panel and that all submitters are advised accordingly.

**9.1.3 Consideration of the Panel Report for Amendment C155 to rezone the former Daniel Robertson Brickworks at 56 and 58-74 Station Street Nunawading and introduce two new overlays to the site**

FILE NUMBER: SF15/806  
ATTACHMENT

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**SUMMARY**

*The Panel Report for Amendment C155 has been received. This report discusses the Panel Report and the recommendations of the independent planning Panel that has assessed the Amendment. It is recommended that Amendment C155 be adopted and approved with changes as recommended by the Panel.*

**COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Chong

***That Council being the Planning Authority and having considered the Panel Report:***

- A. Note the key findings and recommendations given in the Panel Report (Attachment 2).***
- B. Adopt Amendment C155 with changes as recommended by the Panel.***
- C. Submit the adopted Amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987 with the appropriate fee.***
- D. Advise all submitters to Amendment C155 of all resolutions in relation to the Panel Report.***

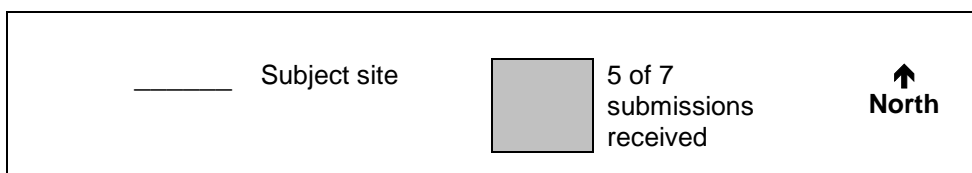
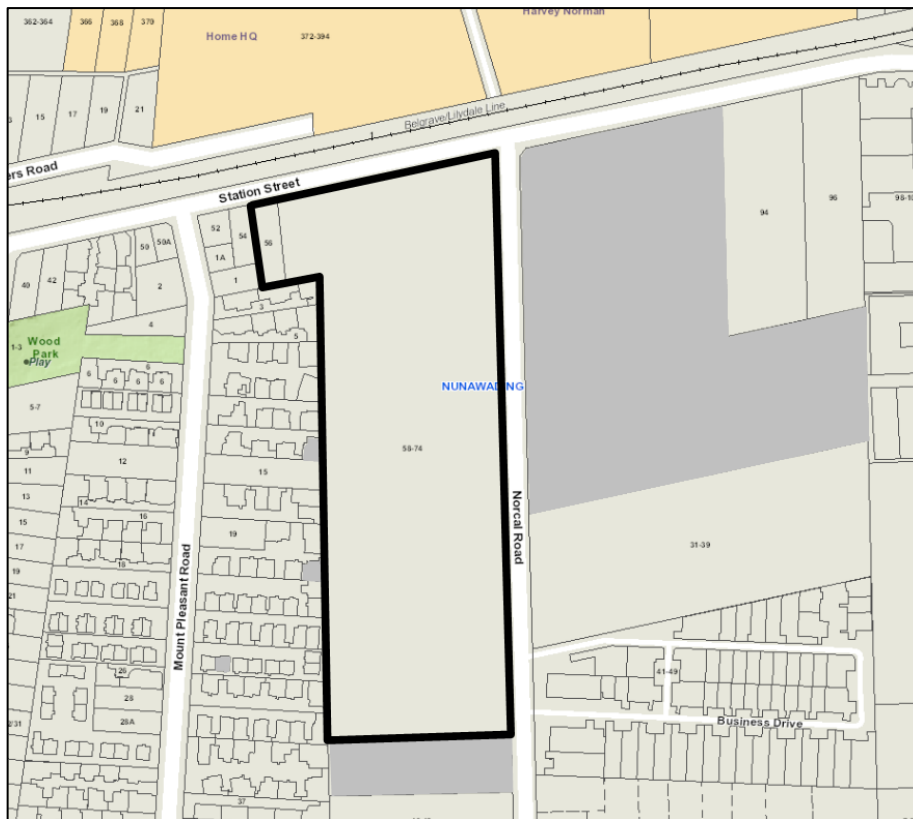
**CARRIED UNANIMOUSLY**

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**9.1.3**  
 (cont)

MELWAYS REFERENCE: MAP 48 G10

Proponent:	Norcal Station Development Pty Ltd represented by Planning and Property Partners Pty Ltd
Zoning:	Part Industrial 1 and part Residential Growth
Overlay:	HO78
Relevant Clauses:	Clause 11 Settlement Clause 15 Built Environment and Heritage Clause 16 Housing Clause 17 Economic Development Clause 18 Transport Clause 21 Municipal Strategic Statement Clause 22.01 Heritage Buildings and Precincts Clause 22.03 Housing Clause 22.06 Activity Centres Clause 32.04 Mixed Use Zone Clause 32.07 Residential Growth Zone Clause 43.01 Heritage Overlay Clause 43.04 Development Plan Overlay Clause 45.03 Environmental Audit Overlay
Ward:	Springfield



### **9.1.3**

(cont)

*Please note: following gazettal of Amendment C170 to the Whitehorse Planning Scheme on 10 September 2015, Development Plan Overlay Schedule 6 (DPO6) now refers to the former Brickworks Site in Burwood East and is therefore no longer available for use. Reference is made to the proposed DPO6 for the Daniel Robertson Brickworks within the Panel Report and in this report for consistency with the Panel Report. However, the proposed amendment documentation to be submitted to the Minister for Planning will be for Development Plan Overlay Schedule 7 (DPO7).*

### **BACKGROUND**

Amendment C155 proposes to rezone the former Daniel Robertson Brickworks at 56 and 58-74 Station Street Nunawading from Industrial 1 Zone (I1Z) and Residential Growth Zone schedule 2 (RGZ2) to Mixed Use Zone (MUZ) and Residential Growth Zone (Schedule 2), and to apply a Development Plan Overlay (DPO) and an Environmental Audit Overlay (EAO) to the site.

Amendment C155 is being sought to facilitate the redevelopment of the former quarry and brickworks site for residential purposes with a small component of commercial floor area. The DPO requires approval of a detailed master plan (development plan) before any permit applications are sought. Planning applications submitted in accordance with the master plan will not require public notification and will not be subject to the third party appeal process.

The Amendment was exhibited between 30 April and 1 June 2015 following a decision by Council on 24 November 2014 to prepare and exhibit a planning scheme amendment for the site. Item 9.1.3 of the minutes from that meeting provides full details of the site, proposal and its recent planning history.

Council considered seven (7) submissions received on the Amendment at its meeting on 20 July 2015 and resolved to refer the Amendment and all submissions to an independent planning Panel. The Panel Hearing was held on 14 and 15 September 2015 in the former display and office building on the subject site.

### **PANEL REPORT**

#### **Submissions**

At the close of the exhibition period seven (7) submissions had been lodged. The main issues raised by the submissions related to the interface between existing industrial and proposed residential uses, traffic and parking, open space, landscaping, amenity and the form of the planning provisions proposed.

Council considered all submissions at its meeting on 20 July 2015, and detailed discussion of those submissions is available in the minutes to that meeting. The Panel considered all of the written submissions, together with the submissions made in person at the hearing.

#### **Panel Hearing**

The Panel held a Directions Hearing on 13 August 2015. A number of directions were made which provided guidance for the conduct of the hearing and issues Council was required to address as part of its submission. The Panel directed Council to prepare its submission in two parts, with the first part (Part A), to provide background information, circulated to all parties prior to the hearing. This part of Council's submission was "taken as read" at the hearing. The Panel then had the opportunity to seek any clarification it needed to in regard to Part A, and then the hearing focused on Council's Part B submission.

### 9.1.3

(cont)

The Panel Hearing was held over two days on 14 and 15 September 2015 at the subject site in the former display and office building. Council was represented at the hearing by officers and did not call any expert witnesses. The Panel undertook an unaccompanied site visit on 12 September 2015.

The Panel heard from five parties, including Council, at the hearing. The proponent was represented by Mr Mark Naughton of Planning and Property Partners Pty Ltd who called five expert witnesses. Three submitters appeared in person, one of whom was represented by a planning consultant. These submitters were VicRoads, the property owner abutting the southern boundary of the subject site, and the owner of the warehouse opposite the site on the eastern side of Norcal Road.

The Panel has now submitted a written report to Council (Attachment 1). The Panel recommends that:

*Whitehorse Planning Scheme Amendment C155 be adopted as exhibited subject to the following:*

*Amend Development Plan Overlay Schedule 6 as shown in Appendix C to:*

*a) Replace the relevant development plan requirements with:*

Traffic management and control works considered necessary due to the proposed development;

*b) Add the following requirement under 'Requirements for development plan':*

The Development Plan shall include measures to be taken relating to the proposed residential areas in order to minimise amenity impacts from the existing industrial areas located in close proximity. These measures may include appropriate siting and distances from the industrial area, design and material treatments, landscaping, noise attenuation and any other techniques deemed to satisfy the protection of the amenity of the residential areas from the existing industrial areas.

*c) Add the Concept Plan and reference it accordingly.*

*d) Make the Construction Management Plan requirement in Clause 2.0 discretionary, delete details and delete references to the Plan in Clause 1.0.*

*e) Consolidate the two requirements for a Landscape Concept Plan.*

*f) Delete the requirement for a development plan to show the location of any public art.*

*g) Change the wording for the environmentally sustainable design development plan requirement and delete the requirement for a report.*

*h) Delete supporting information requirements for an economic impact report, planning report and site remediation strategy.*

*i) Add a supporting information requirement for a geotechnical report.*

*j) Delete the decision guidelines.*

*k) Make other changes that address form and content issues.*

### **DISCUSSION OF PANEL REPORT**

The Panel Report from Planning Panels Victoria was received by Council on 16 October 2015 and the report was released to the general public on 23 October 2015. This was done by advising all submitters to Amendment C155 that the report had been received and was available for viewing in person or on Council's website, and by providing a full copy of the report to those who presented at the hearing in person.

The Panel has presented their findings under six key themes, each of which will be discussed in turn.

### 9.1.3

(cont)

#### **Planning context and strategic justification**

Council, the proponent and the Panel were all in agreement that the site's planning context supports the proposed Amendment. This includes the State and Local Planning Policy Frameworks and *Plan Melbourne*. The Panel considered that the Amendment is well founded and strategically justified.

Council submitted that the Amendment is supported by the *Nunawading MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan 2008* (the Structure Plan). The Structure Plan recommends a MUZ for the site in order to facilitate residential development with some commercial uses. Council noted that some variations from the Structure Plan are proposed but that the plan is largely consistent with what was envisaged.

The Panel agreed with Council that the Amendment is supported by the Structure Plan, and found no reason to review the Structure Plan prior to preparation of the Amendment, as requested by one submitter. The Panel considered that DPO6 and its concept plan "advance the issues and opportunities" in the Structure Plan (page 17). The Panel also believed that the use of the RGZ and MUZ will achieve a similar outcome as applying the MUZ across the whole site, and noted that the RGZ did not exist when the Structure Plan was prepared.

The Panel did note that the *Whitehorse Industrial Strategy 2011* (the Industrial Strategy) suggests a Business 3 Zone (now Commercial 2 Zone) or MUZ for the site due to its context within the Rooks Road industrial precinct. However, the Panel considered that as the former brickworks did not contribute to a major clustering of industrial activity, and because the *Melbourne 2030* policies referred to in the Industrial Strategy are no longer relevant, that residential uses on the subject land can be strategically justified.

#### Ministerial Directions and Practice Notes

VicRoads submitted that Council did not follow the proper process in relation to *Ministerial Direction 11: Strategic Assessment of Amendments*. VicRoads stated that their views should have been sought prior to exhibition, and included in the explanatory report.

When questioned by the Panel, VicRoads acknowledged that there was no requirement for Council to consult with VicRoads in preparing the Amendment, and that VicRoads could not be a relevant agency for land abutting a local street. The Panel concluded that as VicRoads was not a relevant agency to the Amendment, that Council's process was consistent with Ministerial Direction 11.

Overall the Panel considered that the Amendment was consistent with relevant Ministerial Directions and Practice Notes. In summary:

*The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.*

*The Panel concludes that the Amendment is well founded and should be adopted subject to addressing the issues raised in submissions as discussed in the following chapters (page 19).*

#### Officer comments

The Panel's agreement with Council's assessment of the planning context and strategic justification is noted.

### 9.1.3

(cont)

#### Traffic

Three submitters were concerned about the potential traffic impact from future development of the subject site on the operation and congestion of the local road network. One submitter was concerned about the traffic impact from a residential development versus a mixed use development. Council submitted that traffic impact and traffic management would be affected by the nature of the development on the site, which was not yet resolved, and that traffic considerations would need to be considered in detail at the planning permit application stage.

The proponent called a traffic expert witness who found that, based on her assumption of a development yield of 400 dwellings and 1,000 square metres of commercial floor space, there would be manageable traffic impacts. She found that key intersections at Springvale Road/Station Street and Rooks Road/Station Street could accommodate traffic generated by the development, however that there may be a capacity constraint should there be high vehicle queues at the u-turn facility at Springvale Road/Station Street. She submitted that assumed traffic volumes and overflow car parking could be accommodated on Station Street and Norcal Road.

VicRoads requested that the Amendment be abandoned or deferred pending further work on the traffic impacts on nearby intersections. VicRoads stated that it did not accept the traffic expert's evidence, and that traffic management and traffic controls associated with the development plan should be to the satisfaction of VicRoads as well as Council. Council submitted that VicRoads' concerns would be better considered at the planning permit application stage.

The Panel directed VicRoads to address a number of issues in its submission at the Hearing. In particular, why VicRoads believes a traffic impact assessment report is required ahead of the planning permit and development plan requirements; and to provide reasons why the scale and nature of future development cannot be determined through the planning permit process. VicRoads failed to respond to either direction.

The Panel (and Council) accepted the traffic expert's evidence and agreed with her findings regarding local intersections. The Panel considered that a future traffic management report would be based on more certain assumptions and therefore tailored solutions could address issues raised by submitters. The Panel agreed with Council that any impact on surrounding roads resulting from developing the subject land could be managed through the future planning process.

The Panel was critical of VicRoads and found aspects of their submission "confusing and unfounded" (page 22). The Panel noted that VicRoads failed to cross-examine the traffic expert on her evidence which it sought to discredit, and did not call its own witness. The Panel reiterated that there is no State policy or referral process to make VicRoads a relevant authority for local streets. By requesting to share statutory responsibility with Council, there would be confusion about the roles and responsibilities of the two authorities, and be contrary to principles involved in recent changes in planning legislation.

The Panel concluded that:

- *Communication between Council and VicRoads throughout the development plan process will help provide a clearer understanding about impacts and expectations*
- *Development of the subject land can be managed through processes outlined in DPO6*
- *The requirement for a traffic management report in DPO6 is adequate to consider traffic issues related to any future development plan (page 23).*



### 9.1.3

(cont)

#### Panel recommendation

Amend Development Plan Overlay Schedule 6 as shown in Appendix C to:

a) *Replace the relevant development plan requirements with:*

Traffic management and control works considered necessary due to the proposed development;

#### Officer comments

The Panel's recommendation to reword one of the development plan requirements is accepted.

#### **Residential/industrial interface**

The Environment Protection Authority (EPA), Norcal NS Pty Ltd and AWF Sheetmetal raised issues about the potential residential and industrial interface. The EPA had no general concern with the Amendment but submitted that DPO6 could be improved by including measures to address the residential and industrial interface. Norcal NS Pty Ltd and AWF Sheetmetal were both concerned that the proximity of the residential interface may compromise their operations and opportunities.

Council submitted that despite this potential conflict, the subject site is a transition site recognised by the Structure Plan and is ideally located for housing. Council noted that it was satisfied that the development plan could address interface issues to allow the two uses to coexist.

The proponent called an acoustic expert to provide an assessment of potential impacts based on monitoring of existing noise levels measured at key strategic locations against assessment criteria based on State Environment Protection Policy (Control of Noise from Commerce Industry and Trade No N-1) (SEPP N-1). He found that noise emanating from nearby retail loading docks and automotive industry and warehousing would be *"likely compliant with SEPP N-1 noise limits"* (page 24). However, he found that noise from the AWF Sheetmetal factory to the south of the subject site could potentially exceed SEPP N-1 noise limits and suggested a number of options to address the potential impacts. That said, he found no *"insurmountable acoustical reasons that would make the site unsuitable for residential type use"* (page 25).

The proponent also called an air quality expert who found that no industrial operations are likely to adversely impact on the amenity of future residents.

The Panel agreed that it is not ideal for residential and Industrial 1 Zone land to be located next to each other. However, it noted that this circumstance already exists with multi-unit dwellings abutting the subject land's boundary. By rezoning the subject site, the residential/industrial interface would move from its western boundary to its eastern and southern boundaries, and result in a reduced interface as measured in metres, as follows:

- *The extent of residential/industrial interface separated by just a fence line would decrease from approximately 371 metres to 122 metres*
- *Norcal Road will provide a 16 metre separation distance between the subject land boundary and existing business and industrial uses to the east (page 26).*

### 9.1.3

(cont)

The Panel concurred with submitters that it is important to ensure that future development does not adversely impact on the operation of existing surrounding industries. The Panel accepted the evidence of the proponent's acoustic expert and *"agrees that there are no acoustic reasons that make the subject land unsuitable for residential purposes"* (page 27). In particular, the Panel agreed with the acoustic expert that through practical measures on the subject land, AWF Sheetmetal can meet SEPP N-1 noise limits. The Panel also accepted the evidence of the proponent's air quality expert.

The Panel considered that the requirements in DPO6, including an acoustic report and the EPA's suggestions, *"provide a solid base for addressing concerns from surrounding industries"* (page 27).

The Panel concluded that:

- *The following DPO6 development plan requirements can satisfactorily address potential residential/industrial interface issues:*
  - *An acoustic report that includes appropriate measures to address noise*
  - *Amenity impacts related requirement suggested by the Environment Protection Authority and modified by Council.*
- *There is no air emission related interface issue that requires the Amendment to be changed.*

#### Panel recommendations

*Amend Development Plan Overlay Schedule 6 as shown in Appendix C to:*

- a) *Add the following requirement under 'Requirements for development plan':*

The Development Plan shall include measures to be taken relating to the proposed residential areas in order to minimise amenity impacts from the existing industrial areas located in close proximity. These measures may include appropriate siting and distances from the industrial area, design and material treatments, landscaping, noise attenuation and any other techniques deemed to satisfy the protection of the amenity of the residential areas from the existing industrial areas.

#### Officer comments

As noted in the Panel's report, Council officers agreed with the EPA's suggested inclusion subject to minor variations which are reflected in the Panel's recommended wording.

#### **Other issues**

##### Public open space

Council acknowledged that the proposed open space does not precisely reflect that proposed in the Structure Plan. Despite this, Council supported the size and location of the open space proposed by the DPO6 concept plan.

The proponent called an urban design expert who argued that the new location as proposed in the DPO6 concept plan is more appropriate as it sits at the low point of the land and is more accessible, while the consolidation of open space in one area allows for a more usable and flexible facility.

The Panel considered that the *"fundamental elements of the 2008 Structure Plan are reflected in the DPO6 concept plan"* (page 28). The Panel noted that the Structure Plan provides an indicative concept plan rather than a final development plan, but that open space could be reasonably expected in the northern part of the subject land. The Panel accepted the urban design expert's evidence in relation to the open space.

### 9.1.3

(cont)

The Panel concluded that:

- *Development Plan Overlay Schedule 6 and its associated concept plan appropriately provide for public open space*
- *Issues raised by the submitter do not require a change to the Amendment.*

#### Landscaping

Council submitted that DPO6 requires that a landscape concept plan be provided with the development plan. It added that it sought to consider different screening methods across the site, and that landscaping may not be the only response. Council considered that a mix of native and exotic species is appropriate, while one submitter sought at least 75 per cent native species.

The Panel agreed that planting should be encouraged along the western boundary of the subject land. It agreed with Council that different screening options should be considered where necessary, particularly as there is insufficient detail known at this stage to specify more detailed recommendations.

The Panel concluded that:

- *Landscaping and associated screening options can be satisfactorily considered as part of future planning processes*
- *Issues raised by submitters do not require a change to the Amendment.*

#### Amenity

Three submitters were concerned about the potential impact of any future development on their residential properties located in Mount Pleasant Road.

Council submitted that the Amendment does not include a development proposal at this stage, and that the level of detail needed to understand impacts such as overshadowing, privacy, security and neighbourhood character would be known at the development plan stage.

The Panel agreed with Council *“that there is no proposal at this stage with potential amenity impacts on neighbouring properties”*. The Panel concluded that *“amenity related issues raised by submitters do not require a change to the Amendment”* (page 30).

#### Officer comments

The Panel’s findings in relation to public open space, landscaping and amenity are noted.

### **Form and content of Development Plan Overlay Schedule 6**

#### Use of the Development Plan Overlay

Council and the proponent submitted that the DPO is the most appropriate tool to guide future development on the subject site. One submitter disagreed and suggested that an Incorporated Plan Overlay (IPO) would be more appropriate due to its third party notice requirements.

The Panel agreed that the DPO is more suitable because it provides greater flexibility than an IPO, and meets many of the requirements in *Planning Practice Note 23: Applying Incorporated Plan and Development Plan Overlays* (PPN23). The Panel noted that the absence of third party notice requirements should not be the sole determinant for whether or not a DPO should be used. The Panel highlighted the display of the development plan for 14 days for public comment as a way of bringing “security” to surrounding properties.

### 9.1.3

(cont)

#### Development Plan Overlay Schedule 6 provisions

The proponent called a planning expert witness who considered that DPO6 was overly prescriptive and included unnecessary detail. Council disagreed with many of the planning expert's suggested changes.

The Panel noted that Council was receptive to some changes and asked it to provide a final version of its preferred DPO6 with the changes it supported. These aspects are discussed in more detail below.

#### Conditions and requirements for permits

The proponent's planning expert witness stated that *"requiring a permit to contain conditions and requirements which give effect to an approved development plan is unnecessary because the Development Plan Overlay requires a permit application to be generally in accordance with the development plan"* (page 32).

The Panel agreed with the proponent's planning expert that there is a provision in the DPO6 which duplicates that in the parent clause, being the DPO itself. Whilst the Panel agreed that the duplicated condition (in relation to a construction management plan) could be deleted, its inclusion in a simplified form does not create issues. The Panel recommended deletion of the first condition because it is an application requirement which can be achieved through other provisions. The Panel suggested that Council redraft Clause 2.0 to clarify that the provisions are conditions to be included on a planning permit.

#### Construction management plan

Council supported the provision of a Construction Management Plan (CMP) to address the externalities of construction works. It submitted that it sought to include a CMP in the development plan to strengthen its importance. However, the proponent's planning expert considered that it would be more appropriately addressed as a standard permit condition without reference in the DPO schedule.

The Panel noted that no party opposed the need for a CMP, but rather the question was whether it should be required as part of DPO6, and when. The Panel considered that DPO6 should require a permit to include a standard condition requiring a CMP, which is what Clause 2.0 of DPO6 seeks to achieve. However, the Panel suggested that references to the CMP in Clause 1.0 of DPO6 be deleted as they are confusing and duplicate Clause 2.0. The CMP permit condition in DPO6 should not list details because these can be provided separately or added to the permit.

The Panel saw no reason why there should not be a reference to a CMP in DPO6, and that Council is the most appropriate authority to approve this plan, in consultation with VicRoads.

#### Concept Plan

Council, the proponent and the proponent's planning expert identified an error with the Concept Plan date. The proponent's planning expert raised concerns about including the Concept Plan in DPO6, should it have the effect of being "incorporated" into the plan.

The Panel considered that DPO6 would benefit from including a high level Concept Plan. The Panel distinguished this from a detailed development plan that could become "incorporated". As the Concept Plan includes limited elements, the future development plan would have considerable flexibility.

### 9.1.3 (cont)

#### Development Plan requirements

The proponent's planning expert stated that some of the requirements in DPO6 should be either more flexible, less prescriptive or not duplicate the DPO parent clause. Council did not support most of his suggestions.

The Panel agreed with those suggestions of the proponent's planning expert that were supported by Council, but did not agree with some others. The Panel supported the inclusion of heights of all buildings, cross sections, and the location of car parking, bicycle storage and waste storage and disposal in the development plan. The Panel supported Council's inclusion of a reference to public art in a management plan, should any public art be provided.

During the hearing, Council clarified that it intends to display the development plan for 14 days for public comment and consider all comments prior to making a decision. This is in light of third party notice exemptions which form part of the DPO.

In relation to the display of the development plan, PPN23 does not advise whether there is a legal ability to introduce a non-statutory third party notice period. The DPO itself is silent on any variations from the specified subheadings in DPO schedules. The Panel recommended that Council "*seek its own advice about the suitability of this provision and the extent to which it could use any public comments as part of the development plan approval process*" (page 36). The Panel noted that planning authorities would benefit from PPN23 being updated to provide guidance on this matter, particularly where similar provisions are included in DPO schedules elsewhere.

#### Supporting information requirements

Council submitted that it required the supporting information listed in DPO6 to make an informed decision and assessment of the proposed development plan. The proponent's planning expert argued that all supporting report requirements should be deleted except for acoustic and traffic.

#### *Economic impact report*

The proponent's planning expert argued that an economic impact report should only be required at the planning permit application stage if there is a particular retail or commercial proposal. Council did not support its deletion. The Panel agreed with the proponent's expert and considered that the economic impact report requirement in DPO6 was excessive and may unnecessarily increase application costs. The Panel also found it "odd" to require this for a predominantly residential proposal.

#### *Planning report*

The proponent's planning expert stated that a planning report may not be required for several reasons, such as the development plan being self-explanatory. Council did not support its deletion. The Panel agreed with the proponent's expert and considered that a planning report is not required with the development plan.

#### *Landscape concept plan*

The proponent's planning expert argued that this requirement should be deleted because a landscape plan is already required in Clause 3.0. Council did not support its deletion. The Panel agreed with the proponent's expert that a landscape plan is already required by the development plan, and that aspects of the landscape concept plan requirement can be merged into that requirement.

### 9.1.3

(cont)

#### *Management plan*

Council submitted that a management plan is required since it should not be automatically assumed that Council will accept responsibility for the maintenance of roads, public open space, public art or landscaping. The proponent's planning expert stated that a management plan is not required because there is clarity over responsibility and that interim arrangements can be addressed through a condition on the subdivision permit. The Panel agreed with Council that a management plan should be required because it is not clear who will be responsible for managing different elements.

#### *Environmentally sustainable design guidelines report*

The proponent's planning expert sought to delete the requirement for environmentally sustainable design (ESD) principles and an associated report, questioning why this site should be treated differently to any other across Victoria. Council, the proponent's expert and the Panel all noted that ESD is applied through the State Planning Policy Framework which is a consideration for each planning permit application.

The Panel questioned the need for a detailed ESD report ahead of the planning permit application when more specific details would be available. The Panel could not find a reason to include ESD requirements in DPO6 and to require them ahead of a planning permit application. The Panel supported "*broad level ESD techniques being included in the development plan if they are known at that time*" (page 39).

#### *Geotechnical report*

Given the subject land's historic land use, the Panel agreed with Council that a geotechnical report to support the development plan should be required.

#### *Site remediation strategy*

The proponent's planning expert considered that a site remediation strategy is unnecessary given the EAO. Council agreed with deleting this requirement, and the Panel concurred that a site remediation strategy is not required.

#### Decision guidelines

The proponent's planning expert suggested that the decision guidelines be deleted because the Structure Plan provides a vision of how the land may be rezoned, and because the second decision guideline duplicates a requirement in the DPO itself. Council did not support deleting the decision guidelines.

The Panel agreed that the decision guidelines are unnecessary and duplicate other provisions. This is because the Local Planning Policy Framework already requires planning permit applications to consider the Structure Plan; the DPO itself requires a planning permit to be generally in accordance with a development plan; and DPO6 requires a planning permit application and development plan to be generally in accordance with the concept plan, which itself is generally in accordance with the Structure Plan.

### 9.1.3

(cont)

The Panel concluded that:

- *The Development Plan Overlay is suitable for the subject land.*
- *Including the concept plan in DPO6 will make the schedule more accessible and transparent.*
- *The Construction Management Plan requirement should be included in Clause 2.0 but not referenced in Clause 1.0.*
- *Any design and development techniques that incorporate environmentally sustainable development principles should be included on the development plan, but a separate report should not be required.*
- *Several supporting information requirements duplicate other provisions or processes, are unnecessary or are inappropriate for DPO6.*
- *The decision guidelines do not provide additional guidance, duplicate other provisions and are unnecessary.*

#### Panel recommendations

Amend Development Plan Overlay Schedule 6 as shown in Appendix C to:

- a) *Add the Concept Plan and reference it accordingly.*
- b) *Make the Construction Management Plan requirement in Clause 2.0 discretionary, delete details and delete references to the Plan in Clause 1.0.*
- c) *Consolidate the two requirements for a landscape concept plan.*
- d) *Delete the requirement for a development plan to show the location of any public art.*
- e) *Change the wording for the environmentally sustainable design development plan requirement and delete the requirement for a report.*
- f) *Delete supporting information requirements for an economic impact report, planning report and site remediation strategy.*
- g) *Delete the decision guidelines.*
- h) *Make other changes that address form and content issues.*

#### Officer comments

The comments of the Panel and its recommendations that address form and content issues, including the consolidation of landscaping and ESD requirements and deletion of the decision guidelines, are noted and accepted. Council's preference would be to have more detail regarding its expectations for a CMP, but acknowledges that this can be negotiated at planning permit application stage. The Panel's recommendation to delete the requirement for economic impact, planning and landscape concept reports is accepted.

The proposed DPO6 was subject to peer review by the proponent, the proponent's planning expert and the Panel. The findings of the Panel in relation to the drafting of DPO schedules and the supporting information requirements will be noted for future amendments.

With respect to the requirement to display the development plan, it is noted that this provision was included in the Development Plan Overlay Schedule for the former Burwood Brickworks site in Burwood East which came into effect on 10 September 2015, and the Crossway Baptist Church in Burwood East which was gazetted on 3 October 2013. Officers are satisfied that inclusion of this provision is suitable and provides a level of community involvement with the development plan approval process, particularly in light of the subsequent exemption from third party notification of planning permit applications that the DPO allows.

### **9.1.3**

(cont)

#### **POLICY IMPLICATIONS**

Following receipt of the Panel's report, the final planning scheme amendment documentation is proposed to be submitted to the Minister for Planning for approval and inclusion within the Whitehorse Planning Scheme.

#### **FINANCIAL IMPLICATIONS**

The proponent will be required to pay a fee of \$798 to the Department of Environment, Land, Water and Planning if it wishes to seek approval of the Amendment.

#### **CONCLUSION**

Amendment C155 proposes to rezone 56 and 58-74 Station Street Nunawading from Industrial 1 Zone and Residential Growth Zone to Residential Growth Zone and Mixed Use Zone, and apply a Development Plan Overlay and an Environmental Audit Overlay to the site. Amendment C155 is being sought to facilitate redevelopment of the site for residential and commercial purposes.

An independent Panel has considered the Amendment and associated submissions. The Panel has recommended that the Amendment be adopted with changes to the proposed DPO6 schedule. As another amendment has come into effect while this amendment was under consideration, the proposed DPO6 will become DPO7.

This report has assessed the Panel's recommendations and it is submitted that these are acceptable. It is therefore recommended that Amendment C155 be adopted with changes and be submitted to the Minister for Planning for approval.



**9.1.4 Amendment C177 to the Whitehorse Planning Scheme to correct and update the Local Planning Policy Framework in accordance with the adopted Planning Scheme Review report.**

FILE NUMBER: SF15/637  
ATTACHMENT

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**SUMMARY**

*This Amendment was prepared as part of the implementation of the Whitehorse Planning Scheme Review report adopted by Council at its meeting of 23 June 2014. With Amendment C177 having been granted exemption from notification by the Minister for Planning under Section 20(2) of the Planning and Environment Act 1987 and having received no submissions from the prescribed Ministers to whom it was referred, this report recommends the adoption of the Amendment.*

**COUNCIL RESOLUTION**

Moved by Cr Chong, Seconded by Cr Harris

***That Council being the Planning Authority:***

- A. *Adopt Amendment C177 as shown in Attachment 3.***
- B. *Submit the adopted Amendment to the Minister for Planning for approval with the appropriate fee.***

**CARRIED UNANIMOUSLY**

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**BACKGROUND**

At its meeting of 23 June 2014 Council adopted the report on the review of the Whitehorse Planning Scheme (WPS). This review was undertaken in accordance with the requirements of Section 12B(1) of the *Planning and Environment Act 1987* (the Act) which required that the whole WPS be reviewed "no later than one year after each date by which it is required to approve a Council Plan under section 125 of the *Local Government Act (1989)*".

As a consequence of these statutory requirements the review of the WPS was completed and considered by Council at its meeting of 23 June 2014. Having been adopted by Council at this meeting, it was forwarded to the Minister for Planning in accordance with the provisions of the Act.

The review found that in general Council's policies and strategies were working well in delivering on the vision that Council and the community have for the City. The review also highlighted some key policy areas that require further work in the future to refine and strengthen them.

In addition to the key issue areas identified through the review process there were various parts of the Local Planning Policy Framework (LPPF) that required wording changes and updating as a result of the introduction of new State and local policies, changes in demographics and other changes that have occurred since the last review.

It is this component of the review outcomes that Amendment C177 seeks to address, that is, those changes to the LPPF that are considered minor updates of statistics or demographics, wording changes, and a range of other minor issues. Other associated changes not explicitly identified in the Planning Scheme Review have also been made where these changes are inconsequential and associated with issues identified in the review.

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

#### **DISCUSSION**

Amendment C177 will give effect to the various corrections and updates to the Whitehorse Planning Scheme identified through the review of the Whitehorse Planning Scheme. The review included consultation with Councillors and Council staff, and incorporated findings from recent community consultation with the wider community and stakeholders. Through this process the review report adopted by Council set out a clear and concise set of changes and improvements to the Scheme.

The review process identified a number of elements within the LPPF that needed to be updated or corrected. Amendment C177 will update and correct these components of the LPPF that relate to demographic data, outdated terminology and references to initiatives that have already been completed. Changes will also be made to correctly reference current Council policies.

The changes and corrections proposed by Amendment C177 are considered to be minor in nature. They do not add any additional matters for consideration in the assessment of applications; they simply seek to correct minor matters within the LPPF.

It should be noted that Amendment C177 is the first of the amendments to be prepared to action the recommendations of the adopted Planning Scheme Review report. Further amendments will follow that will seek to implement other more complex policy changes identified through the review process.

#### **CONSULTATION**

Under delegation in June 2015, Council wrote to the Minister for Planning seeking authorisation to prepare Amendment C177 and requesting, under the provisions of Clause 20(2) of the *Planning and Environment Act 1987*, exemption from the notice requirements under Section 19 of the Act.

In his response, the Minister exempted Council from the notification requirements of Section 19 of the Act but did require Council to give notice to the prescribed Ministers pursuant to Section 19(1) (c) of the Act. This notice was provided and no submissions were received by Council by the closing date of 2 September 2015.

#### **Post exhibition changes**

Five planning scheme amendments were gazetted between the time Amendment C177 was on exhibition and the preparation of this report. Two of these amendments made some of the changes proposed in Amendment C177, meaning that the changes are no longer required. Consequently the Amendment documentation has been updated to remove reference to changes to Clauses 22.08, 22.11 and 22.12.

#### **POLICY IMPLICATIONS**

Amendment C177 seeks to strengthen Council's LPPF by correcting minor matters, thereby improving the efficiency and effectiveness of the Whitehorse Planning Scheme. This will contribute to the achievement of Strategic Direction 2 of the Council Plan 2013-2017 which is to "maintain and enhance our built environment to ensure a liveable and sustainable city" (page 11).

#### **FINANCIAL IMPLICATIONS**

Council will be required to pay for the assessment and approval of the Amendment by the Minister for Planning. The statutory fees associated with this process will be \$798.

**9.1.4**  
(cont)

**CONCLUSION**

The proposed changes and updates to the various components of the LPPF have been identified through the Planning Scheme Review report. This review has been subject to consultation within Council and has incorporated findings from recent community consultation on other strategic projects. The changes identified in this amendment are considered to be minor in nature. They do not change any policy position of Council, nor do they change levels of assessment or requirements for development applications. What this proposed amendment does do is amend a number of policy references, statistics and other data to make the controls current.

Having prepared Amendment C177 and receiving no submissions from the prescribed Ministers notified, it is recommended that this Amendment be adopted by Council and forwarded to the Minister for Planning for approval and gazettal.

## **9.2 HUMAN SERVICES**

### **9.2.1 Redevelopment of Elgar Park Hockey Field and Loan Guarantee**

FILE NUMBER: 15/144997

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#### **SUMMARY**

*The Elgar Park Regional Hockey Association (EPRHA) has requested that Council provide a loan guarantee on a bank loan of up to \$340,000. This will assist in financing the replacement of the synthetic hockey field located at Elgar Park, Mont Albert North.*

#### **COUNCIL RESOLUTION**

Moved by Cr Harris, Seconded by Cr Chong

#### **That Council:**

- 1. Approve the EPRHA to replace the synthetic hockey field at Elgar Park,**
- 2. Act as a loan guarantor in the order of up to \$340,000 to assist with financing the project, and;**
- 3. Execute a Deed of Variation with EPRHA prior to providing the loan guarantee.**

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

Representatives from EPRHA met with Council Officers earlier this year to discuss the need to replace the existing synthetic field and rubber shock pad, which is approaching the end of its life cycle. The EPRHA estimate the project to cost approximately \$700,000 (GST inclusive).

The EPRHA represents three member clubs with a total of approximately 750 male and female active members across junior, open age and masters competitions. In addition to the member clubs the hockey field is used by many local schools, Hockey Victoria and other users. Members of EPRHA are drawn from suburbs across the City of Whitehorse in particular Surrey Hills, Mont Albert, Mont Albert North, Box Hill, Box Hill North, Blackburn and Blackburn North. This facility also attracts support from a regional catchment and schools.

The EPRHA will project manage the new synthetic hockey pitch works as they did for the hockey field replacement in 2006. This latest project has some complexity with the existing Council assets in the area, particularly the management of the storm water drain that crosses the pitch area. The condition of the drain including the agricultural pipes under the pitch is being evaluated. Part of the project may require substantial works to the existing pipe network.

To ensure there is an appropriate scope of works, detailed plans and specifications and management of all assets in the vicinity of the pitch works Council has a responsibility to coordinate all of the necessary works are undertaken to an acceptable standard. Council Officers will coordinate the project with EPRHA representatives and contractors, be kept informed of the progress of the pitch works and will undertake regular site visits and review works at key milestone points. The EPRHA will meet the costs associated with the project and have requested Council to act as a Loan Guarantor for up to \$340,000 to ensure the project can proceed.

## 9.2.1

(cont)

### DISCUSSION

The EPRHA has a current lease (with two option periods) with Council to occupy the hockey field on land situated at Elgar Park, Mont Albert North. The current lease option period expires in 2017. The EPRHA have the option of exercising a further five year option, as per the lease, which would extend the lease expiry date to 31 December 2022.

It is important to note that the above mentioned lease term, after the exercising of the final option period, is less than the loan period.

To avoid this scenario Council's lawyers have recommended that Council execute a deed of variation that combines the remaining two years and the second option term, and grants a further two years; thus granting EPRHA a single nine year term.

The benefit of executing the above mentioned deed of variation is that it gives the EPRHA certainty of tenure for the whole loan period and confirms to the EPRHA's lender that the lease expiry date and the loan repayment date both correlate.

In addition to enabling the proposed works to be completed the loan guarantee also provides EPRHA with a secured borrowing facility.

As Council is underwriting a \$340,000 bank loan, Council's lawyers have recommended that a 'loan conduct' clause be included the deed of variation.

The terms of the 'loan conduct' clause will broadly align with the 'Additional Requirements' shown below.

By including a 'loan conduct' clause in the deed of variation means that any loan breach will also be considered a lease breach.

With the high intense use the existing hockey field surface is coming to the end of its lifecycle. The existing surface is starting to split and wear in high traffic areas. The EPRHA is managing the ageing surface with ongoing maintenance however; it is now time for the hockey field to be replaced. The scope of works effectively includes:

- Replacement of the synthetic turf (the existing surface is approaching the end of it's 10 year life cycle)
- Replacement of the rubber shock pad (the existing shock pad is approaching the end of its 20 year life cycle)
- Re-profiling the existing base to flatten out excessive cross falls
- Replacement of existing safety fence which is at the end of its life cycle and is a major maintenance issue
- Installation of concrete curbs around perimeter of the ground to protect safety fence from damage and reduce ongoing maintenance issues
- Minor repairs and maintenance to paths and landscaping.

The EPRHA has provided a proposal including financial statements outlining their viability to service a loan and outgoings.

### **9.2.1**

(cont)

Council's Community Organisations Loan Guarantee policy identifies that:

- Council will provide a loan guarantee for up to two thirds of the total funding
- The organisation should have at least one third of its funds already on hand and raised through its own sources
- The loan be from a bank, building society or credit union for a maximum of 20 years.

The EPRHA proposal satisfies the above requirements and a due diligence financial analysis has been undertaken by Council's Finance Department. The Finance Department has assessed that EPHRA has the potential to service the loan over its duration while sustaining the financial needs of the organization. This is based on the following:

- The Profit & Loss statements provided by EPRHA for the last three calendar years (2012-2014) have consistently shown an increase in surplus ranging from \$8k to \$24k. Revenue is mainly generated through ground hire which averages approximately \$70k each year. They have forecasted operating surpluses to continue over the life of the loan.
- EPRHA does not currently have any major liabilities while Cash at Bank and Term Deposits currently total approximately \$306k which fulfills the requirement to have at least one third of the funds already on hand. They propose to self-fund over 50% of the project
- The Cashflow forecast over the life of the loan (2016-2024) suggests that though the cash position in the early years will be relatively small in nature (noting a minor deficit in 2016), it will steadily strengthen throughout the life of the loan
- It was noted that the proposed term of the loan extends beyond the current lease period (including options) by a period of two years. To align the EPRHA lease term with the period of Council's loan guarantee, the existing lease with the EPRHA can be extended via a deed of variation. The EPRHA have been informed of this.

Building or planning permits may be required for this project. This is a club managed project on Council land with project oversight provided by Council. The EPRHA will be principally responsible for tendering & procurement, contract management, financial management and the day to day project management.

The EPRHA has consulted with relevant contractors and have been informed that the project will take approximately 90 days to complete. The Association would like to have work completed over the summer season to avoid clashing with the peak ground use during winter.

The request from EPRHA to replace the synthetic hockey field is consistent with the draft Elgar Park Master Plan.

### **CONSULTATION**

Council officers have consulted with EPRHA representatives regarding the scope of works and the relevant documentation to undertake a due diligence financial assessment. A meeting was held with EPRHA representatives involved in the project to seek further information and clarify other project aspects. Council officers are satisfied with the skill-set and experience of the EPRHA representatives directly involved in the project.

## 9.2.1

(cont)

### FINANCIAL IMPLICATIONS

The estimated cost of works is \$700,000 (GST inclusive) and will be funded through:

EPRHA	\$360,000
Loan (Council Guarantor)	<u>\$340,000</u>
<b>Total</b>	<b>\$700,000</b>

Should Council not approve the loan guarantee for \$340,000, the project would not be viable and could not proceed unless additional funds were identified to fund the project. This will potentially delay the project by one year and impact on cash flow forecasts.

Council's Property & Rates Department in consultation with Council's Parks, Planning & Recreation Department will co-ordinate the execution of the Deed of Variation and the Property & Rates Department will cover Council's legal costs associated with the deed. Legal costs are estimated to be \$5,000 + GST. Council will not pay or reimburse any legal costs incurred by EPRHA in relation to the Deed of Variation.

Council will incur an unbudgeted expense of \$50,000 for the appointment of a project manager of the works and potentially another \$50,000 for works on the existing stormwater system and other Council assets on and adjacent to the site.

### POLICY IMPLICATIONS

The request for a loan guarantee by the EPRHA has been assessed in line with Council's Community Organisations Loan Guarantee policy.

### ADDITIONAL REQUIREMENTS

Council will also stipulate the following additional requirements:

- Council must receive from the relevant banking institution, confirmation of the loan balance at the end of each financial year (balance as at 30 June) and the loan bank statement within the requested timeframe as per the loan confirmation letter sent by Council.
- The Association shall provide financial statements to the Council at the end of each financial year (30 June) within the requested timeframe as per the letter request sent by the Council each year.
- The loan agreement shall not include the provision to further drawdown any repaid amounts that increases the loan back to its original balance.
- Council's loan guarantee will expire at 10 years from the commencement date of the loan.
- Council's loan guarantee amount will reduce in line with the scheduled repayments of the loan and therefore the guarantee will only cover the outstanding balance throughout the life of the loan.
- The EPRHA must not seek permission from Council to assign the lease unless the EPRHA has fully repaid the total loan amount and has fully discharged the loan.

## **9.3 CORPORATE SERVICES**

### **9.3.1 2014/15 Quarterly Performance Report – July – September 2015**

FILE NUMBER: 15/160017  
ATTACHMENT

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#### **SUMMARY**

*The purpose of this report is to present the quarterly performance report for the July-September quarter, providing a detailed report on performance against the Council Plan 2013-2017 and the 2015/16 Annual Budget for the first quarter of the financial year.*

#### **COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Munroe

***That Council notes the quarterly performance report ending 30 September 2015 as attached.***

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

This report is being presented in accordance with sections 131 and 138 of the *Local Government Act 1989*.

The financial section of this report has been prepared on an accrual basis, to ensure accurate matching of income and expenditure, both operating and capital, for the year to date ending 30 September 2015. Further, the report is prepared on the basis of year to date, year-end projection, cash and key balance sheet items and analysing trends against budget.

#### **DISCUSSION**

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

This is the first quarter report against the 2015/16 Annual Action Plan activities which align directly with the Strategic Objectives of the Council Plan 2013-2017.

For this first quarterly report, 22 activities (both major initiatives and initiatives) have been reported against, with 20 activities in progress and 2 activities due to commence in January 2016.

Highlights this quarter include:

- Councils new Corporate Planning and Reporting System deployed across the organisation and utilised for Q1 performance reporting
- Completion of the Annual Report and Annual financial audit process
- Completion of first year reporting against the Local Government Performance Measurement Framework (LGPRF)
- Commencement of a planning for a number of key capital works projects including the new Bennettswood Reserve and Livingstone Pavilions.

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

The year to date underlying result at 30 September reflects a favourable variance of \$1.789m.

The end of year projected underlying result at 30 September is forecast to be a surplus of \$18.820m, \$0.100m unfavourable to budget.

The capital works report reflects expenditure to the end of September of \$3.59m compared to a year to date budget of \$3.25m. The year to date result represents 9.5% of the total capital works program. The current year end capital works program forecast, including carry over projects, is currently \$37.79m.



### 9.3.2 Delegated Decisions – September 2015

FILE NUMBER: SF 13/1527#02

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

#### COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Harris

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

**CARRIED UNANIMOUSLY**

DELEGATION	FUNCTION	Number for September 2014	Number for September 2015
Planning and Environment Act 1987	- Delegated decisions	201	147
	- Strategic Planning Decisions	2	1
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		37	46
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	63	72
Liquor Control Reform Act 1998	Objections and prosecutions	Nil	1
Food Act 1984	Food Act orders	Nil	10
Public Health & Wellbeing Act 2008	Improvement / prohibition notices	Nil	4
Local Government Act 1989	Temporary road closures	3	3
Other delegations	CEO signed contracts between \$150,000 - \$500,000	2	3
	Property Sales and leases	7	9
	Documents to which Council seal affixed	1	1
	Vendor Payments	471	973
	Parking Amendments	1	3
	Parking Infringements written off (not able to be collected)	191	283

\*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 SEPTEMBER 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
116	30- 09-15	Delegate Approval - S72 Amendment	13 Collina St, Mitcham	Springfield	Buildings and works to construct one (1) dwelling and tree removal	Permit Amendment
127	29- 09-15	Delegate Approval - S72 Amendment	18 Jolimont Rd, Forest Hill	Morack	Amendment to Planning Permit WH/2013/127 (Issued for the construction of two double storey dwellings) modifications to finish floor levels and overall dwelling height to Dwelling 2	Permit Amendment
174	04- 09-15	Delegate Approval - S72 Amendment	1 Ashted Rd, Box Hill	Elgar	Construction of a four storey building including basement comprising 28 dwellings and a reduction in the standard car parking requirement	Permit Amendment
184	22- 09-15	Delegate Approval - S72 Amendment	73 Margaret St, Box Hill North	Elgar	Amendment to Planning Permit WH/2015/184 issued for the construction of four (4) double storey dwellings to allow an increase in overall finished floor levels and building heights	Permit Amendment
268	30- 09-15	Delegate Approval - S72 Amendment	299-301 Elgar Rd, Surrey Hills	Riversdale	Buildings and works to the existing church and carpark, and alteration of access to a road in a Road Zone, Category 1	Permit Amendment
284	21- 09-15	Delegate Approval - S72 Amendment	13 Starling St, Burwood	Riversdale	Removal of trees to eastern boundary	Permit Amendment
327	29- 09-15	Delegate Approval - S72 Amendment	8 Judy Crt, Vermont	Morack	Amendment to Planning Permit WH/2014/327 (Issued for the construction of three double storey dwellings) for minor internal changes to Dwelling 1 and modifications the balcony of Dwelling 2 and 3.	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
353	10- 09-15	Delegate Approval - S72 Amendment	20 Cumming St, Burwood	Riversdale	Amendment to endorsed plans to add a front fence	Permit Amendment
402	22- 09-15	Delegate Approval - S72 Amendment	14 Beaver St, Box Hill South	Riversdale	Amendment to plans approved for the construction of three double storey dwellings under WH/2013/402	Permit Amendment
451	30- 09-15	Delegate Approval - S72 Amendment	11 Aspinall Rd, Box Hill North	Elgar	Construction of two double storey dwellings	Permit Amendment
507	17- 09-15	Delegate Approval - S72 Amendment	664 Whitehorse Rd, Mont Albert	Elgar	Amendment to Planning Permit WH/2012/507 (Issued for the construction of two double storey dwellings to the rear of the existing dwelling) for an increase to the setback for Dwelling 1 garage	Permit Amendment
600	30- 09-15	Delegate Approval - S72 Amendment	93 Esdale St, Nunawading	Springfield	Construction of four new double storey and two new single storey dwellings.	Permit Amendment
847	24- 09-15	Delegate Approval - S72 Amendment	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
859	18- 09-15	Delegate Approval - S72 Amendment	17 Poplar St, Box Hill	Elgar	Construction of an seven (7) storey building including basement car parking and a reduction in standard car parking requirement	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
992	17- 09-15	Delegate Approval - S72 Amendment	24 Bennett St, Burwood	Riversdale	Amendment to Planning Permit WH/2013/992 (issued for construction of three double storey dwellings) for modifications to the external features of the approved development	Permit Amendment
999	01- 09-15	Delegate Approval - S72 Amendment	1045 Whitehorse Rd, Box Hill	Elgar	Development comprising the construction of four storey apartment plus basement building comprising 40 dwellings	Permit Amendment
1198	17- 09-15	Delegate Approval - S72 Amendment	Shop 1/15 Bank St, Box Hill	Elgar	Amendment to conditions to extend the hours of the On-Premises Liquor Licence	Permit Amendment
25	29- 09-15	Delegate NOD Issued	22-24 Blackburn Rd, Blackburn	Central	Construction of a three storey building for retail and residential uses, reduction in car parking, waiver of loading facilities, and alteration of access to a road in a Road Zone, Category 1	Business
95	07- 09-15	Delegate NOD Issued	126 Fulton Rd, Blackburn South	Riversdale	Amendment to Planning Permit WH/2015/95 (issued for the use of the land for an indoor recreation facility (dance studio) and associated reduction in car parking) to increase the hours of operation	Permit Amendment
201	15- 09-15	Delegate NOD Issued	Shop 3/339 Mitcham Rd, Mitcham	Springfield	Buildings and works, use of land to sell and consume liquor and a reduction in the standard carparking requirements (associated with the use of land for restaurant)	Business
288	30- 09-15	Delegate NOD Issued	7 Hunter Valley Rd, Vermont South	Morack	2 lot subdivision	Subdivision

<b>Appl. No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
397	29- 09-15	Delegate NOD Issued	71 Alwyn St, Mitcham	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
502	23- 09-15	Delegate NOD Issued	1A/580-584 Canterbury Rd, Vermont	Morack	Change of use to restricted recreation facility (personal training studio) and display of signage	Business
547	29- 09-15	Delegate NOD Issued	628 Whitehorse Rd, Mitcham	Springfield	Construction of three double storey dwellings	Multiple Dwellings
571	22- 09-15	Delegate NOD Issued	215 Elgar Rd, Surrey Hills	Riversdale	Construction three double storey dwellings and creation of access to a road in a Road Zone (Category 1)	Multiple Dwellings
916	01- 09-15	Delegate NOD Issued	17 Orloff Crt, Burwood East	Riversdale	Amendment to Planning Permit WH/2011/916 (issued for the construction of two double storey dwellings) for first floor addition to Dwelling 2	Permit Amendment
929	15- 09-15	Delegate NOD Issued	241 Warrigal Rd, Burwood	Riversdale	Extension of four dwellings on a lot and alteration of access to a road in a Road Zone (Category 1)	Residential (Other)
986	30- 09-15	Delegate NOD Issued	19 Bennett St, Burwood	Riversdale	Construction of one (1) double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
1054	29- 09-15	Delegate NOD Issued	77 Albion Rd, Box Hill	Elgar	Construction of four (4) double storey dwellings	Multiple Dwellings
1166	08- 09-15	Delegate NOD Issued	26 Waratah Ave, Burwood	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
1169	15- 09-15	Delegate NOD Issued	33 Peter St, Box Hill North	Elgar	Construction of four (4) double storey dwellings	Multiple Dwellings
1170	29- 09-15	Delegate NOD Issued	36 Cumming St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
1197	29- 09-15	Delegate NOD Issued	21 Tiller St, Burwood East	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
1238	17- 09-15	Delegate NOD Issued	16 Gibson St, Box Hill South	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
1243	30- 09-15	Delegate NOD Issued	16 La Frank St, Burwood	Riversdale	Construction of one double storey dwelling to the rear of the existing dwelling	Multiple Dwellings

<b>Appl. No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
2	30- 09-15	Delegate Permit Issued	13 Evandale Ave, Nunawading	Springfield	Construction of two double storey dwellings	Multiple Dwellings
52	22- 09-15	Delegate Permit Issued	14 Ferris Ave, Box Hill North	Elgar	Construction of one (1) single storey dwelling to the rear of the existing dwelling	Multiple Dwellings
132	17- 09-15	Delegate Permit Issued	36 Linlithgow St, Mitcham	Springfield	Construction of a double storey dwelling at the rear of the existing dwelling.	Multiple Dwellings
134	08- 09-15	Delegate Permit Issued	58A Severn St, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
138	22- 09-15	Delegate Permit Issued	53 Cadorna St, Box Hill South	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
146	24- 09-15	Delegate Permit Issued	19 Gerald St, Blackburn	Springfield	Buildings and works to construct one (1) dwelling and removal of trees	Special Landscape Area
173	03- 09-15	Delegate Permit Issued	26 Somers St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
177	10- 09-15	Delegate Permit Issued	412 Belmore Rd, Mont Albert North	Elgar	Construction of four double storey dwellings and alteration of access to a Road Zone (Category 1)	Multiple Dwellings
184	10- 09-15	Delegate Permit Issued	73 Margaret St, Box Hill North	Elgar	Construction of four (4) double storey dwellings	Multiple Dwellings
215	02- 09-15	Delegate Permit Issued	24 Hawkins Ave, Mont Albert North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
242	24- 09-15	Delegate Permit Issued	18 Grandview Rd, Box Hill South	Riversdale	Construction of three dwellings including one triple storey dwelling and two double storey dwellings	Multiple Dwellings
278	11- 09-15	Delegate Permit Issued	113 Lake Rd, Blackburn	Springfield	Buildings and works to construct a double storey dwelling within a Significant Landscape Overlay	Special Landscape Area
280	24- 09-15	Delegate Permit Issued	208 Blackburn Rd, Blackburn South	Central	Construction of four dwellings including three double storey dwellings and one single storey dwelling	Multiple Dwellings

<b>Appl. No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
283	24- 09-15	Delegate Permit 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
294	16- 09-15	Delegate Permit Issued	37 Gillard St, Burwood	Riversdale	3 lot subdivision	Subdivision
307	15- 09-15	Delegate Permit Issued	23 Douglas St, Blackburn North	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 and two-lot subdivision	Multiple Dwellings
314	10- 09-15	Delegate Permit Issued	26 The Ridge Blackburn	Central	Buildings and works for additions and alterations to the existing dwelling and removal of one (1) tree in a Significant Landscape Overlay.	Special Landscape Area
344	10- 09-15	Delegate Permit Issued	47 Canterbury Rd, Blackburn	Central	Construction of two (2) double storey dwellings and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
348	29- 09-15	Delegate Permit Issued	5-11 Brentford Sqr, Forest Hill	Morack	Display of business identification signage, including an internally illuminated sky sign and floodlit major promotion signage.	Advertising Sign
390	24- 09-15	Delegate Permit 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
408	24- 09-15	Delegate Permit Issued	313 Middleborough Rd, Box Hill South	Riversdale	Change of use to Indoor Recreation Facility	Industrial
410	16- 09-15	Delegate Permit Issued	158 Canterbury Rd, Blackburn South	Central	2 lot subdivision	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
430	01- 09-15	Delegate Permit Issued	339-347 Warrigal Rd, Burwood	Riversdale	Display of an illuminated (electronic/LED panel display) business identification sign	Advertising Sign
434	16- 09-15	Delegate Permit Issued	37 Jeffery St, Blackburn	Central	Alterations and Additions to the existing dwelling	Special Landscape Area
461	28- 09-15	Delegate Permit Issued	20 Sydenham Ln, Surrey Hills	Elgar	3 lot subdivision	Subdivision
474	23- 09-15	Delegate Permit Issued	53 Lenna St, Burwood East	Riversdale	Construction of two (2) side by side double storey dwellings	Multiple Dwellings
523	22- 09-15	Delegate Permit Issued	25 Wellington Ave, Blackburn	Central	Removal of two (2) trees	Special Landscape Area
570	29- 09-15	Delegate Permit Issued	9 Tricia Crt, Burwood East	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
581	22- 09-15	Delegate Permit Issued	37 Menin Rd, Forest Hill	Springfield	Buildings and works associated with the construction of a carport within four (4) metres of trees	Special Landscape Area
584	23- 09-15	Delegate Permit Issued	12 Halley St, Blackburn	Central	Removal of five (5) trees in a Significant Landscape Overlay- Schedule 2	Special Landscape Area
586	22- 09-15	Delegate Permit Issued	42 Jeffery St, Blackburn	Central	Buildings and works (upper level extension to existing dwelling)	Special Landscape Area
592	02- 09-15	Delegate Permit Issued	730 Canterbury Rd, Surrey Hills	Riversdale	Buildings and works associated with the replacement of an existing 45m high lattice communications tower with a 40m high monopole	Telecommunications
595	24- 09-15	Delegate Permit Issued	2-4 Kent Rd, Box Hill	Elgar	twenty one (21) lot subdivision	Subdivision
597	28- 09-15	Delegate Permit Issued	1/72 Rostrevor Pde, Mont Albert North	Elgar	Two lot subdivision	Subdivision
598	17- 09-15	Delegate Permit Issued	397 Elgar Rd, Mont Albert	Elgar	Creation of access to a road in a Road Zone Category 1	Residential (Other)
606	03- 09-15	Delegate Permit Issued	20 East India Ave, Nunawading	Springfield	Construction of three double storey dwellings	Multiple Dwellings



Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
618	17- 09-15	Delegate Permit Issued	2 Balmoral Cres, Surrey Hills	Elgar	Display of home occupation signage	Advertising Sign
624	01- 09-15	Delegate Permit Issued	913 Whitehorse Rd, Box Hill	Elgar	Use of land for sale and consumption of liquor	Liquor Licence
629	15- 09-15	Delegate Permit Issued	1 Main St, Box Hill	Elgar	Use of land for sale and consumption of liquor and display of signage and reduction in the standard car parking requirements	Liquor Licence
653	23- 09-15	Delegate Permit Issued	27 Orchard Cres, Mont Albert North	Elgar	Lopping of two (2) trees within the Vegetation Protection Overlay-Schedule 2	Vegetation Protection Overlay
670	22- 09-15	Delegate Permit Issued	6/155-221 Warrigal Rd, Burwood	Riversdale	Buildings and works to a dwelling on a lot less than 300m <sup>2</sup> to enclose existing balcony	Residential (Other)
673	10- 09-15	Delegate Permit Issued	114 Whitehorse Rd, Blackburn	Central	Display of signage	Advertising Sign
676	16- 09-15	Delegate Permit Issued	47 Greenwood St, Burwood	Riversdale	5 lot subdivision	Subdivision
686	16- 09-15	Delegate Permit Issued	33 Orchard Cres, Mont Albert North	Elgar	3 lot subdivision	Subdivision
689	29- 09-15	Delegate Permit Issued	33 Shady Grv, Nunawading	Springfield	3 lot subdivision	Subdivision
695	24- 09-15	Delegate Permit Issued	2 Alice St, Burwood East	Morack	Construction of eight (8) double storey dwellings	Multiple Dwellings
701	10- 09-15	Delegate Permit Issued	2 Market St, Box Hill	Elgar	Display of an electronic sign	Advertising Sign
703	22- 09-15	Delegate Permit Issued	2/6 Bedford St, Box Hill	Elgar	Development of land to construct a pergola	Residential (Other)
708	25- 09-15	Delegate Permit Issued	1037 Riversdale Rd, Surrey Hills	Riversdale	3 lot subdivision	Subdivision
710	01- 09-15	Delegate Permit Issued	38 Grange Rd, Blackburn South	Riversdale	2 lot subdivision	Subdivision
711	25- 09-15	Delegate Permit Issued	11 Garden Ave, Mitcham	Springfield	3 lot subdivision	Subdivision
716	04- 09-15	Delegate Permit Issued	12 Ronley St, Blackburn	Central	To remove, destroy or lop one tree (liquidamber styraciflua)	VicSmart - General Application

<b>Appl. No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
726	08- 09-15	Delegate Permit Issued	35 High St, Mont Albert	Elgar	Demolish an existing front fence and construct a new front fence in a Heritage Overlay	VicSmart - General Application
731	22- 09-15	Delegate Permit Issued	913 Whitehorse Rd, Box Hill	Elgar	Display of two (2) internally illuminated signs	Advertising Sign
733	25- 09-15	Delegate Permit Issued	87 Springvale Rd, Nunawading	Springfield	3 lot subdivision	Subdivision
735	25- 09-15	Delegate Permit Issued	28 Cypress Ave, Burwood	Riversdale	2 lot subdivision	Subdivision
736	25- 09-15	Delegate Permit Issued	31 McCulloch St, Nunawading	Springfield	4 lot subdivision	Subdivision
739	29- 09-15	Delegate Permit Issued	44 Alfred St, Blackburn	Central	Removal of one native tree	Industrial
745	15- 09-15	Delegate Permit Issued	17-19 Hamilton St, Mont Albert	Elgar	External paint a building	VicSmart - General Application
746	22- 09-15	Delegate Permit Issued	490-506 Whitehorse Rd, Mitcham	Springfield	Buildings and works to alter the facade of the existing Chapel associated with the use of land for primary school	Residential (Other)
748	22- 09-15	Delegate Permit Issued	137 Purches St, Vermont	Springfield	Removal of dangerous tree	VicSmart - General Application
749	25- 09-15	Delegate Permit Issued	18 Hiddleston Ave, Box Hill South	Riversdale	5 lots subdivision	Subdivision
750	16- 09-15	Delegate Permit Issued	2/2 Courbrant Crt, Mont Albert North	Elgar	Subdivide the existing units into 2 lots	Subdivision
752	25- 09-15	Delegate Permit Issued	5 Henry St, Box Hill	Elgar	5 lot subdivision	Subdivision
753	25- 09-15	Delegate Permit Issued	31 Bridgeford Ave, Blackburn North	Central	2 lots subdivision	Subdivision
762	23- 09-15	Delegate Permit Issued	166 Rooks Rd, Nunawading	Springfield	Signage	VicSmart - General Application
769	25- 09-15	Delegate Permit Issued	21 Church St, Mitcham	Springfield	4 lot subdivision	Subdivision
770	16- 09-15	Delegate Permit Issued	5 Destoop Crt, Blackburn North	Central	2 lot subdivision	Subdivision
772	16- 09-15	Delegate Permit Issued	8 Eram Rd, Box Hill North	Elgar	2 lot subdivision	Subdivision
773	22- 09-15	Delegate Permit Issued	6 Burch St, Blackburn North	Central	Construction of two double storey dwellings	Multiple Dwellings

<b>Appl. No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
775	25- 09-15	Delegate Permit Issued	59 Wellman St, Box Hill South	Riversdale	2 lot subdivision	Subdivision
776	25- 09-15	Delegate Permit Issued	347 Springfield Rd, Nunawading	Springfield	2 lot subdivision	Subdivision
787	25- 09-15	Delegate Permit Issued	88 Whitehorse Rd, Blackburn	Central	Buildings and works for the demolition and reconstruction of an outbuilding	VicSmart - General Application
790	22- 09-15	Delegate Permit Issued	24 Laurel Grv, North Blackburn	Central	Tree removal in the Significant Landscape Overlay	VicSmart - General Application
791	30- 09-15	Delegate Permit Issued	654 Mitcham Rd, Vermont	Springfield	Buildings and works for a freestanding canopy	VicSmart - General Application
796	25- 09-15	Delegate Permit Issued	38 Springfield Rd, Box Hill North	Elgar	2 lot subdivision	Subdivision
800	25- 09-15	Delegate Permit Issued	7 Horfield Ave, Box Hill North	Elgar	Two lot subdivision	Subdivision
801	25- 09-15	Delegate Permit Issued	4 Dane St, Box Hill North	Elgar	2 lot subdivision	Subdivision
803	25- 09-15	Delegate Permit Issued	28 Dorothy St, Burwood East	Riversdale	Two lot subdivision	Subdivision
806	25- 09-15	Delegate Permit Issued	4 Olympiad Cres, Box Hill North	Elgar	Two Lot subdivision	Subdivision
807	25- 09-15	Delegate Permit Issued	32 Karen St, Box Hill North	Elgar	2 lot subdivision	Subdivision
808	25- 09-15	Delegate Permit Issued	922 Station St, Box Hill North	Elgar	2 lot subdivision	Subdivision
819	29- 09-15	Delegate Permit Issued	276 Elgar Rd, Box Hill South	Riversdale	Removal of Easement	Subdivision
820	25- 09-15	Delegate Permit Issued	22 Sunnyside Ave, Nunawading	Springfield	2 lot subdivision	Subdivision
821	29- 09-15	Delegate Permit Issued	19 Banksia St, Burwood	Riversdale	Two lot subdivision	Subdivision
824	29- 09-15	Delegate Permit Issued	833 Station St, Box Hill North	Elgar	3 lot subdivision	Subdivision
826	28- 09-15	Delegate Permit Issued	14 Uganda St, Burwood	Riversdale	2 lot subdivision	Subdivision
827	25- 09-15	Delegate Permit Issued	1/13 Tyrrell Ave, Blackburn	Central	Resubdivide	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
834	29- 09-15	Delegate Permit Issued	70 Orchard Grv, Blackburn South	Central	Two Lot subdivision	Subdivision
841	30- 09-15	Delegate Permit Issued	49A Orchard Cres, Mont Albert North	Elgar	Removal of one protected tree in a Vegetation Protection Overlay	VicSmart - General Application
936	03- 09-15	Delegate Permit Issued	35 Main St, Blackburn	Central	Construction of one (1) double storey dwelling	Special Landscape Area
987	10- 09-15	Delegate Permit Issued	439 Springfield Rd, Mitcham	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
1018	08- 09-15	Delegate Permit Issued	101 Victoria Cres, Mont Albert	Elgar	Construction of two or more dwellings on a lot	Multiple Dwellings
1168	24- 09-15	Delegate Permit Issued	134 Woodhouse Grv, Box Hill North	Elgar	Buildings and works for the alterations to the existing place of worship	Residential (Other)
1250	24- 09-15	Delegate Permit Issued	18 Faulkner St, Blackburn South	Central	Construction of two double storey dwellings	Multiple Dwellings
667	29- 09-15	Delegate Refusal - S72 Amendment	56 Belgravia Ave, Mont Albert North	Elgar	Amendment to Planning Permit WH/2008/667 (Issued for the Construction of three double and one single storey dwelling) for the removal of two trees	Permit Amendment
721	01- 09-15	Delegate Refusal - S72 Amendment	139 Dorking Rd, Box Hill North	Elgar	Amendment to Planning Permit WH/2014/721 (Issued for construction of two semi attached dwellings and two lot subdivision) for modifications to the approved development to include double garages.	Permit Amendment
79	30- 09-15	Delegate Refusal Issued	12 Hughes St, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
176	22- 09-15	Delegate Refusal Issued	2 Goulburn St, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
212	29- 09-15	Delegate Refusal Issued	10 Dampier Grv, Mitcham	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
456	10- 09-15	Delegate Refusal Issued	9 Boonah Way Forest Hill	Morack	Installation of a Satellite dish (retrospective)	Residential (Other)

<b>Appl. No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
464	04- 09-15	Delegate Refusal Issued	79 Station St, Burwood	Riversdale	Buildings and works to existing building including the addition of a first and second storey and reduction of standard car parking requirements	Business
704	03- 09-15	Delegate Refusal Issued	23 Dorothy St, Burwood East	Riversdale	Permit to remove tree	VicSmart - General Application
744	10- 09-15	Delegate Refusal Issued	21 Hamel St, Box Hill South	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
1172	08- 09-15	Delegate Refusal Issued	7 Cumming St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
415	01- 09-15	Failure - To Be Confirmed	19 Burwood Hwy, Burwood	Riversdale	Construction of a four storey apartment building containing 10 apartments and shops	Multiple Dwellings
453	09- 09-15	Failure - To Be Confirmed	1 Sparks Ave, Burwood	Riversdale	Construction of 10 double storey dwellings	Multiple Dwellings
683	11- 09-15	No Permit Required	37 Windsor Cres, Mont Albert	Elgar	Construction of a dwelling extension on common property	Residential (Other)
812	25- 09-15	No Permit Required	48 Pakenham St, Blackburn	Central	Replacement of a shed and garage	Residential (Other)
662	11- 09-15	Permit Corrected	57 View St, Mont Albert	Elgar	Construction of a garage associated with a dwelling in a Heritage Overlay	VicSmart - General Application
606	29- 09-15	Withdrawn	15 Collina St, Mitcham	Springfield	Buildings and works to construct a new double storey dwelling and associated tree removal	Special Landscape Area
685	09- 09-15	Withdrawn	49 Joseph St, Blackburn North	Central	Tree Removal	Vegetation Protection Overlay

**BUILDING DISPENSATIONS/APPLICATIONS SEPTEMBER 2015**

<b>Address</b>	<b>Date</b>	<b>Ward</b>	<b>Result</b>
65 Edinburgh Road, BLACKBURN SOUTH	24- 09-15	Central	Approved R409
15 Gerbera Court, BLACKBURN NORTH	04- 09-15	Central	Granted R411
26 Alandale Court, BLACKBURN	04- 09-15	Central	Granted R409
33 Marchiori Road, BLACKBURN NORTH	01- 09-15	Central	Granted R420
53 Elder Street, BLACKBURN	08- 09-15	Central	Granted R416
55 Railway Road, BLACKBURN	15- 09-15	Central	Granted R604
57-59 Railway Road, BLACKBURN	15- 09-15	Central	Granted R604
61-63 Railway Road, BLACKBURN	15-09-15	Central	Granted R604
65 Railway Road, BLACKBURN	15- 09-15	Central	Granted R604
7 Avis Court, FOREST HILL	01-09-15	Central	Granted R417
72 Lake Road, BLACKBURN	28-09-15	Central	Granted R420
1 Harcourt Street, BLACKBURN	09-09-15	Central	Refused R409
19 Southey Street, BLACKBURN NORTH	28-09-15	Central	Refused R415
52 Vicki Street, FOREST HILL	18-09-15	Central	Refused R415
7 Avis Court, FOREST HILL	01-09-15	Central	Refused R424
43 Olympiad Crescent, BOX HILL NORTH	24-09-15	Elgar	Approved R414
1 Elland Avenue, BOX HILL	29-09-15	Elgar	Granted R604
1 Whyte Grove, MONT ALBERT	09-09-15	Elgar	Granted R410
10 Arnott Street, MONT ALBERT NORTH	28-09-15	Elgar	Granted R414
11 Taldra Street, BOX HILL NORTH	17-09-15	Elgar	Granted R416
16 Rostrevor Parade, MONT ALBERT NORTH	01-09-15	Elgar	Granted R415
16 Tower Street, SURREY HILLS	08-09-15	Elgar	Granted R409
163 Dorking Road, BOX HILL NORTH	21-09-15	Elgar	Granted R417
2/3 Sussex Street, BOX HILL NORTH	08-09-15	Elgar	Granted R411
20 Cairo Road, MONT ALBERT NORTH	24-09-15	Elgar	Granted R414
22 Balmoral Crescent, SURREY HILLS	24-09-15	Elgar	Granted R414
23 Blenheim Avenue, MONT ALBERT	01-09-15	Elgar	Granted R414
29 Garden Street, BOX HILL NORTH	24-09-15	Elgar	Granted R409
33 Allison Road, MONT ALBERT NORTH	08-09-15	Elgar	Granted R414
390 Mont Albert Road, MONT ALBERT	29-09-15	Elgar	Granted R414
5 Gordon Street, MONT ALBERT	29-09-15	Elgar	Granted R414
9 Beatty Street, MONT ALBERT	08-09-15	Elgar	Granted R414
11 Taldra Street, BOX HILL NORTH	17-09-15	Elgar	Refused R409
80 Albion Road, BOX HILL	22-09-15	Elgar	Refused R414
2/3 Sussex Street, BOX HILL NORTH	08-09-15	Elgar	Refused R411
1 Olanda Court, VERMONT	29-09-15	Morack	Granted R427
11 Settlers Court, VERMONT SOUTH	01-09-15	Morack	Granted R415
16/125-129 Hawthorn Road, FOREST HILL	04-09-15	Morack	Granted R411, R412
3 Longbrae Avenue, FOREST HILL	11-09-15	Morack	Refused R415
48 Victor Crescent, FOREST HILL	16-09-15	Morack	Refused R424
95 Nurlendi Road, VERMONT	16-09-15	Morack	Refused R409
72A Park Road, SURREY HILLS	24-09-15	Riversdale	Granted R409
8 Clanbrae Avenue, BURWOOD	16-09-15	Riversdale	Granted R409
1 O'Brien Crescent, BLACKBURN SOUTH	08-09-15	Riversdale	Refused R409
13 Park Road, SURREY HILLS	15-09-15	Riversdale	Refused R409, R424, R411
2/202 Elgar Road, BOX HILL SOUTH	22-09-15	Riversdale	Refused R411
20 Park Road, SURREY HILLS	16-09-15	Riversdale	Refused R424, R427
29 Lindisfarne Drive, BURWOOD EAST	01-09-15	Riversdale	Refused R409
49 Florence Road, SURREY HILLS	08-09-15	Riversdale	Refused R408
83-105 Eley Road, BLACKBURN SOUTH	16-09-15	Riversdale	Refused R431
298 Station Street, BOX HILL SOUTH	24-09-15	Riversdale	Refused R425, R409, R414, R424, R427

Address	Date	Ward	Result
12 Reserve Avenue, MITCHAM	08-09-15	Springfield	Granted R411
2 Ferris Avenue, MITCHAM	15-09-15	Springfield	Granted R415
34 Kulnine Avenue, MITCHAM	24-09-15	Springfield	Granted R414
35 Casella Street, MITCHAM	08-09-15	Springfield	Granted R419
7-9 Trade Place, VERMONT	11-09-15	Springfield	Granted R425
19 Diosma Crescent, NUNAWADING	21-09-15	Springfield	Refused R409, R418
2 Robyn Drive, NUNAWADING	22-09-15	Springfield	Refused R409
20 Blue Hills Avenue, NUNAWADING	01-09-15	Springfield	Refused R409
25 Cumberland Court, FOREST HILL	08-09-15	Springfield	Refused R409
29 Gerald Street, BLACKBURN	22-09-15	Springfield	Refused R409
5 Newbury Street, MITCHAM	11-09-15	Springfield	Refused R409

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

*Under the Planning and Environment Act 1987*

Decision Date	Act Section	Decision	Street Address	Ward	Proposal	Reference
09/09/15	20(1)	Delegate Approval	Mount Scopus Memorial College, 245 Burwood Highway, Burwood	Riversdale	Request to the Minister for Planning under section 20(1) of the Planning and Environment Act 1987 to provide exemption from the amendment notification requirements of section 19 of the Act and to approve interim heritage controls to protect the property from proposed demolition. The property has been assessed as significant in the <i>Post 1945 Heritage Study</i> and the amendment to implement the Study is currently on exhibition (refer Amendment C172).	Amendment C184

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

Contract	Service
Contract 14055	Sparks Reserve West Drainage and Irrigation Installation
Contract 14056	Mahoneys Reserve North Drainage and Irrigation Installation
Contract 15004	Festivals Marquee and Outdoor Equipment

**REGISTER OF PROPERTY DOCUMENTS EXECUTED SEPTEMBER 2015**

<b>Property Address</b>	<b>Document Type</b>	<b>Document Detail</b>
<b>Leases</b>		
1 Bowling Green Lane, Mitcham - Mitcham Bowling Club Incorporated	Lease	Landlord (expires 31/08/2024)
Room 1A, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 11/01/2016)
<b>Licences</b>		
7-13 Carrington Road, Box Hill - Whitehorse City Council	Licence	Expires 31 Aug 2025
2/144 Mahoneys Road, Forest Hill - Nunawading City Soccer Club Incorporated	Licence	Expires 30 Jun 2020
535-543 Station Street, Box Hill - Whitehorse City Council	Licence	Expires 31 Aug 2025
<b>Land Transfers</b>		
Rear 4 Cherryhinton Street, Box Hill	Road Discontinuance	Transfer of Land Section 207D Local Government Act 1989
Rear 4 Cherryhinton Street, Box Hill	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>		
2 Benares Street, Mitcham	Property now exempt	Residence used for disability residential accommodation by Able Australia.
30-32 Prospect Street, Box Hill	Property now exempt	Premises purchased by the State Government body Australian Migrant Education Services to be used for a public purpose.

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

Instrument of Sub Delegation CEO to Staff (Council Resolution 21-09-15)



**PARKING RESTRICTIONS APPROVED BY DELEGATION SEPTEMBER 2015**

**Address:** **Bonview Crescent, Burwood East:** from Eley Road to 8 Bonview Crescent – east side  
**Previously:** Unrestricted  
**Now:** No Stopping 8:30-9:15am & 3-3:45pm School Days  
**Spaces:** 9

**Address:** **Bonview Crescent, Burwood East:** from 20 Bonview Crescent to 32 Bonview Crescent – south side  
**Previously:** Unrestricted  
**Now:** No Stopping 8:30-9:15am & 3-3:45pm School Days  
**Spaces:** 14

**Address:** **Bonview Crescent, Burwood East:** from Eley Road to opposite 8 Bonview Crescent – west side  
**Previously:** Unrestricted  
**Now:** P5 Minute, 8:30-9:15am & 3-3:45pm School Days  
**Spaces:** 7

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

<b>Date</b>	<b>Total Issued</b>	<b>Payments (direct debit, cheques or electronic funds transfer)</b>	<b>Transaction Type EFT/CHQ/DD</b>
03.09.15	\$1,708.30	4	EFC
03.09.15	\$18,804.21	31	CHQ
03.09.15	\$201,419.25	37	EFT
03.09.15	\$1,407.95	4	EFT
04.09.15	\$19,256.27	3	EFT
10.09.15	\$64,025.36	1	EFT
10.09.15	\$4,249.02	8	EFC
10.09.15	\$36,774.72	40	CHQ
10.09.15	\$1,603,969.72	308	EFT
16.09.15	\$1,000.00	1	EFC
17.09.15	\$4,654.87	9	EFC
17.09.15	\$266,905.50	18	CHQ
17.09.15	\$259,834.86	34	EFT
23.09.15	\$48,807.00	1	EFT
24.09.15	\$11,254.88	15	EFC
24.09.15	\$97,987.03	44	CHQ
24.09.15	\$4,000,688.38	414	EFT
<b>Monthly Leases</b>	\$30,000.00	1	DD
<b>GROSS</b>	\$6,672,747.32	973	
<b>CANCELLED PAYMENTS</b>	-\$56,807.91	82	
<b>NETT</b>	\$6,615,939.41	891	

### **9.3.3 Councillor Appointments to Organisations and Community Bodies**

FILE NUMBER: SF09/28

#### **SUMMARY**

*Council is required to appoint Councillor representatives to various committees, organisations and community bodies in November of each year. The current list is detailed in Appendix A to this report.*

#### **RECOMMENDATION**

***That Council appoint Councillor representatives to the committees, organisations and community bodies detailed in Appendix A.***

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Bennett

***That Council appoint nominated Council Delegates and Substitutes to organisations and community bodies as listed on Appendix A, with the following exception:***

- a) Delegate appointments or substitutes numbered 2, 4, 13, and 21 on Appendix A to be appointed via an election process.***

**CARRIED**

The Chief Executive Officer Ms Noelene Duff was the Returning Officer for the conduct of an election held to appoint Councillor delegates/substitute delegates to the committees, organisations and community bodies numbered 2, 4, 13 and 21 of Appendix A.

#### **ELECTION**

##### **No. 2 - Municipal Association of Victoria (One Councillor - Delegate)**

There were two nominations:

Cr Daw

Cr Harris

A vote was conducted and Councillor Daw was elected.

##### **No. 4 – Whitehorse Manningham Library Corporation (Two Councillors)**

There were three nominations:

Cr Munroe

Cr Harris

Cr Davenport

A vote was conducted and Councillor Munroe and Councillor Harris were elected.

##### **No 13 – Heritage Steering Committee – (Two Councillors)**

There were three nominations:

Cr Davenport

Cr Carr

Cr Harris

A vote was conducted and Councillor Carr and Councillor Harris were elected.

### **9.3.3**

(cont)

#### **No 21 – City of Whitehorse Bicycle Advisory Committee – (One Councillor - Substitute)**

There were two nominations:

Cr Massoud

Cr Bennett

A vote was conducted and Councillor Massoud was elected.

#### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Ellis

***That Council endorse the appointment of Council Delegates as per the results of the elections for the Delegates appointments numbered 2, 4, 13 and 21.***

**CARRIED**

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#### **BACKGROUND**

Councillor Representative appointments to various committees, organisations and community bodies are made by Council each year during November, as well as other times throughout the year as required, when new committees or groups are established.

#### **DISCUSSION**

As resolved by Council the above appointments to these groups as detailed in Appendix A.

**9.3.3**  
 (cont)

**APPENDIX A**

**COUNCILLOR REPRESENTATIVE APPOINTMENTS  
 TO THE FOLLOWING BODIES  
 For the Period 23 November 2015 – 21 October 2016**

<b>NO.</b>	<b>BODY</b>	<b>COUNCILLOR NOMINATION 2015/2016</b>
1	Local Government's Waste Management Forum to support the Metropolitan Waste Management Group <b>(One Councillor and one substitute Councillor)</b>	Cr Bennett Substitute: Cr Davenport
2	Municipal Association of Victoria <b>(One Councillor and one substitute Councillor)</b>	Cr Daw Substitute: Cr Massoud
3	Whitehorse Business Group Inc. <b>(Two Councillors)</b>	Cr Bennett Cr Massoud
4	Whitehorse Manningham Regional Library Corp. <b>(Two Councillors)</b>	Cr Munroe Cr Harris
5	Victorian Local Governance Association <b>(One Councillor and one substitute Councillor)</b>	Cr Daw Substitute: Cr Bennett
6	Eastern Region Affordable Housing Alliance <b>(One Councillor)</b>	Cr Ellis
7	Eastern Alliance for Greenhouse Action (EAGA) Executive Committee <b>(One Councillor)</b>	Cr Harris

**TRANSPORT GROUP OF COMMITTEES**

<b>NO.</b>	<b>BODY</b>	<b>COUNCILLOR NOMINATION 2015/2016</b>
8	Eastern Transport Coalition <b>(One Councillor)</b>	Cr Stennett
9	Metropolitan Transport Forum <b>(One Councillor)</b>	Cr Munroe

**9.3.3**  
 (cont)

<b>NO</b>	<b>BODY</b>	<b>COUNCILLOR NOMINATION 2015/2016</b>
10	Advisory Committee for the review of the Chief Executive Officer's development <b>(Mayor of the Day, Immediate Past Mayor and Two Councillors)</b>	Cr Daw (Mayor of the day) Cr Munroe Cr Carr Cr Ellis
11	Audit Advisory Committee <b>(Two Councillors)</b>	Cr Harris Cr Stennett
12	City of Whitehorse Scholarship Committee <b>(Mayor of the Day and One Councillor)</b>	Cr Daw (Mayor of the day) Cr Bennett
13	Heritage Steering Committee <b>(Two Councillors)</b>	Cr Carr Cr Harris
14	Visual Arts Committee <b>(Two Councillors)</b>	Cr Carr Cr Massoud
15	Whitehorse Disability Advisory Committee <b>(One Councillor as Chair)</b>	Cr Massoud
16	Municipal Early Years Plan Implementation Committee <b>(Two Councillors)</b>	Cr Chong Cr Massoud
17	Whitehorse Reconciliation Policy & Action Plan Advisory Committee <b>(One Councillor as Chair)</b>	Cr Bennett
18	Box Hill Activity Centre Reference Group <b>(Elgar Ward Councillors, the Mayor of the Day and One Councillor from each ward)</b>	Cr Daw (Mayor of the day) Cr Chong Cr Harris Cr Carr Cr Ellis Cr Massoud
19	Domestic Animal Management Plan Advisory Committee <b>(Two Councillors)</b>	Cr Carr Cr Massoud
20	Whitehorse Matsudo Sister City Relationship Friendship Group <b>(Mayor of the Day (Chair), Three other Councillors)</b>	Cr Daw (Mayor of the day) Cr Chong Cr Ellis Cr Stennett
21	City of Whitehorse Bicycle Advisory Committee <b>(One Councillor as Representative, One Councillor as Substitute)</b>	Cr Munroe Substitute: Cr Massoud

## **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 Munroe reported on his attendance at the Municipal Association Victoria State Council meeting held on the 23 October 2015 where Whitehorse's motion seeking protection of the health and welfare of council authorised enforcement officers (as afforded to other public officers) and on conviction enabling the council concerned to be able to recover costs was carried with 96% support of the State Council.
- 10.1.2 Cr Munroe reported on his attendance at the VLGA Delegates dinner held on the 29 October 2015 where Cr Delahunty from Glen Eira and a member from the Ministers Advisory Committee presented on the government's review of the Local Government Act, which VLGA has been lobbying for on behalf of its members. Cr Munroe also reported on his attendance at the VLGA Annual General meeting held on 12 November 2015 where the president's report, annual financial statements and auditor's report were presented and endorsed.
- 10.1.3 Cr Massoud reported on her attendance at Whitehorse Disability Advisory Committee meeting held on the 14 October 2015 and also her attendance at a breakfast seminar held at Manningham on 20 October 2015.
- 10.1.4 Cr Massoud reported on her attendance at the Domestic Animal Management Plan Advisory Committee meeting held on 4 November 2015.
- 10.1.5 Cr Massoud reported on her attendance at the Whitehorse Business Group Board meeting held on the 10 November 2015
- 10.1.6 Cr Harris reported on her attendance at the Heritage Steering Committee meeting held on 27 October 2015 where successful heritage funding applications were assessed and confirmed.
- 10.1.7 Cr Harris reported on her attendance at the Box Hill First Group meeting held on 9 November 2015.
- 10.1.8 Cr Harris reported on her attendance at the MAV Arts & Cultural Committee held at the City of Casey on 19 November 2015. Showcasing their multi purposed rehearsal centre "The Factory" and presenting on City of Casey's project "Bunjil Place" that will combine arts, leisure, entertainment, library and civic centre in the one cultural precinct in Narre Warren.
- 10.1.9 Cr Bennett reported on his attendance at the Whitehorse Reconciliation Policy and Action Plan meeting held on 10 November 2015.
- 10.1.10 Cr Carr reported on her attendance at the Domestic Animal Management Plan Advisory Committee meeting held on 4 November 2015
- 10.1.11 Cr Davenport reported on his attendance at Audit Advisory Committee held on 23 November 2015
- 10.1.12 Cr Davenport reported on his attendance at the Heritage Steering Committee meeting held on 27 October 2015.

**10.1**  
(cont)

10.1.13 Cr Ellis reported on her attendance at the Box Hill First Group meeting held on 9 November 2015.

10.1.14 Cr Ellis reported on the Eastern Affordable Housing Alliance's recent appointment of a new project officer; noting that a meeting of the Alliance will be scheduled early in the new year.

10.1.15 Cr Daw reported on his attendance at the Box Hill First Group meeting held on 9 November 2015.

**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Ellis

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

**CARRIED UNANIMOUSLY**

**10.2 Recommendations from the Special Committee of Council Meeting of 16 November 2015**

**10.2.1 Awareness Campaign- Environmental and Financial cost of flushing wet wipes down toilets**

Moved by Cr Harris, Seconded by Cr Carr

*That Council:*

- 1. Commence an awareness campaign regarding the environmental and financial cost of flushing wet wipes down toilets. The campaign should include producing an information poster that can be displayed in Council run facilities such as toilets, childcare centres, neighbourhood houses, libraries etc. and an article in Whitehorse News.*
- 2. Write to local shopping centre managers to raise their awareness of the environmental impacts and the potential costs they may have to bear with blocked sewer systems.*
- 3. Write to the manufacturers of such products labelled 'flushable' and request them to review labelling to instruct consumers about the environmental impacts of flushable wet wipes.*
- 4. Write to Yarra Valley Water to advise them of Council's action and to encourage them to undertake a broader media campaign.*

**CARRIED**

**COUNCIL RESOLUTION**

Moved by Cr Harris, Seconded by Cr Carr

*That the recommendation from the Special Committee of Council Meeting of 16 November 2015 Item 10.2.1 be received and adopted.*

**CARRIED**

### 10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
19-10-15 5.05 - 6.15pm	<b>Box Hill To Ringwood Shared User Path</b> <ul style="list-style-type: none"> <li>Briefing on the progress of the Proposed Shared User Path – Box Hill To Ringwood</li> </ul>	Cr Munroe (Mayor & Chair) Cr Bennett Cr Carr Cr Daw Cr Carr Cr Harris OAM Cr Massoud Cr Stennett	N Duff P Warner T Wilkinson J Green A De Fazio A Da Campo	Nil	Nil
19-10-15 6.30- 7.00pm	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>Ordinary Council Agenda 19 October 2015</li> <li>3 Whitehorse Road Blackburn</li> <li>Hay Street VCAT Decision</li> </ul>	Cr Munroe (Mayor & Chair) Cr Bennett Cr Carr Cr Davenport Cr Daw Cr Ellis Cr Harris OAM Cr Massoud Cr Stennett	N Duff P Warner T Wilkinson J Green P Smith A De Fazio S Freud J Russell	Nil	Nil
27-10-15 4.00-6.00pm	<b>Heritage Steering Committee</b> <ul style="list-style-type: none"> <li>Assessment and recommendation on 2015/2016 Heritage Assistance Fund applications</li> <li>General update on heritage projects</li> </ul>	Cr Harris (Chair) Cr Davenport	A Egan V Mogg	Nil	Nil
28-10-15 6.30 -9.15pm	<b>Whitehorse Centre Special Councillor Briefing Session</b>	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett	N Duff P Warner P Smith J Green T Wilkinson A De Fazio S Freud B Morrison S Price	Nil	Nil
28-10-15 9.15- 10.10pm	<b>Hay Street VCAT Decision</b>	Cr Daw (Mayor & Chair) Cr Carr Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett	N Duff P Warner P Smith J Green T Wilkinson A De Fazio S Freud	Nil	Nil



Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
9-11-15 3.30-5.00pm	<b>Box Hill First Group Meeting</b> <ul style="list-style-type: none"> <li>Council Infrastructure &amp; Economic Opportunity for Box Hill</li> </ul>	Cr Daw (Mayor & Chair) Cr Bennett Cr Ellis Cr Harris OAM	N Duff J Green P Warner W Gerhard Daniel-Vincent Smith	Nil	Nil
9-11-15 6.35-9.50pm	<b>Strategic Planning Session</b> <ul style="list-style-type: none"> <li>Freedom of Information</li> <li>Know Your Council</li> <li>Affordable Housing – Process</li> <li>Cambridge Street</li> <li>Rate Capping Budget Implications 2016-17</li> </ul>	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe	N Duff P Warner P Smith J Green T Wilkinson J Russell M Giglio P Branton J White T Johnson S Adamson	Nil	Nil
16-11-15 5.30 – 5.58pm	<b>Briefing by JWS Research</b> <ul style="list-style-type: none"> <li>Research Framework</li> </ul>	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Munroe	N Duff P Warner P Smith J Green T Wilkinson J Russell B Morrison S Price	Nil	Nil
16-11-15 6.30-8.56pm	<b>Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>Quarterly Report</li> <li>Finance Report</li> <li>Capital Works</li> <li>Special Committee &amp; Other Business Motions</li> <li>Draft Agenda 23 November 2015</li> </ul>	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe	N Duff P Warner P Smith J Green T Wilkinson J Russell S Freud K Marriott P McAleer T Peak B Morrison A Skraba I Goodes I Barnes D Logan M Giglio P Branton	Nil	Nil

**COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Bennett

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

**CARRIED UNANIMOUSLY**

## 11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1. Cr Ellis reported on her attendance at the VLGA GoWomen launch held on 19 November 2015 which will encourage female candidates for the 2016 Local Government Elections.
- 11.2 Cr Carr reported on her attendance at the Whitehorse Women's Forum held on the 11 November 2015- speakers on the important role women played in World War 1.
- 11.3 Cr Bennett reported on his attendance at the Waste Management Facilities Tour held on the 12 & 13 of November 2015 by Metropolitan Waste and Resource Recovery Group.
- 11.4 Cr Harris reported on her attendance at the Whitehorse Women's Forum held on 11 November 2015 which showcased the lives and stories of women around the First World War period and congratulated all officers concerned with the organization of the event.
- 11.5 Cr Massoud reported on her attendance at the Whitehorse Women's Forum held on 11 November 2015, confirming the event was outstanding.

### COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Ellis

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

**CARRIED**

### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Davenport

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

**CARRIED**

The meeting closed to the public at 8.20pm

**12. CONFIDENTIAL REPORTS**

**12.1 Council Owned Land located in Central Box Hill**

**12.2 Contractual Matters**

**COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Munroe

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

**CARRIED**

The meeting was reopened to the public at 8.45pm

**13 CLOSE MEETING**

Meeting closed at 8.46pm

**Confirmed this 14th day of December 2015.**

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**CHAIRPERSON**