



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

Tuesday 29 January 2019

at 7:00pm

Members: Cr Bill Bennett (Mayor), Cr Blair Barker, Cr Raylene Carr,
Cr Prue Cutts, Cr Andrew Davenport, Cr Sharon Ellis, Cr Tina Liu,
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 Bennett (Mayor), Cr Barker, Cr Carr, Cr Cutts, Cr Davenport
Cr Ellis, Cr Liu, Cr Massoud, Cr Munroe.

1 PRAYER

1a Prayer for Council

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

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

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

Amen.

1b Aboriginal Reconciliation Statement

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

2 WELCOME AND APOLOGIES

The Mayor welcomed all.

APOLOGIES:

Cr Stennett has sought a leave of absence for tonight's Ordinary Council Meeting 29 January 2019.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Carr

That the apology for Cr Stennett be received and leave of absence for tonight's Ordinary Council Meeting 29 January 2019 be granted.

CARRIED

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 10 December 2018 and Confidential Ordinary Council Meeting 10 December 2018.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Cutts

That the minutes of the Ordinary Council Meeting 10 December 2018 and Confidential Ordinary Council Meeting 10 December 2018 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

- 5.1 Mr Gary Haley (Burwood) submitted a question regarding the starting time of the Special Committee of Council Meetings.

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

- 5.2 Ms Anne Salmon (Mitcham) submitted two questions asking whether Council has formed a special Committee to review the Nunawading Activity Centre, Mitcham Neighbourhood Centre and Mega mile. If not when would this occur?

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

6 NOTICES OF MOTION

Nil

7 PETITIONS

Nil

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 25 Holland Road, Blackburn South (Lot 1 TP 599873E) Construction of five double storey dwellings, associated front fence and other works

FILE NUMBER: WH/2018/855
ATTACHMENT

SUMMARY

This application was advertised on 17th September 2018, following which seventeen (17) objections were received. The objections raised issues with regard to neighbourhood character, landscape character, parking and traffic, amenity impacts and drainage. A Consultation Forum was held on Tuesday 27 November 2018 and was chaired by Councillor Munroe, at which the issues were explored, however no resolution was reached between the parties.

Following the Consultation Forum, a revised site plan and landscape plan was submitted, tabled as 'without prejudice plans', seeking to address outstanding concerns of Council and issues raised by objecting parties. These amended plans have not been re-advertised as the changes do not result in additional material detriment to adjoining owners and occupiers but were circulated to objectors for additional comment. An existing objector provided additional comments, but introduced no additional objection grounds.

The without prejudice plans introduce a number of improvements to the proposal, namely: a second additional visitor car space, improved turning areas for visitor parking, widened landscape strips and revised plant species adjacent to the accessway.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as 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/2018/855 at 25 Holland Road, BLACKBURN SOUTH (Lot 1 TP 599873E) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of five double storey dwellings, associated front fence and other works, is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 25 Holland Road, BLACKBURN SOUTH (Lot 1 TP 599873E) for the Construction of five double storey dwellings, associated front fence and other works, subject to the following conditions:***
 - 1. *Before the development starts, amended plans (in digital format) must 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, including the 'Without Prejudice Plans' received 19th December 2018, but modified to show:***
 - a) *The garage of dwelling 1 widened by 0.4 metres, and the respective lounge wall forward of this garage relocated 0.4 metres west, to facilitate appropriate turning manoeuvres.***

9.1.1
(cont)

- b) The eastern lounge wall of dwelling 2 forward of the respective garage relocated 0.4 metres west, to facilitate appropriate turning manoeuvres.*
- c) The landscape strip immediately south-east of the garage for dwelling 1 more heavily splayed south-east to facilitate appropriate turning manoeuvres.*
- d) A window added to the southern portion of the western wall concerning the master bedroom for both dwellings 2 and 4.*
- e) All render finishes must be applied on top of either a brick or timber weatherboard cladding.*
- f) A passing area and widened crossover provided in accordance with Clause 52.06 that does not encroach within the Tree Protection Zone of street Tree 1.*
- g) The locations of Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 5, 6, and 7 to be annotated on the development and landscape plans.*
- h) A notation on the plans that confirms no soil level changes within the Tree Protection Zones of any adjoining trees specified within Condition 5 of this permit.*
- i) Water tanks to be located outside of Tree Protection Zones and proposed Tree Planting Envelopes where possible to the satisfaction of the Responsible Authority.*
- j) Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- k) A Sustainable Design Assessment in accordance with Condition 10 of this Permit.*

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 garden areas shown on the endorsed plan and schedule must only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 4. The landscape works as shown on the endorsed plan must be carried out prior to occupation of the permitted development, or if not occupied, within three months of completion of the permitted development. With written consent of the Responsible Authority landscaping may be deferred to the first planting season (May to September) following the completion of the permitted buildings and/or works. New planting must be maintained or replaced as necessary to the satisfaction of the Responsible Authority.*

9.1.1

(cont)

5. ***Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established on the subject site and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:***

Tree Protection Zone distances:

- a) ***Tree 1 (Lophostemon confertus – Queensland Brush Box) – 7.1 metre radius from the centre of the tree base.***
 - b) ***Tree 2 (Callistemon citrinus – Crimson Bottlebrush) – 3.9 metre radius from the centre of the tree base.***
 - c) ***Tree 3 (Eucalyptus melliodora – Yellow Box) – 6.3 metre radius from the centre of the tree base.***
 - d) ***Tree 4 (Allocasuarina verticillata – Drooping She-oak) – 5.9 metre radius from the centre of the tree base.***
 - e) ***Tree 5 (Eucalyptus rubida – Candlebark) – 4.4 metre radius from the centre of the tree base.***
 - f) ***Tree 6 (Eucalyptus sp – Gum) – 7.4 metre radius from the centre of the tree base.***
 - g) ***Tree 7 (Callistemon citrinus – Crimson Bottlebrush) – 7.1 metre radius from the centre of the tree base.***
 - h) ***Tree 8 (Eucalyptus sp – Gum) – 3.9 metre radius from the centre of the tree base.***
 - i) ***Tree 9 (Eucalyptus sideroxylon – Red Ironbark) – 6.3 metre radius from the centre of the tree base.***
 - j) ***Tree 10 (Eucalyptus polyanthemos – Red Box) – 5.9 metre radius from the centre of the tree base.***
 - k) ***Tree 11 (Eucalyptus leucoxylon – Yellow Gum) – 4.4 metre radius from the centre of the tree base.***
 - l) ***Tree 12 (Callistemon viminalis – Weeping Bottlebrush) – 7.4 metre radius from the centre of the tree base.***
 - m) ***Tree 13 (Eucalyptus nicholii – Willow-leaf Peppermint) – 7.1 metre radius from the centre of the tree base.***
 - n) ***Tree 14 (Eucalyptus obliqua – Messmate) – 3.9 metre radius from the centre of the tree base.***
6. ***Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:***
- a) ***Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.***
 - b) ***Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.***
 - c) ***Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.***
 - d) ***No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.***
 - e) ***All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.***

9.1.1

(cont)

- f) *No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - g) *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - h) *Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.*
7. *During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:*
- a) *The paved areas where within the TPZ of Tree 1 must be above the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. There must be no grade change within greater than 10% of the TPZ's and no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
 - b) *Any buildings and works (including retaining walls) that extend into the TPZ of any existing tree must be done by hand, hydro excavation or air spading under the supervision of an arborist. If any roots are encountered, the posts or works protruding into the ground must be relocated a minimum of 300mm from these roots.*
 - c) *The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*
8. *Council's Compliance Officer must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that the planting has been adequately maintained.*
9. *All waste must be carried out in accordance with the Waste Management Plan prepared by Frater consulting services, dated 8th June 2018 to the satisfaction of the Responsible Authority.*
10. *Prior to the commencement of any buildings or works, a Sustainable Design Assessment (SDA) 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 Sustainable Design Assessment will form part of the endorsed plans under this permit.

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

Prior to the occupation of the development, the development must be constructed in accordance with the approved Sustainable Design Assessment to the satisfaction of the Responsible Authority.

9.1.1
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11. *All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.*
12. *Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.*
13. *Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
14. *Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.*
15. *The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.*
16. *The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.*
17. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two (2) years from the date of issue of this permit;*
 - b) *The development is not completed within four (4) years from the date of this permit.*

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

Permit Notes

- A. *The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.*
- B. *The frontage setback for the construction of the building authorised under this permit is regulated by the planning scheme and the setback has been assessed in the consideration of the permit application. Therefore the Building Surveyor does not need to consider the frontage setback under Regulation 409 of the Building Regulations 2006.*
- C. *Building works approved under this planning permit is not to be commenced until a building permit has also been obtained under the Building Act 1993 and the Building Regulations 2006.*

9.1.1
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- D. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- E. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- F. All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings**
- G. The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, nature strip and kerb and channel.**
- H. The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.**
- I. There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.**
- J. Council's stormwater pipe adjacent to the southern boundary must be protected at all times during the works. Any damage to the stormwater pipe must be paid for by the owner.**
- 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 RESOLUTION

Moved by Cr Massoud, Seconded by Cr Cutts

That Council:

- A. Being the Responsible Authority, having caused application WH/2018/855 at 25 Holland Road, BLACKBURN SOUTH (Lot 1 TP 599873E) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of four double storey dwellings, associated front fence and other works, is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 25 Holland Road, BLACKBURN SOUTH (Lot 1 TP 599873E) for the Construction of four double storey dwellings, associated front fence and other works, subject to the following conditions:**
- 1. Before the development starts, amended plans (in digital format) must 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, including the 'Without Prejudice Plans' received 19th December 2018, but modified to show:**
 - a) Deletion of Dwelling 4, with Dwelling 3 and adjacent visitor car space relocated further east such that all dwellings are equally separated.**
 - b) The garage of dwelling 1 widened by 0.4 metres, and the respective lounge wall forward of this garage relocated 0.4 metres west, to facilitate appropriate turning manoeuvres.**
 - c) The eastern lounge wall of dwelling 2 forward of the respective garage relocated 0.4 metres west, to facilitate appropriate turning manoeuvres.**
 - d) The landscape strip immediately south-east of the garage for dwelling 1 more heavily splayed south-east to facilitate appropriate turning manoeuvres.**
 - e) A window added to the southern portion of the western wall concerning the master bedroom for dwellings 2.**
 - f) All render finishes must be applied on top of either a brick or timber weatherboard cladding.**
 - g) A passing area and widened crossover provided in accordance with Clause 52.06 that does not encroach within the Tree Protection Zone of street Tree 1.**
 - h) The locations of Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 5, 6, and 7 to be annotated on the development and landscape plans.**
 - i) A notation on the plans that confirms no soil level changes within the Tree Protection Zones of any adjoining trees specified within Condition 5 of this permit.**
 - j) Water tanks to be located outside of Tree Protection Zones and proposed Tree Planting Envelopes where possible to the satisfaction of the Responsible Authority.**
 - k) Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.**
 - l) A revised landscape plan in accordance with Condition 4 of this Permit.**
 - m) A Sustainable Design Assessment in accordance with Condition 10 of this Permit.**

9.1.1
(cont)

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 garden areas shown on the endorsed plan and schedule must only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 4. Prior to commencement, a detailed revised landscape plan prepared by a suitably qualified and experienced person or firm must be submitted to and endorsed by the Responsible Authority. This plan when endorsed will form part of this permit. This plan must show -*
 - a) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
 - b) The provision of canopy trees must be maximised as a result of the increased areas for landscape strips and private open space areas resulting from Condition 1a of this permit.*
 - c) The tree canopy species Corymbia 'Ribbons of Hope', Eucalyptus mannifera 'Little Spotty', Pyrus 'Chanticleer' replaced with native tree canopies with maximum growth heights greater than 12 metres, selected from the Council Document 'Indigenous Gardening in Whitehorse', pages 28 to 32.*

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

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

- 5. Within six months of the date of this Permit, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:*
 - a) Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method.*
 - b) The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority.*
 - c) Any dead or dying plant species detailed in the landscape plan detailed in Condition 4 of this permit to be replaced with similar plant species as necessary to the satisfaction of the Responsible Authority.*

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

The requirements of the Landscaping Maintenance Plan must be implemented by the owners and occupiers of the site for the life of the buildings, to the satisfaction of the Responsible Authority.

9.1.1
(cont)

6. ***Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established on the subject site and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:***

Tree Protection Zone distances:

- a) ***Tree 1 (Lophostemon confertus – Queensland Brush Box) – 7.1 metre radius from the centre of the tree base.***
 - b) ***Tree 2 (Callistemon citrinus – Crimson Bottlebrush) – 3.9 metre radius from the centre of the tree base.***
 - c) ***Tree 3 (Eucalyptus melliodora – Yellow Box) – 6.3 metre radius from the centre of the tree base.***
 - d) ***Tree 4 (Allocasuarina verticillata – Drooping She-oak) – 5.9 metre radius from the centre of the tree base.***
 - e) ***Tree 5 (Eucalyptus rubida – Candlebark) – 4.4 metre radius from the centre of the tree base.***
 - f) ***Tree 6 (Eucalyptus sp – Gum) – 7.4 metre radius from the centre of the tree base.***
 - g) ***Tree 7 (Callistemon citrinus – Crimson Bottlebrush) – 7.1 metre radius from the centre of the tree base.***
 - h) ***Tree 8 (Eucalyptus sp – Gum) – 3.9 metre radius from the centre of the tree base.***
 - i) ***Tree 9 (Eucalyptus sideroxylon – Red Ironbark) – 6.3 metre radius from the centre of the tree base.***
 - j) ***Tree 10 (Eucalyptus polyanthemos – Red Box) – 5.9 metre radius from the centre of the tree base.***
 - k) ***Tree 11 (Eucalyptus leucoxylon – Yellow Gum) – 4.4 metre radius from the centre of the tree base.***
 - l) ***Tree 12 (Callistemon viminalis – Weeping Bottlebrush) – 7.4 metre radius from the centre of the tree base.***
 - m) ***Tree 13 (Eucalyptus nicholii – Willow-leaf Peppermint) – 7.1 metre radius from the centre of the tree base.***
 - n) ***Tree 14 (Eucalyptus obliqua – Messmate) – 3.9 metre radius from the centre of the tree base.***
7. ***Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:***
- a) ***Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.***
 - b) ***Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.***
 - c) ***Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.***
 - d) ***No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.***

9.1.1
(cont)

- e) *All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - f) *No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - g) *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - h) *Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.*
8. *During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:*
- a. *The paved areas where within the TPZ of Tree 1 must be above the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. There must be no grade change within greater than 10% of the TPZ's and no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
 - b. *Any buildings and works (including retaining walls) that extend into the TPZ of any existing tree must be done by hand, hydro excavation or air spading under the supervision of an arborist. If any roots are encountered, the posts or works protruding into the ground must be relocated a minimum of 300mm from these roots.*
 - c. *The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*
9. *Council's Compliance Officer must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that the planting has been adequately maintained.*
10. *Within 12 months of commencement, an Agreement under Section 173 of the Planning & Environment Act 1987 must be entered into between the owner of the site and the Responsible Authority requiring:*
- a) *Unless with the written consent of the Responsible Authority, any development construction on the land must be in accordance with Planning Permit WH/2018/855.*
 - b) *The requirements of the Landscaping Maintenance Plan must be implemented by the owners and occupiers of the site for the life of the buildings, to the satisfaction of the Responsible Authority.*
11. *A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plans in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*
12. *All waste must be carried out in accordance with the Waste Management Plan prepared by Frater consulting services, dated 8th June 2018 to the satisfaction of the Responsible Authority.*

9.1.1

(cont)

- 13. Prior to the commencement of any buildings or works, a Sustainable Design Assessment (SDA) 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 Sustainable Design Assessment will form part of the endorsed plans under this permit.

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

Prior to the occupation of the development, the development must be constructed in accordance with the approved Sustainable Design Assessment to the satisfaction of the Responsible Authority.

- 14. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- 15. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.**
- 16. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.**
- 17. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**
- 18. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.**
- 19. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.**
- 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.**

9.1.1
(cont)

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

Permit Notes

- A. *The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.***
- B. *The frontage setback for the construction of the building authorised under this permit is regulated by the planning scheme and the setback has been assessed in the consideration of the permit application. Therefore the Building Surveyor does not need to consider the frontage setback under Regulation 409 of the Building Regulations 2006.***
- C. *Building works approved under this planning permit is not to be commenced until a building permit has also been obtained under the Building Act 1993 and the Building Regulations 2006.***
- D. *The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.***
- E. *The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.***
- F. *All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings***
- G. *The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, nature strip and kerb and channel.***
- H. *The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.***
- I. *There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.***
- J. *Council's stormwater pipe adjacent to the southern boundary must protected at all times during the works. Any damage to the stormwater pipe must be paid for by the owner.***
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.***

CARRIED UNANIMOUSLY

9.1.1
(cont)

A Division was called.

Division

For

Cr Carr
Cr Cutts
Cr Ellis
Cr Liu
Cr Massoud

Against

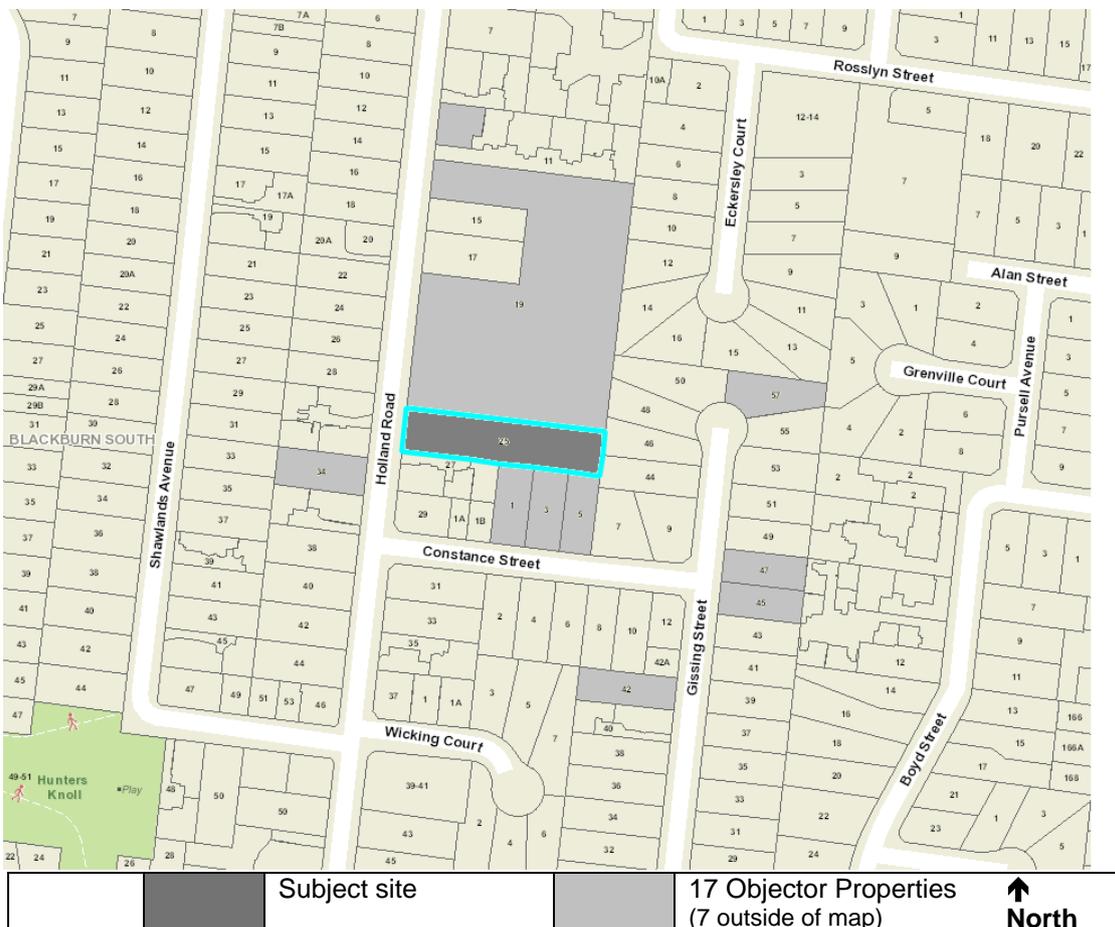
Cr Barker
Cr Bennett
Cr Davenport
Cr Munroe

On the results of the Division the motion was declared CARRIED

9.1.1
 (cont)

MELWAYS REFERENCE 61 K2

Applicant:	Holland Road Holdings Pty Ltd C/o Terrain Consulting Group
Zoning:	Neighbourhood Residential Zone, Schedule 3 (NRZ3)
Overlays:	Significant Landscape Overlay, Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environmental and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 21.05	Environment
Clause 21.06	Housing
Clause 21.10	Environmentally Sustainable Development
Clause 22.03	Residential Development
	Preferred Neighbourhood Character Statement – Bush Suburban 3
Clause 22.04	Tree Conservation
Clause 32.09	Neighbourhood Residential Zone, Schedule 3
Clause 42.03	Significant Landscape Overlay, Schedule 9
Clause 52.06	Car Parking
Clause 52.29	Alterations of access to a Road Zone, Category 1
Clause 55	Two or More Dwellings on a Lot
Clause 65	Decision Guidelines
Ward:	Central



9.1.1

(cont)

BACKGROUND

History

One (1) previous planning permit application has been lodged and subsequently refused by Council in relation to the subject site (the site). This is summarised below:

- *WH/2008/212 proposed the Use and development of land for a child care centre and display of business identification signage on the site and was refused by Council on 30th May 2016, and upheld by VCAT on 6th March 2017.*

The Site and Surrounds

The subject site is located on the eastern side of Holland Road, Blackburn South, approximately 280 metres south of the intersection with Canterbury Road. The site has a frontage of 21.34 metres to Holland Road, a depth of 94.67 metres along the northern boundary and 94.65 metres along the southern boundary with a site area of 2,020 square metres. The site is not subject to any easements and no covenants are registered on title.

The site currently contains a single storey weatherboard dwelling and carport that is set back approximately 18.5 metres from Holland Road and accessed by a bitumen driveway that runs parallel to the southern boundary of the site with the crossover located close to the site's south western corner. While the site contains no canopy vegetation on site, there are a number of existing mature trees that adjoin the perimeter of the site.

The subject site abuts seven properties that are generally residential in nature. To the south are six properties comprising three town houses, two single storey brick dwellings and a double storey dwelling. To the east are two properties that each contain a single storey brick dwelling. To the north is the Evangelical Chinese Church, the portion of the site closest to the subject site is predominately car parking with landscaping along the boundary and a single storey weatherboard building that is approximately 26 metres from the common boundary. Across Holland Road to the west is a medium density development comprising four single storey dwellings.

Planning Controls

The proposal triggers the need for a planning permit under the following clauses contained within the Whitehorse Planning Scheme:

Neighbourhood Residential Zone, Schedule 3 (Clause 32.09)

Pursuant to Clause 32.09-6 of the Whitehorse Planning Scheme; a permit is required to construct two or more dwellings on a lot.

Pursuant to Clause 32.09-4 of the Whitehorse Planning Scheme, a minimum 35% percentage of the land must be set aside as garden area.

Pursuant to Clause 32.09-9 of the Whitehorse Planning Scheme, a building must not exceed 9 metres maximum building height unless the slope of natural ground level measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

Significant Landscape Overlay Schedule 9 (Clause 42.03)

Pursuant to Clause 42.03-2 of the Whitehorse Planning Scheme; a permit is required to remove, destroy or lop a tree and to construct a building or construct or carry out works within four metres of a tree protected under this Overlay.

9.1.1

(cont)

PROPOSAL

The proposal seeks approval for the Construction of five double storey dwellings, associated front fence and other works.

In summary, the proposal includes the following:

- Development of five (5) double storey dwellings in a 'tandem' layout, with dwellings 2 and 3, and dwellings 4 and 5, each attached by their respective garages, to the rear of dwelling 1. The dwellings are accessed via a single driveway located along the southern property boundary.
- The ground floor internal layout comprises an open plan living/meal/kitchen area, master bedroom with ensuite and walk-in-robe, laundry and powder room, with 3 additional bedrooms (4 in total), bathroom and retreat room on the first floor. The exception is dwelling 3 that would not have a ground floor bedroom, and has a total of 3 bedrooms.
- Dwellings 2, 4 and 5 would have over 150m² of private open space, while dwellings 1 and 3 would have over 60m² of private open space.
- The materials include a mix of grey face brick, applied grey render, and light grey timber weatherboard clad to external walls and woodland grey Colorbond roof sheeting.

In addition to the summary above, the proposal also provides:

- A minimum street front setback to Holland Road of 9.09 metres.
- Minimum side setbacks of 5.75 metres (dwelling 5 garage is exception setback 1 metre) to the south boundary, and 5 metres from the north boundary.
- Minimum rear setbacks of 5.05 metres.
- Maximum total site coverage of 692m² (34.35%).
- Site permeability of 913m² or 45.19%.
- Garden Area percentage of 45.19%
- A maximum build height of 8.74 metres.

CONSULTATION

Public Notice

The original application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Holland Road frontage. Following the advertising period seventeen (17) objections were received.

The issues raised are summarised as follows:

Neighbourhood Character

- Density / Over development
- Scale / Built Form / Separation
- Excessive Site Coverage
- Non-compliant with Policy
 - Clauses 12.05 (Significant Environments and Landscapes), 22.03 (Residential Development), 22.04 (Tree Conservation), 43.03 (Significant Landscape Overlay - SLO9)

9.1.1

(cont)

Appropriate Landscape Outcomes Needed

- Impact on Adjoining Trees
- Insufficient Landscape opportunities
- Adequate offset for native vegetation loss in past

Traffic / Parking

- Parking insufficient on and offsite
- Safety
- Noise

Amenity impacts

- Overlooking / Privacy
- Overshadowing
- Noise (vehicles, a/c units)

Drainage (surface water to adjoining properties)

- High site coverage
- Raingarden location

Consultation Forum

A Consultation Forum was held on Tuesday 27 November 2018. Eleven (11) resident objectors attended the meeting, in addition to Councillor Munroe, planning officers and the applicant.

The Consultation Forum was chaired by Councillor Munroe and concerns/objections with the proposal were grouped under broad categories with all parties afforded the opportunity to provide commentary on each concern. The permit applicant was also given an opportunity to respond to objector concerns. A number of potential resolutions were discussed between parties however no resolutions were reached on the night.

Without Prejudice Plans

Following the advertising period and Consultation Forum amended site and landscape plans were informally submitted as 'Without Prejudice Plans' seeking to address issues raised by objections raised where possible. The key changes include:

Revised Site Plan

- The visitor parking space between dwellings 1 and 2 moved further north to improve vehicle manoeuvrability.
- A second additional visitor parking space between dwellings 3 and 4 (total of proposed car spaces increased to 12 spaces) to address concerns regarding parking availability.
- A new 1.8 metre high boundary fence along part of the southern property boundary adjacent to properties 1, 3 and 5 Constance Street, as requested by residents.
- The landscape strip along the south boundary widened to 1 metre to improve space for landscaping.
- Landscape areas along the driveway adjacent to dwellings 1 and 2 and opposite the new second visitor parking space widened to improve space for landscaping.

Revised Landscape Plan:

- Revised plant species along south boundary to include species with a reduced mature canopy width of 3 – 3.5 metres to minimise canopy overhang over the driveway and adjacent properties.

9.1.1

(cont)

- An additional landscaping plan note on root control provided to address potential root damage by the proposed driveway.
- An additional landscaping plan note on raingarden function to address neighbours' concerns on drainage issues.
- Additional planting provided within widened landscape strips detailed in 'revised site plan' above.

These revised plans were not readvertised as they are not considered to result in additional detriment to adjoining owners and/or occupiers, but were circulated to objectors for additional comment. At the conclusion of this period, additional comments were received from an existing objector, but introduced no additional objection grounds to the summarised objection grounds already detailed in this report.

Referrals

External

The proposal was not required to be referred under section 55 of the *Planning and Environment Act 1987*.

Internal

Transport Engineer	Council's Transport Engineering team have reviewed the proposal and do not object to the proposal, subject to recommended conditions relating to vehicular access.
Waste Engineer	Council's Waste Engineering team have reviewed the proposal and support the Waste Management Plan subject to the inclusion of two notes.
Assets Engineer	Council's Asset Engineering team have reviewed the proposal and do not object to the proposal, subject to standard conditions and notes.

DISCUSSION

Planning Scheme

State Planning Policy

The construction of five dwellings on site is consistent with State Planning Policies, which encourage higher density development within walking distance of shops, recreation facilities and public transport. The proposal accords with State Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed medium-density housing that makes better use of existing infrastructure; and that new development respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

Local Planning Policy

Local planning policy at Clause 21.05 (Environment) identifies issues of natural, visual and built environment. Clause 21.06 acknowledges that The City of Whitehorse is a '*middle ring municipality providing housing for a wide range of household types, ages and cultural groups*' and that it is '*under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities*'.

9.1.1

(cont)

The Council seeks to accommodate and facilitate this change through its *Housing Strategy 2014* and *Neighbourhood Character Study 2014*; which identify various neighbourhood character areas (Bush Environment, Bush Suburban and Garden Suburban) and areas appropriate for substantial, natural and limited change.

The subject site is located within a Bush Suburban (Bush Suburban 3) / Limited Change Area. This requires any design response to respond to the surrounding low scale and detached or semi-detached dwelling form, whilst recognising key environmental and heritage attributes.

The proposal responds to these policy objectives providing for one detached and four semi-detached dwellings, designed to reflect the scale and size of dwellings that otherwise define the neighbourhood character. This design provides effective use of the site and conserves and enhances landscaping opportunities, acknowledging that the site has been previously cleared of trees and vegetation, whilst providing space for planting of new canopy trees, a key character and landscape element of the area.

Specifically, the importance of the landscape setting and environmental context is achieved through the provision of an additional fifty (50) trees throughout the site (via new landscaping), of which thirteen (13) trees will have a minimum height at maturity of at least 12 metres.

It is additionally noted that the proposed development would reflect an appropriate response to both the preferred and existing neighbourhood character. With exception of the garage to dwelling 5, the proposed development seeks to provide for substantive setbacks from all side and rear boundaries. The proposed development also concentrates the building footprint centrally within the site allowing for the provision of generous landscaping and retention of view lines between buildings and built form elements.

Diversity in floor layout across the development is acknowledged given the provision of both 3 and 4 bedroom typologies, while the retention of the existing dwelling is not warranted given its poor condition.

It is acknowledged that medium density development is not specifically encouraged within limited change areas under Clause 22.03. The size and area of this site is however an anomaly at 2,020m², given the surrounding smaller lot pattern, which varies between 300m² and 800m². In this instance, the provision of five well separated dwellings across this relatively larger site would provide a level of housing change consistent with the objectives and strategies of Clause 22.03 (Residential Development), within the context of a limited change, Bush-Suburban area.

Neighbourhood Residential Zone – Schedule 3 (Bush Suburban Areas)

The purpose of the Neighbourhood Residential Zone is to:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

9.1.1 (cont)

The proposal is considered to be consistent with the intent and purpose of the Neighbourhood Residential Zone. It achieves this by providing detached and semi-attached double storey built form on a noticeably larger site within the surrounding limited change residential area. The proposed development also achieves compliance with all varied ResCode (Clause 55) Standards of the NRZ3 subject to conditions of approval that will be discussed later in this report. One exception is that additional windows to dwellings 2 and 4 are required to achieve greater surveillance through the site.

Notwithstanding, the proposed development also achieves compliance with the mandatory requirements of the NRZ, falling below the maximum height limit of 10 metres, and at 45%, providing more than the minimum garden area requirement of 35%.

Significant Landscape Overlay – Schedule 9 (SLO9)

The Significant Landscape Overlay (SLO) is recognised as an important part of the Whitehorse Planning Scheme, and as such considerable weight is placed upon an application's ability to meet the objectives and decision guidelines. The presence of the SLO does not negate the ability of a site to be developed for residential purposes. However, the hierarchy of the SLO control does require a more sensitive approach and places higher levels of expectation on how a site is to respond to built form, landscape and environmental values.

The SLO9 is generally applied to limited change areas (Garden Suburban and Bush Suburban Areas). With the site located within a Bush Suburban Area, the following statement of significance is outlined below:

'The Bush Suburban Neighbourhood Character Area generally has a mix of formal and informal streetscapes with wide nature strips and streets are dominated by vegetation with buildings partially hidden behind tall trees and established planting.

Gardens are less formal, consisting of many canopy trees and property boundary definition can be non-existent or fenced. Buildings appear detached along the street and generally comprise pitched rooftops, with simple forms and articulated facades.

The Bush Suburban Neighbourhood Area includes parts of Blackburn, Box Hill South, Vermont South, Mitcham, Nunawading and Mont Albert North as shown in the Neighbourhood Character Precincts Map contained in the Neighbourhood Character Study 2014.'

A number of key decision guidelines must be considered and are summarised below:

The contribution of the tree to neighbourhood character and the landscape.

- The need to retain trees that are significant due to their species age, health and/or growth characteristics.
- Where the trees are located, their relationship to existing vegetation and their role in providing habitat and corridors for fauna and their contribution to local ecological systems.
- Where the location of new and existing footings and impervious areas are in relation to the root zone of established trees.
- The compatibility of any buildings and works with existing vegetation proposed to be retained.
- The effect of any proposed lopping on the significance, health or appearance of the tree.
- Whether there is a valid reason for removing the tree and whether alternative options to removal have been fully explored.

9.1.1

(cont)

- If retention cannot be achieved, or a tree is considered appropriate for removal, consider whether the site provides adequate space for offset planting of indigenous or native trees that can grow to a mature height similar to the mature height of the tree to be removed. If it is not appropriate to select an indigenous or native tree species, the selected species should be drought tolerant.
- Whether the planting location of the replacement vegetation will enable the future growth of the canopy and root system of the tree to maturity.
- Whether the replacement tree species and planting locations conflict with existing or proposed overhead wires, buildings, easements and existing trees.

In review of the above, it is considered that the proposed development is setback a reasonable distance from property boundaries to provide for a well-conceived landscape design throughout the site, and provides a good provision of medium and large canopy trees to contribute to the wider landscape character of the area.

The total site area is 2020m², of which 34% is proposed to be taken up by buildings and works and 45% is to be permeable. This 45% of permeable land is largely provided in the form of private open space (POS) throughout the development. All areas of secluded private open space (SPOS) would be located along the site's side and rear boundaries and exceed 50m² per dwelling in accordance with Clause 22.04 (Tree Conservation).

As there are no trees that exist on site, there are no trees that can be retained as part of the proposal, nor are there any applicable offset requirements that must be addressed. However, there are a number of established canopy trees that have canopies and potential root systems that may be within the site. Of these trees, Trees 2 to 11, 13 and 14 all adjoin the site to the north, while Tree 1 (street tree) adjoins the site's front boundary.

With exception of a minor encroachment within the Tree Protection Zone (TPZ) of adjoining Tree 5, there would be no encroachment of any proposed buildings within the TPZ of any adjoining tree. Additionally, any encroachment of works (decking, footpath, earthworks etc) would be minimal and would not compromise the future viability of any adjoining tree. However, conditions of approval would be added to ensure that no soil level changes are to occur within the TPZs of these trees to ensure their viability during the construction period.

Landscaping

Schedule 3 of the NRZ requires the provision of at least two canopy trees per dwelling that have the potential of reaching a minimum mature height of 12 metres. At least one of those trees should be in the secluded private open space of the dwelling, and the species of canopy trees should be native, preferably indigenous.

In this instance, the revised landscape plan confirms the provision of at least 2 canopy trees per dwelling, which are all 12 metres or greater in height. These trees are mostly of native species (Weeping Lilly Pilly, Lemon Scented gum, Spotted and Brittle or Dwarf or Brittle Gums, Yellow Box), with some species (Blackwood) being indigenous. All trees are located within POS or SPOS areas. Overall, the proposed development seeks to provide for an additional fifty (50) trees throughout the site, of which thirteen (13) trees will have a height at maturity of 12 metres or greater;

The proposed overall provision of landscaping throughout the site is considered to provide for an optimal landscaping outcome, one which enhances vegetation and landscaping on site whilst allowing for an appropriate transition between existing (adjoining trees) and new canopy tree growth throughout site. Further, the extent of proposed planting will ensure an appropriately landscaped outcome on site throughout the life of the development. This would be consistent with Clauses 12.05 (Significant Environments and Landscapes), 22.04 (Tree Conservation), Clause 32.09 (NRZ3) and 42.03 (SLO9).

9.1.1

(cont)

Neighbourhood Character and Built Form

Neighbourhood Character

The site is located in a Bush Suburban Neighbourhood Character area pursuant to the *City of Whitehorse Neighbourhood Character Study 2014*, and is designated as 'limited change'. Specifically, the policy states:

This precinct is identified for the lowest scale of intended residential growth in Whitehorse (Limited Change area) and the preservation of its significant landscape character and environmental integrity is the highest priority.

The proposed development adequately responds to both the existing and preferred character statement as it seeks to provide for a mixture of detached and semi-detached townhouse dwellings that do not exceed two storeys in height.

The use of predominantly brick and timber materials, coupled with generous setbacks from all boundaries, ensures that the proposed design response does not dominate the streetscape. The generous boundary setbacks also provides for substantial landscaping opportunities throughout the site to visually soften the development to adjoining properties.

The applicant did however indicate that the rendered finish cladding to upper floors was currently unconfirmed and would be up to the builder to determine whether this would be of timber weather board, brick or a form of light weight panel cladding. This was a concern raised by residents that the construction of all dwellings must be to a high standard (i.e. not of light-weight construction). Although this would have no altered material impact to the amenity of any person given that the external finish would present as a rendered finish, a condition of approval is to be included to ensure that the rendered finish be applied upon either brick or timber weatherboard cladding to address the objection grounds.

The provision of 0.9 metre high picket fence along the front boundary is considered to be acceptable from a material, design and height perspective, and would positively contribute to the streetscape character.

Built Form

The tandem and attached nature of the proposed design will present as a double storey dwelling when viewed from street frontage.

The development has been designed in accordance with all varied ResCode (Clause 55) Standards of the NRZ3 allowing for substantial landscaping opportunities within the front, side and rear setbacks of site, with minimum setbacks of 9.09 metres (front), 5 metres (north-side), 5.75 metres (south-side) and 5.05 metres (rear) respectively. Additionally, the proposal would be below the 10 metre maximum height requirement under the NRZ and provides for large private open space areas for all dwellings, respectively exceeding 50m² in area, at minimum widths of 5 metres, located along side and rear boundaries.

The inclusion of a part rendered finish to the lower sections of the upper floor external walls of dwellings 3 and 5 would provide added visual interest to relieve building mass to side and rear boundary interfaces. This combined with adequate dwelling separation between upper floors, along with strong landscaping opportunities across the site, would result in a proposed development of reasonable scale, height and bulk from a built form perspective to adjoining properties, the adjacent streetscape and surrounding area.

Car Parking

Two visitor car spaces have been provided despite being exempted under Clause 52.06 (Car parking) due to being located within the Principal Public Transport Network area. Council's Transport Engineering Department has supported the proposal subject to conditions relating to vehicular access both to and throughout the site.

9.1.1 (cont)

It is also acknowledged that objection grounds were raised concerning the provision of insufficient onsite parking given the current traffic congestion and limited on-street parking circumstances associated with Holland Road. However, given the reasonable scale of this development, the provision of two additional visitor car spaces would sufficiently alleviate any potential impact of parking overflow into the external street network in accordance with Clause 52.06.

It is noted that Council has received objections concerning the increased parking demand of the development in conjunction with potentially pedestrian/driver safety. It is firstly acknowledged that sufficient site line triangles as required by Clause 52.06 are detailed on the plans. Additionally, as the accessway and crossover would service more than 10 car spaces, a 6.1 metre width passing bay is required to ensure that traffic flow generated by the development can ingress and egress the site safely.

It is considered that there is sufficient frontage width to accommodate a driveway and crossover of double width, without resulting in any works encroaching into the TPZ of Tree 1. Consequently, this issue can be addressed as a condition of approval accordingly.

Clause 22.10 – Environmentally Sustainable Development

The proposal triggers the submission of a Sustainability Management Plan (SMP) in accordance with Clause 22.10. The applicant requested that this requirement be addressed as a condition of approval, which will be recommended accordingly.

Objectors Concerns not Previously Addressed

At the Consultation Forum objector concerns were able to be further explored and elaborated upon. The following seeks to address those concerns which may not have been adequately addressed or discussed above.

Amenity Impacts

Concerns have been raised by objecting parties regarding potential amenity impacts, particularly those of overlooking, overshadowing and noise. The proposal has been assessed against relevant ResCode Standards B21 (Overshadowing), Standard B22 (Overlooking) and Standard B24 (Noise Impacts) and is compliant with these requirements.

Drainage

Council's Asset Engineering officer has consented to the proposal subject to a required on-site drainage detention system being implemented to the satisfaction of Council's Asset Engineering officer. This provides certainty that, not only can the existing drainage network accommodate the additional dwellings proposed, but will ensure that all surface water drainage can be sufficiently managed on site.

Additionally, a notation on the revised landscape plan states that rain gardens would *collect rainwater runoff from the driveway and filter impurities whilst slowing peak water flows to reduce the risk of flooding, with excess water being drained to the internal drainage system and not into adjacent areas*.

CONCLUSION

The proposed development is consistent with the relevant planning controls and policies, including the State and Local Planning Policies and provisions of the NRZ3 and the SLO9. The proposed development form, siting and overall design is considered to be acceptable and will integrate well with the existing built form and character whilst providing for an acceptable landscaping outcome which retains a number of well-established canopy trees and provide for adequate replacement planting opportunities throughout the site.

A total of seventeen (17) objections were received as a result of public notice and all of the issues raised in these objections have been discussed in this report.

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

ATTACHMENT

- 1 Advertised Plans 

9.1.1
(cont)

- 2 Without Prejudice Plans [↔](#) 

9.1.2 7 Patricia Road, Blackburn (Lot 32 PS 11426) Construction of two double storey dwellings and removal of vegetation

FILE NUMBER: WH/2018/297
ATTACHMENT

SUMMARY

This application was advertised, following which a total of 14 objections were received. The objections raised issues with regard to neighbourhood character, amenity, and traffic. A Consultation Forum was held on 11 October 2018 and chaired by a planning officer with Councillor Andrew Munroe via teleconference at which all issues were reviewed.

Draft amended plans were submitted in response to objector concerns regarding overshadowing. These plans have not been formally re-advertised as the plans were not formally lodged and the changes made do not result in additional material detriment to adjoining owners and occupiers.

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

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council:

- A. Being the Responsible Authority, having caused application WH/2018/297 for 7 Patricia Road, BLACKBURN (Lot 32 PS 11426) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of Two (2) Double Storey Dwellings, and Removal of Vegetation is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 7 Patricia Road, BLACKBURN (Lot 32 LP1142672) for the Construction of Two (2) Double Story Dwellings, and Removal of Vegetation, subject to the following conditions:**
 - 1. Before the development starts, or vegetation is removed, amended plans (two full size copies) must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:**
 - a) The locations of Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 5 and 6 to be annotated on the development and landscape plans.**
 - b) A reduction in the internal floor area to Dwelling 1 to improve vehicle turning movements for Garage 1. The laundry and storage area reduced in width by 1.4 metres at the outer edge of the garage to maintain a landscaping strip.**
 - c) Minimum garden area of 35% on both development and landscape plans.**
 - d) The external materials to provide for face brickwork at ground level and a variation in light-weight materials at upper level to weatherboard or similar.**
 - e) The upper level to Dwelling 1 setback 8.42 metres from the front boundary (allowing for a recession of one metre from the ground floor), without alteration to any other setback.**

9.1.2
(cont)

- f) *The upper level east elevation to Dwelling 1 to achieve a minimum setback of 5.3 metres from the east boundary (allowing for a recession of one metre from the ground floor below), without alteration to any other setback.*
- g) *Provide a 0.6 metre freestanding trellis above the height of the existing eastern boundary fence measured from the Dwelling 2 garage on boundary for a length of 9.5 metres, to screen the porch and windows of Dwelling 2 ground floor guest bedroom.*
- h) *Provide a 0.6 metre freestanding trellis above the height of the existing western boundary fence (overall combined height of 2.4 metres) for a minimum length of 34.6 metres from adjacent to the north west corner of the ensuite of Dwelling 1 to the rear boundary.*
- i) *The upper level to Dwelling 2 to be setback 3 metres from the western boundary to the retreat area, without alteration to any other setback.*
- j) *The Dwelling 1 porch to be no greater than 3.6 metres in height (when measured from above pre-development ground level) to achieve compliance with Standard B6.*
- k) *Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- l) *New tree envelopes to generally provide 35 square metres of open ground, not encroached by water tanks, sheds, clothes line or hard surface areas and a minimum of 3 metre separation from dwellings.*
- m) *The grey annotation at the rear of the site over the easement (approximately 45m²) to be shown as landscaped area consistent with the Design Response TP02 Rev D, dated 31/10/2018.*
- n) *An amended landscape plan in accordance with Condition 3.*

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. *No building or works are to be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed will form part of this permit. This plan shall show -*
 - a) *A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
 - b) *Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
 - c) *Trees within the development site to be a minimum of 3 metres from buildings within the site and adjoining properties.*
 - d) *Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
 - i. *Providing a complete garden scheme,*
 - ii. *Softening the building bulk,*
 - iii. *Providing some upper canopy for landscape perspective,*

9.1.2
(cont)

- e) *A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of Condition 1.*
- f) *The proposed design features such as paths, paving, lawn and mulch.*
- g) *A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

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

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

- 4. *The garden areas shown on the endorsed plan and schedule must only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. *Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established on the subject site and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
 - a) *Tree Protection Zone distances:*
 - i. *Street Tree – 2.0 metre radius from centre of the tree base.*
 - ii. *Tree 2 (Pittosporum tenuifolium) – 2.0 metre radius from the centre of the tree base.*
 - iii. *Tree 4 (Syzygium smithii) – 4.2 metre radius from the centre of the tree base.*
 - b) *Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:*
 - i. *Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.*
 - ii. *Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
 - iii. *Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
 - iv. *No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
 - v. *All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - vi. *No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - vii. *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. *Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.*

9.1.2
(cont)

6. ***During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:***
 - a) ***All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% (2.9 metres) of the Tree Protection Zone of Tree 4.***
7. ***Council's Compliance Officer must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that the planting has been adequately maintained.***
8. ***All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.***
9. ***All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.***
10. ***Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.***
11. ***Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
12. ***Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.***
13. ***The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.***
14. ***The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.***
15. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development and removal of vegetation is not commenced within two (2) years from the date of issue of this permit;***
 - b) ***The development and removal of vegetation is not completed within four (4) years from the date of this permit;***

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

9.1.2
(cont)

Permit Notes

1. *The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.*
 2. *The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.*
 3. *All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings*
 4. *The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, nature strip and kerb and channel.*
 5. *The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.*
 6. *There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.*
 7. *No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the relevant Authority. If approval is obtained, the owner is required to enter into a Section 173 Agreement with Council that requires the property owner to maintain the fire hydrant.*
 8. *No excavation is permitted within the easement.*
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

CARRIED

9.1.2
 (cont)

A Division was called.

Division

For	Against
Cr Barker	Cr Carr
Cr Bennett	
Cr Cutts	
Cr Davenport	
Cr Ellis	
Cr Liu	
Cr Massoud	
Cr Munroe	

On the results of the Division the motion was declared CARRIED

Applicant:	JKBD Building Design Consultants
Zoning:	General Residential Zone, Schedule 1 (GRZ1)
Overlays:	Significant Landscape Overlay, Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.08	General Residential Zone, Schedule 1
Clause 42.03	Significant Landscape Overlay, Schedule 9
Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot
Clause 65	Decision Guidelines
Ward:	Central Ward

Location of objector properties



9.1.2

(cont)

BACKGROUND

History

- There is no relevant planning history for the site.

The Site and Surrounds

The subject site is located on the north side of Patricia Road, approximately 90 metres east of the intersection with Middleborough Road. The site is rectangular in shape with a frontage of 15.24 metres to Patricia Street, a depth of 43.43 metres and comprises an area of 662 square metres. The site has a flat topography and a 3.04 metre wide easement extends across the rear boundary.

The site currently contains a detached single storey weatherboard dwelling with tile pitched roofing, setback 7.35 metres from the Patricia Street frontage. A vehicle crossover, driveway and a double garage/shed are located adjacent to the east boundary. The applicant's arborist report provides an assessment of 12 trees within the site (with tree 4 straddling the rear common boundary). The trees are a mix of low to medium retention value with Trees 1, 2, 3, 4, 5, 8, 10 and 11 protected under the Significant Landscape Overlay, Schedule 9. There are no trees on adjoining lots in the vicinity of the subject land.

The surrounding properties contain single storey weatherboard dwellings with some double storey dwellings evident within Patricia Road (2, 16 and 20 Patricia Road). Nearby medium density infill developments are primarily single storey built form. However, there are contemporary double storey medium density developments at 8 Stanley Grove (two double storey dwellings), 12 and 15 Tyrrell Avenue (three, double storey dwellings) and 465 Middleborough Road (three double storey dwellings).

The Laburnum train station is approximately 1 km from the site and a bus stop (Route 279) is approximately 40 metres from the site.

Planning Controls

The proposal triggers the need for a planning permit under the following clauses contained within the Whitehorse Planning Scheme:

General Residential Zone, Schedule 1 (Clause 32.08)

Pursuant to Clause 32.08-6 of the Whitehorse Planning Scheme; a permit is required to construct two or more dwellings on a lot.

Significant Landscape Overlay (Clause 42.03)

Pursuant to Clause 42.03-2 of the Whitehorse Planning Scheme; a permit is required to remove, destroy or lop a tree and to construct a building or construct or carry out works within 4 metres of protected vegetation.

9.1.2

(cont)

PROPOSAL

The proposal seeks approval for the construction of two (2) double storey dwellings and removal of vegetation.

In summary, the proposal includes the following:

- The dwellings are attached, arranged in a ‘tandem’ layout and accessible via a single driveway located along the site’s eastern boundary. The existing crossover will be reconstructed.
- The dwellings provide for an open plan kitchen, living and dining area, master bedroom (with ensuite and WIR) and laundry at ground level and three bedrooms (one with ensuite and WIR), bathroom and retreat room at first floor level. Each dwelling is provided with a double garage, with the garage to Dwelling 2 attached to the east boundary.
- Dwelling 1 is setback 7.42 metres to the Patricia Street boundary with the upper level setback a minimum of 7.92 metres. The dwellings achieve varying setbacks throughout the site with a minimum of 1 metre to the west boundary and 3 metres to the rear boundary at ground level.
- External materials include rendered polystyrene cladding at ground and first floor with beige and grey colour tones.
- A 1.2 metre high front fence that comprises rendered piers with horizontal timber slats.
- Maximum total site coverage of 42.4%.
- Site permeability of 37%.
- Garden Area percentage of 35%
- A maximum build height of approximately 7.52 metres.
- Removal of all trees from the subject site except for Trees 2 and 4. A summary table of the protected trees to be removed is provided below:

Tree No	Botanical Name	Common Name	Height (m)	Age (year)
Tree 1	<i>Betula pendula</i>	Silver Birch	8m	Semi mature
Tree 3	<i>Pyrus species</i>	Pear	12m	Mature
Tree 6	<i>Callistemon viminalis</i>	Callistemon	7m	Semi-Mature
Tree 8	<i>Malus domestica</i>	Apple	5	Senescent
Tree 10	<i>Acer palmatum</i>	Japanese Maple	7	Semi-mature
Tree 11	<i>Acer planatioides</i>	Sycamore Maple	9	Senescent

- A summary of the protected trees to be retained are listed as follows:

	Botanical Name	Common Name	Height (m)	Age (year)
Tree 2	<i>Pittosporum tenuifolium</i>	Pittosporum	6	Semi-mature
Tree 4	<i>Syzygium smithii</i>	Lillypilly	12m	Semi-mature

- Replacement planting of five (5) trees with a height at maturity of 6 to 8 metres. These species include two *Eucalyptus leucoxyton* – Euky Dwarf, two *Pyrus nivalis* – Snow Pear and one *Hymenosporum flavum* –Native Frangipani

9.1.2

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Patricia Road frontage. Following the advertising period fourteen (14) objections were received.

The issues raised are summarised as follows:

Neighbourhood Character

- Bulk and Massing
- There are no properties with two double storey residences in Patricia Road.
- The development would set a precedent.

Traffic and Car Parking

- Traffic Impacts along Patricia Road

Amenity impacts

- Overlooking
- Overshadowing / loss of sunlight (energy efficiency to existing solar)

Other

- Incorrect documentation advertised.

This was resolved by notification of the correct arborist report, noting development plans were correct.

Consultation Forum

A Consultation Forum was held on 11 October 2018. Nine parties attended the meeting, in addition to Cr Munroe via teleconference, planning officers and the applicant.

All objector parties were given the opportunity to comment on each concern. The permit applicant also responded to objector concerns. A number of potential resolutions were discussed between parties, however no resolution was reached at the forum

Subsequent to the Consultation Forum amended plans were submitted but not formally lodged, seeking to address issues raised by referrals and objections where possible.

The key changes include:

- Plans updated to show the glazing to the northern elevation of the neighbouring property.
- The plans show the existing shadows and proposed shadows at 10am and 11am for the 22 September and 21 June. It is noted that the plans demonstrate that the overshadowing does not affect the solar panels of 5 Patricia Road and any overshadowing is minimal after 11am.
- The plans include a cross section drawing to demonstrate the overshadowing to 5 Patricia Road to the north facing windows. It is also noted that the covered area of 5 Patricia Road currently overshadows the north facing windows.

A copy of the plans were emailed to all objectors on the attendance list who provided email contact details.

9.1.2

(cont)

Referrals

Internal

Engineering and Environmental Services Department

- Transport Engineer

The application was referred to Council's Transport Engineering team who have reviewed the proposal and do not object, subject to conditions relating to vehicular access throughout the site. This includes reducing the laundry storage area by 1.4 metres and altering the landscaping accordingly adjacent to Dwelling 1. The condition will require some soft landscaping edge.

- Assets Engineer

The application was referred to Council's Asset Engineering team do not object to the proposal, subject to standard conditions.

ParksWide

Council's ParksWide Team have advised that as the street tree is 3 metres from the proposed crossover there will be no impact. The proposed new fence will be 4 metres from the tree and will also not have any impact as it is outside its TPZ.

Planning Arborist

The application was referred to Council's Planning Arborist who has reviewed the proposal and does not object to the proposal subject to standard conditions relating to protection and retention of two canopy trees on site.

DISCUSSION

Planning Scheme

State Planning Policy

The construction of two dwellings on site is consistent with State Planning Policies, which encourage higher density development within walking distance of shops, recreation facilities and public transport. Clause 16 (Housing) facilitates housing diversity, opportunities for increased supply and activate underutilised land in locations close to jobs, services and public transport. Clause 11 (Settlement) anticipates the needs of communities through land zoned for housing diversity and economic viability while maintaining good amenity and a protected environment. Patricia Road is suitably located in the middle ring of Metropolitan Melbourne, in an area close to CBD employment and the lot is of a reasonable size to facilitate medium density development.

The proposal also accords with State Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed medium-density housing that makes better use of existing infrastructure; and that new development respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

Local Planning Policy

Local planning policy at Clause 21.05 (Environment) identifies issues of natural, visual and built environment. Clause 21.06 acknowledges that The City of Whitehorse is a '*middle ring municipality providing housing for a wide range of household types, ages and cultural groups*' and that it is '*under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities*'.

9.1.2

(cont)

The Council seeks to accommodate and facilitate this change through its *Housing Strategy 2014* and *Neighbourhood Character Study 2014*; which identify various neighbourhood character areas (Bush Environment, Bush Suburban and Garden Suburban) and areas appropriate for substantial, natural and limited change. The subject site is located within a Garden Suburban/Natural Change Area. This requires any design response to respond to the surrounding low scale and detached or semi-detached dwelling form, whilst recognising key environmental and landscape attributes.

The proposal responds to these policy objectives in that it provides for two dwellings, arranged one behind the other, designed to reflect the scale and size of dwellings that otherwise define the neighbourhood character. This design provides effective use of the site and conserves and enhances landscaping opportunities, retention of trees at the rear of the site, whilst providing space for planting of new canopy trees, a key character and landscape element of the area.

It is also noted that the proposal provides for new development on the site which reflects an appropriate response to both the preferred and existing neighbourhood character as it seeks to provide for acceptable setbacks at ground level from all side and rear boundaries, concentrates the building footprint centrally within the site allowing for the provision of sufficient landscaping and retention of view lines between buildings/built form.

General Residential Zone – Schedule 1 (Established Garden Suburban Areas)

The purpose of the General Residential Zone includes:

- *To implement the Municipal Planning Policy Framework and the Planning Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

The proposal is considered to be consistent with the intent and purpose of the General Residential Zone. It achieves this by contributing to urban consolidation, adding to housing diversity types in a double storey built form while providing for replacement tree planting. The proposed development also achieves compliance with all varied ResCode (Clause 55) Standards of GRZ1.

Significant Landscape Overlay – Schedule 9 (SLO9)

The Significant Landscape Overlay is recognised as an important part of the Whitehorse Planning Scheme, and as such weight is placed upon an application's ability to meet the objectives and decision guidelines. The presence of the SLO does not negate the ability of a site to be developed for residential purposes, however the introduction of the interim control does require a more sensitive approach and places higher levels of expectation on how a site is to respond to built-form, landscape and environmental values.

Schedule 9 deals with 'Neighbourhood Character Areas' whereby the statement identifies *'trees as being significant to the landscape character of Whitehorse and the tree cover simultaneously delivers multiple benefits to the community, including defining neighbourhood character, providing visual amenity, reducing the urban heat island effect in more urbanised areas, improving air quality and energy efficiency, providing habitat for fauna, increasing the wellbeing of people and liveability of neighbourhoods'*.

The Garden Suburban Neighbourhood Character Areas are *'typically established with canopy trees, lawn areas, garden beds and shrubs and there are typically well defined property boundaries and consistent building siting'*.

9.1.2

(cont)

A number of key decision guidelines must be considered and are summarised below:

- *The contribution of the tree to the neighbourhood character and landscape.*
- *The need to retain trees that are significant due to their species age, health and / or growth characteristics.*
- *If retention cannot be achieved or a tree is considered appropriate for removal, consider whether the site provides adequate space for offset planting of indigenous or native trees that can grow to a mature height similar to the mature height of the tree to be removed. If it is not appropriate to select an indigenous or native tree species, the selected species should be drought tolerant.*

The trees identified for removal have been assessed as having poor health/poor structure and are of low significance. Council's Arborist has undertaken an inspection of the site and reviewed the proposed development and accompanying Arborist Report and does not dispute the assessment for removal of these trees.

In review of the above, it is considered that the proposed development offers setbacks from property boundaries that provide for an acceptable landscape design throughout the site, which both ensures adequate retention of the two trees at the rear, new tree planting of five trees, 72 complementary shrubs, and 89 ground covers.

The total site area is 662sqm, of which 42.4% is proposed to be taken up by buildings and 37% is to be permeable. This permeable land is largely provided in the form of private open space and secluded private open space throughout the development. The areas of secluded private open space are 35 and 64 square metres for Dwellings 1 and 2 respectively, and allows for the planting of at least one tree within the rear yard. In accordance with the Performance Standards of Clause 22.04 (Tree Conservation), it is recommended that new trees be located at least three metres from buildings, to be consistent with the policy and provide for optimal growing conditions. The proposal can achieve this through conditions.

Neighbourhood Character and Built Form

Neighbourhood Character

The site is located in Neighbourhood Character Precinct Garden Suburban 13, in a designated area of natural change. Specifically, the preferred character statement (Garden Suburban 13) requires:

A variety of well articulated dwelling styles will sit within compact garden settings. Infill development will be common, however new buildings and additions will be setback at upper levels to minimise dominance in the streetscape. The consistent front setbacks and spacing between dwellings will be retained, with buildings setback or appearing to be setback from at least one side boundary. Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens.

The proposed development adequately responds to both the existing and preferred character statement as it seeks to provide for two dwellings which do not exceed two storeys in height. The setbacks from all boundaries ensure that the proposed design response does not dominate the streetscape and provides for retention of existing vegetation on site and landscaping opportunities throughout. The proposed external cladding material is rendered polystyrene cladding with minimal variation in colour finishes. However to better complement the established built form character, it is recommended that the dwellings feature face brickwork at lower level with some further variation in light-weight material at first floor level (in addition to render).

The provision of two (2) trees within the site's frontage will assist in screening the proposed development from the street frontage, with this to be further enhanced with landscape planting along both side boundaries of the site.

9.1.2 (cont)

At present the proposal has a separate garden area plan, a condition of permit will require the minimum garden area of 35% to be shown on both the development and landscape plans to ensure this is achieved.

The provision of a 1.2 metre high pier and timber batten front fence along the site's frontage, is consistent with the height of fencing found within the streetscape. Its design is relatively unobtrusive in nature given its materiality (timber batten) and design (containing of spacing between battens). The design of the fence also maintains views into the front setback.

Built Form

Prior to notice in response to matters raised by officers, amended plans were submitted including an improvement of the first floor recession from the south and west boundaries. These advertised plans had the upper level to Dwelling 1 setback 7.92 metres (an increase of 500mm from the ground floor below) from the front boundary and the upper levels to the west setback a minimum of 2.1 metres ensuring compliance with Standard B17. While an improved outcome, the overall building recess is still not considered sufficient, as there remain elements of the upper levels that present visual bulk to adjoining properties SPOS. In addition, alteration to the ground floor footprint to address traffic concerns requires replacement of lost landscape areas. It is considered that further refinement of the proposed development to produce an acceptable outcome can be addressed through conditions of the permit, including:

- The upper level to Dwelling 1 is to be setback 8.42 metres from the front boundary (allowing for a recession of one metre from the ground floor below).
- The upper level east elevation to Dwelling 1 to achieve a minimum setback of 5.3 metres from the boundary (allowing for a recession of 1.0 metre from the ground floor below). This will significantly improve the level of recession at this interface which is clearly visible from the common property driveway.
- Dwelling 2 to be setback 3 metres from the western boundary (retreat area).
- The Dwelling 1 porch to be no greater than 3.6 metres (when measured from above pre-development ground level) to ensure it is compliant with Standard B6 and not a dominant element when viewed from the streetscape.

Once the development provides these further changes, it will reduce its visual bulk, particularly at the upper level. Other positive elements of the built form include:

- The development only proposes one wall adjacent to the east boundary. The wall is significantly recessed into the site to minimise its visibility from the streetscape and is located directly opposite a garage located within the rear yard of 9 Patricia Road.
- The development relies on a single vehicle crossover, with car accommodation otherwise recessed into the site. This layout ensures car accommodation does not dominate the streetscape and allows opportunity for a strong landscaping response across the site's frontage.
- Although the development is attached at ground level, the upper levels achieve a significant separation of 6.4 metres, allowing for permeable views through the centre of the site.

9.1.2

(cont)

Car Parking

The proposal meets the requirements of Clause 52.06 (Car parking) Council's Transport Engineering Department supports the proposal subject to conditions relating to vehicular access to Dwelling 1.

Additionally it is noted, that Council have received objections around the parking impact to Patricia Road. The development is not considered to result in traffic conflict or reduce safety outcomes.

Objectors Concerns not Previously Addressed

The following seeks to address those concerns which may not have been adequately addressed at the Consultation Forum or discussed above.

Energy efficiency (Standard B10)

The objector (at 5 Patricia Road) raised concerns regarding impact of the proposed development on existing solar efficiency of the solar hot water system. The planning scheme was amended on 26 October 2018, while the application was under assessment, to include additional provisions under Standard B10. The provision states,

Buildings should be sited and designed to ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged.

The applicant has provided additional shadow diagrams (See Attachment 2) and cross-section was provided to demonstrate overshadowing to north facing windows between 7am-11am on 22 September (TP 13). The shadow diagrams have indicated that there will be some shadow cast on the solar hot water system at 9 am at the equinox and until 11am at the winter solstice. As impact upon the hot water system is for a limited portion of the day it is therefore considered to be reasonable.

North facing windows

The objector raised concerns regarding the impact of the proposed development on solar access to existing north facing windows. An assessment was undertaken of the existing conditions and proposed development impact. Although a north facing window on an abutting dwelling (at 5 Patricia) has partial overshadowing for part of the equinox assessment period the amount of shadowing is not considered to be excessive.

Neighbourhood character

All objectors have raised concerns relating to double storey height impinging on adjacent single storey development, which disrupts the established streetscape character. The context surrounding the subject site reflects a mix of building and architectural styles that are single and double storey in scale. There is an emerging trend with replacement of original houses with large two storey family homes. The proposed development does not represent an unreasonable response in this regard.

Amenity Impacts

Concerns have been raised by objecting parties regarding potential amenity impact, particularly those of overlooking, overshadowing and noise.

The proposal has been assessed against relevant ResCode Standards B21 (Overshadowing) and complies. The elevations demonstrate ground floor overlooking and requires trellis screening above boundary fencing to comply with Standard B22 (Overlooking). Any concerns regarding noise are governed through the EPA if above what is considered above the levels of noise usual for a residential property.

9.1.2

(cont)

Precedent

The development of two dwellings per lot is not an uncommon occurrence within the wider area with a number of existing lots developed with multi dwellings. The zoning of the land also supports a modest increase in dwellings, provided it respects the neighbourhood character of the area. This development is not considered to set any unreasonable precedence.

CONCLUSION

The proposed development is consistent with the relevant planning controls and policies, including the State and Local Planning Policies and provisions of the GRZ1 and the SLO9. The proposed development form, siting and overall design is considered to be acceptable and will integrate well with the existing built form and character whilst providing for an acceptable landscaping outcome. Further, the proposal retains two mature canopy trees and provides for adequate replacement planting opportunities throughout the site.

A total of 14 objections were received as a result of public notice and all of the issues raised in these objections have been discussed in this report.

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

ATTACHMENT

- 1 Advertised Plans [!\[\]\(b07f659a77b7089a92349c1961e014f3_img.jpg\)](#)
- 2 Additional Shadow Diagrams [!\[\]\(2477046600980dc01aea21133774946d_img.jpg\)](#)

Strategic Planning

9.1.3 Residential Corridors Built Form Study - Consultation outcomes and recommended built form controls

ATTACHMENT

SUMMARY

Council engaged planning consultants Ethos Urban to undertake the Residential Corridors Built Form Study (the Study). The Study provides built form guidelines for those areas in the municipality along key road corridors. The Study has included background analysis of existing development, planning permits, VCAT cases, site visits and two rounds of community engagement.

This report provides a summary of the community engagement results and discusses the recommended built form controls based on the project work and community consultation. This report also recommends that the Study be adopted and that Council seek authorisation from the Minister for Planning to implement the Study through a planning scheme amendment.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Liu

That Council:

- 1. Adopt the Draft Residential Corridors Built Form Study at Attachment 1.**
- 2. Seek authorisation from the Minister for Planning under the Planning and Environment Act 1987 (Section 8a) to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement the recommendations of the Study.**
- 3. Advise all submitters to the Residential Corridors Built Form Study consultation of this resolution.**

CARRIED

A Division was called.

Division

For	Against
Cr Barker	Cr Cutts
Cr Bennett	
Cr Carr	
Cr Davenport	
Cr Ellis	
Cr Liu	
Cr Massoud	
Cr Munroe	

On the results of the Division the motion was declared CARRIED

9.1.3

(cont)

BACKGROUND

Council engaged planning consultants Ethos Urban in late 2017 to undertake the Residential Corridor Built Form Study, which was a new budget initiative in the 2017/2018 Council budget.

The Study produced draft built form guidelines for those areas in the municipality along key road corridors where land in the Residential Growth Zone (RGZ) interfaces with land in the Neighbourhood Residential Zone (NRZ) and the General Residential Zone (GRZ).

The Study has focused primarily on the major east-west tram and road corridors, where there is an interface between the RGZ and GRZ or NRZ to the rear or side. Specifically, the Study has looked at:

- Burwood Highway, generally between Elgar Road, Burwood and Hanover Road, Vermont South
- Whitehorse Road in Mont Albert, Laburnum and Nunawading.

The study areas include existing activity centres such as Box Hill, Burwood Heights and Tally Ho for context, but any proposed outcomes will not apply to the activity centres where they are the subject of existing structure plans and/or built form controls.

Ethos Urban presented to Council on three occasions during the project:

- 5 March 2018: this session provided an overview of the project including background analysis of existing development, planning permits and Victorian Civil and Administrative Tribunal (VCAT) cases, as well as an introduction to good design that could occur in the study area.
- 12 June 2018: this presentation sought endorsement of the draft built form guidelines for community engagement. At the Council Meeting on 25 June 2018 Council resolved to endorse the draft guidelines for community engagement.
- 15 October 2018: this session provided an overview of the community engagement outcomes and the final recommended built form controls. The response to community feedback is discussed under 'Consultation' below.

9.1.3
 (cont)

DISCUSSION

The consultants have produced a final draft document detailing the study area, strategic and statutory context, case study examples, review of permits and VCAT decisions, the impact of Clause 58 (Apartment Developments) of the planning scheme and emerging issues. The final draft document is available at **Attachment 1** and includes a vision, design principles / objectives and recommended built form outcomes. The final draft document also summarises the community engagement outcomes, urban design principles, built form testing, recommended built form controls and where the proposed controls are intended to apply.

Recommended built form controls

The recommended controls on built form can be summarised as follows:

Built form element	Measure	Built form outcomes
Height	4 storeys (13 metres) preferred maximum east of Springvale Road, on Burwood Highway* 5 storeys (16 metres) preferred maximum elsewhere 6 storeys (19 metres) mandatory maximum in all locations	The maintenance of a mid-rise scale of development. To enhance the sense of openness, maintain access to sky views and maximise solar access from/to the low scale residential development of the adjacent areas. The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.
Front setback	Minimum 5 metres with an additional 3 metres to upper levels above 4 storeys (total of 8 metres) mandatory	Buildings are setback from the front boundary to: <ul style="list-style-type: none"> • ensure they do not visually dominate the streetscape • provide adequate sun penetration at street level • assist with mitigating wind down-draughts • provide for landscaping in the frontage.

9.1.3
 (cont)

Built form element	Measure	Built form outcomes
Side setbacks	Minimum of 4.5 metres with an additional 4.5 metres to upper levels above 4 storeys (total of 9 metres) mandatory	Buildings are setback from the side boundaries to: <ul style="list-style-type: none"> • provide adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments • provide adequate daylight and sunlight to streets • ensure buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them • provide for landscaping between buildings.
Rear setbacks	Minimum of 9 metres mandatory	Buildings are setback from the rear boundary to: <ul style="list-style-type: none"> • provide adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments • ensure they do not visually dominate or compromise the character of adjacent existing low-scale development areas • provide space for a large tree canopy and assist with a visual break between the lower scale built form of the adjacent areas outside of the RGZ.
Pedestrian interfaces	Buildings at ground floor must present attractive pedestrian orientated frontages.	Buildings should ensure that the ground floor frontages add visual interest and contribute to the street. Access to car parking and service areas should not dominate street frontages. Windows at ground level should be maximised to provide passive surveillance. Visible service areas (and other utility requirements) should be treated as an integral part of the overall building design and fully screened from public areas.

9.1.3
 (cont)

Built form element	Measure	Built form outcomes
Shadowing	No significant shadowing to adjacent public open space between 12.00pm and 2.00pm on 22 September.	Additional overshadowing of adjoining open space will only be considered appropriate where: <ul style="list-style-type: none"> • the area of remaining sunlit space exceeds the area of shadowed space • there is no adverse impact on the natural landscape, including trees and lawn or turf surfaces in the public space • the existing and future use, quality and amenity of the public space is not compromised.
Wind effects	Developments over 4 storeys in height must be accompanied by a wind tunnel assessment (mandatory).	The wind analysis must: <ul style="list-style-type: none"> • explain the effect of the proposed development on the wind conditions in publicly accessible areas • model the wind effects of the proposed development and its surrounding buildings • determine that the development will not cause unsafe wind conditions in publicly accessible areas.
Landscaping	Provide for a minimum deep soil area relative to tree height which is between 800mm deep (for small trees) and 1200mm deep (for large trees).	Ensure the green character of the area is enhanced with deep soil plantings in the front, side and rear setbacks. Utilise appropriate plant species in accordance with Council guidelines.

*Note: Developments of 4 storeys and under are required to comply with ResCode.

Rationale for the proposed height and setback controls

The proposed **building heights** are based on analysis of approved developments, VCAT decisions and the impact of the Apartment Design Guidelines (Clause 58 of the planning scheme) on higher density development. As an example, Clause 58 requires apartments to have a certain room depth (maximum 9 metres) based on access to daylight which results in narrow building floorplates. As a result of narrow floorplates and a smaller number of apartments per floor, applicants seek taller, slimmer apartment forms.

It is proposed to have a preferred maximum height of 4 storeys along Burwood Highway east of Springvale Road, Vermont South. This is recommended to maintain a sense of openness and access to the sky views along the road corridor towards the Dandenong Ranges and maximise solar access from/to the low scale residential development of the adjacent NRZ areas.

The background analysis reviewed lot sizes as well as the composition of development parcels and identified that site consolidation is occurring along the corridors. Site consolidation usually occurs where a single site does not have a depth or width that would allow for development to meet the requirements of the planning scheme and therefore multiple sites are joined together to allow this outcome. The built form testing demonstrated that site consolidation would be required to pursue heights of 6 storeys. However the analysis undertaken also identified that there are limited opportunities for this to occur.

9.1.3

(cont)

The proposed **street setbacks** are based on the average setback of permits issued which were analysed as part of this study. The consultants contend that the street setbacks are consistent with Clause 22.04 Tree Conservation Policy in the planning scheme by providing space for trees. This will also allow for increased tree planting, assist with mitigating wind down-draughts, provide adequate sun penetration at street level and ensure buildings do not visually dominate the streetscape.

The proposed **side and rear setbacks** are based on the desired future character of the area, including the vegetation character. The buildings will be set back to provide visual separation between built form elements reflecting the typical rhythm of the streetscapes and provide sufficient planting for new vegetation.

The proposed side setbacks are also based on the case study examples contained within the draft report, particularly Amendment C159 to the Moreland Planning Scheme, which introduced a mandatory side setback of 4.5 metres and internal amenity considerations required now under Clause 58.

The proposed **rear setbacks** are based on the need to ensure adequate planting and to alleviate overlooking of neighbouring properties. The permit data reviewed as part of this study revealed a number of applications where the upper levels extend into the setback of 8.6 metres sought under ResCode in Clause 55.04 (Standard B17). By contrast a single rear setback will assist in alleviating visual bulk as a stepped form can be more dominating than an element which is setback further and allows for large canopy trees. The smaller front street setbacks allows for greater setback at the sensitive interfaces.

The study ultimately recommends that a **design and development overlay** (DDO), incorporating the above standards, will provide guidance to assess applications that seek to exceed the preferred height. Guidance in the overlay will ensure that careful consideration and regard to amenity impacts (such as wind effects, overshadowing) and contextual built form response is given, including relationship to the scale of the surrounding area.

Officers recognise that, historically, it has been difficult to obtain approval from the Minister for Planning for mandatory planning scheme controls, specifically mandatory height controls. Notwithstanding this appreciation, the study identifies mandatory controls have been applied elsewhere in metropolitan Melbourne, including in Moreland (December 2017) and Darebin (September 2016).

Mandatory heights and setback controls were introduced in 8 of Moreland's Neighbourhood Activity Centres in a range of zones including the RGZ. Mandatory heights up to 6 storeys were also introduced along corridors in Darebin, also in a range of zones including the RGZ.

Whilst the decision to approve any mandatory controls ultimately lies with the Minister for Planning, the consultants believe that the study includes the relevant evidence to seek the application of mandatory controls as outlined above. This includes support for a preferred (discretionary) height limit of 4 storeys on Burwood Highway east of Springvale Road and a maximum (mandatory) height limit of 6 storeys across all of the areas.

Application of controls

The study area for the project includes the RGZ land generally along the two major east-west corridors – Whitehorse Road and Burwood Highway.

The study area includes properties beyond the corridor for context and consideration, however any new built form controls that arise from the study are only intended to apply to the RGZ outside of the Tally Ho, Burwood Heights and Box Hill activity centres. These areas have guidance from existing Structure Plans, Urban Design Frameworks or Guidelines and/or existing overlay controls. Any controls that arise from the Study will also not apply to commercially zoned properties along the corridors.

9.1.3

(cont)

The site at 490-506 Whitehorse Road, Mitcham (St John's primary school) is also not proposed to be included in any controls at this time as it is within the core of the future Nunawading/MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan review area. Residential Growth Zoned land in Study Area 3, on Whitehorse Road between Springvale Road Peel Street, Mitcham, is however included.

Additionally, it is not intended for any new controls to apply to the ARRB site at 490-500 Burwood Highway, Vermont South. This site is undergoing a separate process and any future height on this site will consider the Residential Corridors Built Form Study and neighbouring development context.

It is therefore recommended that the overlay is applied to land in the RGZ fronting Whitehorse Road and Burwood Highway, excluding those sites already noted above.

Developments of 4 storeys and under are required to comply with ResCode requirements found at Clause 54 and Clause 55 of the Planning Scheme. The overlay is not intended to contradict the existing ResCode requirements and therefore the built form controls are proposed to apply to developments that are 5 storeys and above. The consultants contend that better outcomes will be realised, particularly relating to vegetation and planting, for developments above 5 storeys that would be required to consider the proposed controls (such as increased rear building setbacks).

The Study found that there will be no impact to the proposed housing capacity as identified in the Housing and Neighbourhood Character Study 2014. Conversely, most of the case studies in the draft report result in a higher yield when the proposed controls are applied as they are recommending a greater height than the 3 and 4 storeys which Council put forward as part of Amendment C160 (new residential zones).

The proposed overlay will not consider issues such as car parking as this is covered elsewhere in the Planning Scheme (Clause 52.06) and was outside the scope of this study. Regarding concerns about access to more intensive residential developments from side streets, Whitehorse Road and Burwood Highway are under the jurisdiction of VicRoads which typically does not allow additional access from its roads to private properties. VicRoads usually requests any access to be from minor roads. Officers appreciate the complexities around traffic and car parking, especially given the recent gazettal of an amendment to the Victoria Planning Provisions (VC148) which reduced car parking requirements for land within 400m of the Principal Public Transport Network Area. In particular it reduced the number of visitor car parking spaces required for a development.

A DDO will need to be implemented through a planning scheme amendment. This would require drafting of the planning controls before seeking authorisation from the Minister for Planning to prepare and exhibit a new amendment to the Whitehorse Planning Scheme.

CONSULTATION

The project was introduced to the community within the study area in late March 2018 through the distribution of a newsletter, which included information about the project, including the aims, study area and where to find further information. The project was also advertised in the Whitehorse Leader and through a project webpage on the Council website.

This phase of the project included a short survey to identify what resident's value about their area. The survey responses were collated as part of the background analysis.

The second phase of community engagement was held from mid-July to mid-August 2018. This phase included notification to all owners and occupiers within the study area, as well as those who nominated to be on the project mailing list. Notification also involved advertising in the Whitehorse Leader and updating the project webpage.

9.1.3
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Two drop-in information sessions were held during phase two: one in the northern part of the municipality and one in the southern part of the municipality. The drop-in sessions were staffed by Council officers and the consultants and allowed interested parties to discuss the project and draft options. 45 people attended the drop in session held at the East Burwood Hall on 25 July 2018 and 47 attended the drop in session held at the Whitehorse Civic Centre on 31 July 2018.

At each drop-in session participants were invited to read through a series of information posters outlining key issues and information about the draft recommendations, as well as discuss any questions or comments with Council staff or the consultants. Participants were then invited to take part in a survey which asked several key questions. A summary of the questions and responses is included in **Attachment 2**.

The primary issues of concern to submitters, based on the frequency of response were:

- The potential impacts of buildings in the RGZ of up to 6 storeys
- Car parking and traffic management around higher density development
- Enforcement of landscaping requirements
- Shadowing impacts on private land.

There was support for:

- The setbacks proposed from front, side and rear boundaries
- Tree planting and vegetation in setback areas
- Controls relating to lighting, pedestrian access, wind effects and good design.

The study has responded to the key concerns in the following way:

Key concern	Response
Proposed heights up to 6 storeys	<p>The proposed mandatory building height up to 6 storeys is based on analysis of approved developments, VCAT decisions and the impact of the Apartment Design Guidelines (Clause 58 of the planning scheme) on higher density development. As an example, Clause 58 requires apartments to have a certain room depth (maximum 9 metres) based on access to daylight which results in narrow building floorplates. This results in applicants seeking taller slimmer apartment forms.</p> <p>Slimmer apartment forms and increased side and rear setbacks will allow for planting and reduce overlooking and overshadowing.</p>
Car parking and traffic management	<p>As noted above, the Study has not considered issues such as car parking as this is covered elsewhere in the Planning Scheme (Clause 52.06) and was outside the scope and influence of this study. Whitehorse Road and Burwood Highway are also under the jurisdiction of VicRoads which typically does not allow additional access from its roads to private properties and usually requests any access to be from minor roads. Council can assist with traffic management on local roads through traffic calming, resident parking permits and road treatments, however this is separate to any planning scheme controls.</p>

9.1.3
 (cont)

Key concern	Response
Landscaping	The Study recommends that any future planning scheme controls provide for a minimum deep soil area relative to tree height as discussed above. This will ensure the green character of the area is enhanced with deep soil plantings in the front, side and rear setbacks. Enforcement of planning permit conditions, including landscaping, will continue to occur through Council's Enforcement team.
Shadowing impacts	The Study recommends that any future planning scheme controls include a discretionary requirement that no significant shadowing to adjacent public open space between 12.00pm and 2.00pm on 22 September. It also recommends that where there may be additional overshadowing of adjoining open space it will only be considered appropriate in certain circumstances as outlined in the built form controls recommended above.

If the study outcome is implemented through a planning scheme amendment there will be opportunity for the community to review the proposed amendment and provide comment during a statutory exhibition period. If the amendment is authorised by the Minister for Planning, it is anticipated that statutory exhibition may occur in the first half of 2019.

FINANCIAL IMPLICATIONS

The study was included as a new budget initiative in the 2017/2018 Council budget. The total allocated project budget was \$80,000, excluding GST.

A planning scheme amendment includes several stages with accompanying statutory fees and may require an independent planning panel. These fees and panel costs can be accommodated in the normal operating budget. The 2018/2019 budget allocates \$50,000 for expert witness and legal costs that may be required at a future panel hearing for the amendment.

POLICY IMPLICATIONS

In October 2014 new residential zones came into effect in the municipality with gazettal of Amendment C160. The Minister for Planning approved Council's new residential zones with some changes to the schedules to the RGZ. Council had originally included a 3 storey (11m) mandatory maximum for Schedule 1 and a 4 storey (13.5m) mandatory maximum for Schedule 2 to the RGZ. The proposed mandatory heights were removed by the Minister when approving Amendment C160 and therefore the current controls do not reflect the intent of Council's Housing Strategy.

Since the introduction of the new zones, concern has been raised about the planning outcomes in areas zoned RGZ along key road corridors in the municipality, particularly where the RGZ interfaces with more traditional residential development in the NRZ, and to a lesser extent the GRZ. Where Council had intended for there to be a 3 or 4 storey outcome, VCAT is now approving developments greater than this, and in some cases, with unsympathetic built form and limited meaningful landscaping.

The provisions of the RGZ are therefore providing inadequate guidance for built form, zone transition and building height in these areas, in addition to adding to community uncertainty. This prompted the need to undertake further strategic work on design guidelines to support the implementation of further planning controls, such as a potential DDO to achieve Council's and the community's aspirations, noting the challenges achieving mandatory controls outlined earlier in the report.

9.1.3

(cont)

The study is intended to result in a set of guidelines and planning controls that provide greater certainty to residents, property owners and developers along, and interfacing with, these growth corridors.

CONCLUSION

The Study was a key budget initiative in the 2017/2018 Council budget. Consultants have undertaken background research and two rounds of community engagement to formulate draft built form guidelines for the key road corridors in the municipality.

The Study recommends applying a DDO to land included in the RGZ, along key road corridors in Whitehorse, excluding those sites / areas mentioned in this report. The proposed overlay would provide mandatory setback and height controls plus development guidelines based on a comprehensive review of existing development applications, VCAT decisions, current planning controls and corridor context. The Study provides a strong evidence base for seeking mandatory controls and is not intended to contradict ResCode as the proposed DDO will apply to developments of 5 storeys or more.

It is recommended that Council adopt the recommendations of the Study and seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme.

ATTACHMENT

- 1 Final Report [⇒](#) 
- 2 Phase 2 Consultation Summary [⇒](#) 

9.2 INFRASTRUCTURE

9.2.1 Intention to Lease Land at 1 Ailsa Street, Box Hill South

SUMMARY

This report advises Council of an intention to lease part of the Council owned land known as the Operations Centre located at 1 Ailsa Street, Box Hill South, to Victoria State Emergency Service Authority (VICSES).

The proposed lease is consistent with the Memorandum of Understanding (MOU) executed on 20 December 2017 between the State of Victoria, the Victoria State Emergency Service Authority (VICSES) and the Municipal Association of Victoria (MAV). The aim of the MOU is to provide a more consistent approach to accommodation arrangements between local Councils and local VICSES volunteer units. The proposed lease details the current arrangements with VICSES Whitehorse Unit that have been working effectively since 1996/1997.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Davenport

That Council:

- 1. In accordance with Section 191 of the Local Government Act 1989 grant a lease for part of the land known as the Council Operations Centre located at 1 Ailsa Street, Box Hill South to Victoria State Emergency Service Authority (VICSES) for a total lease term of twenty (20) years with no options, with an annual rental of \$1.00 plus GST (if demanded), with a proposed commencement date of 1 March 2019.***
- 2. Authorise the Manager of Property & Rates to sign the lease.***

CARRIED UNANIMOUSLY

BACKGROUND

VICSES Whitehorse Unit

The Council owned property located at 1 Ailsa Street, Box Hill South is the site of Council's Operations Centre. The Whitehorse Unit of Victoria State Emergency Service Authority (VICSES) has been located in their current accommodation at the Operations Centre since 1996/1997. VICSES Whitehorse Unit service all of the City of Whitehorse and approximately one third of the area of the City of Boroondara.

VICSES is a volunteer-based organisation, providing emergency assistance for the community. They operate under the *Victoria State Emergency Act 2005* and the coordinating agency for emergency management, Emergency Management Victoria. VICSES Whitehorse Unit on average receives approximately 1,200 requests for assistance each year, including:

- Emergency storm damage covering fallen trees
- Search and rescue
- Flooding, both localised and large scale
- Structural damage to buildings
- Rescue of trapped victims.

9.2.1

(cont)

Memorandum of Understanding with VICSES

Historically there are a number of different arrangements between Councils and local VICSES volunteer units throughout Victoria regarding funding and accommodation. To provide a more consistent approach and to ensure support for VICSES volunteer units, on 20 December 2017 a Memorandum of Understanding (MOU) was executed between the State of Victoria, the Victoria State Emergency Service Authority (VICSES) and the Municipal Association of Victoria (MAV).

The key points of the MOU are:

- VICSES performs a vital service for the benefit of the community, which Councils and the State Government have a joint interest in supporting and there is a shared responsibility to do so.
- Security of tenure for VICSES volunteer accommodation arrangements is a high priority.
- State Government is responsible for operational and maintenance funding.
- Councils that have VICSES volunteer units within their municipality on Council managed land or premises are to enter into a long term lease at peppercorn rates (\$1 per annum plus GST).
- Councils that have VICSES volunteer units on Council managed land or premises where the Council intends to sell or make use or make available for other purposes then Council must find alternative land or premises in the immediate vicinity.
- The MOU does not prevent Councils from providing funding support to a VicSES volunteer unit if the Council elects to do so.

Current Accommodation Arrangements

VICSES Whitehorse Unit currently has exclusive use of a portable building (Council building B117C) that is used for offices, and a shed (Council building B117) for storage of plant and equipment. A photo of these buildings is shown below:



In addition, VICSES Whitehorse Unit currently shares Council facilities at the Operations Centre including car parks, toilets, change rooms, meeting rooms and the vehicle wash bay.

Current Financial Arrangements – Direct Contribution

Prior to 2017/2018, Council paid a direct contribution to VICSES Whitehorse Unit for operational costs to match the contribution from the State Government. The recent payments by Council that were matched by the State Government include: \$16,052 in 2016/2017; \$15,815 in 2015/2016; and \$15,815 in 2014/2015.

9.2.1

(cont)

The MOU that was executed on 20 December 2017 confirmed that Councils are no longer responsible to match the State Government funding, although the MOU does not prevent Councils from providing funding support if Council elects to do so.

In 2017/2018 Council paid VICSES Whitehorse Unit \$16,052 while the transition to the change in funding arrangements was being implemented. In 2017/2018 the State Government paid VICSES Whitehorse Unit an amount of approximately \$32,000, which effectively included the contribution that Council had paid in previous financial years.

Prior to 2017/2018, Boroondara City Council paid a contribution to match the State Government contribution. The amount was less than the amount Whitehorse paid as VICSES Whitehorse Unit covers only one third of the City of Boroondara. Boroondara is still considering its commitment to further funding of VICSES Whitehorse Unit. Under the MOU there is no obligation for Boroondara to provide accommodation or funding, there are only requirements on local Councils that currently have VICSES volunteer units within their municipality.

Current Financial Arrangements – Indirect Contribution

In 2017/2018, Council indirectly contributed around \$19,300 towards the operational and maintenance costs for VICSES. An itemised breakdown of these costs is provided below:

VICSES exclusive use buildings – Council paid:

Approximately \$4,200 for:

- Electricity utility charges
- Waste removal
- Maintenance items, including:
 - Safe roof access systems
 - Electrical switchboards and wiring
 - Testing and tagging of electrical equipment
 - Gutter cleaning
 - Building maintenance
- Insurance premiums for buildings and insurance excess per claim.

VICSES portion of shared facilities – Council paid:

Equivalent to approximately \$15,100 on:

- Electricity utility costs
- Gas utility costs
- Water and sewerage utility costs
- Waste removal, including trade waste
- Maintenance items, including:
 - Fire services
 - Security and administration of swipe card access
 - Safe roof access systems
 - Electrical switchboards and wiring
 - Testing and tagging of electrical equipment
 - Gutter cleaning
 - Pest control
 - Mechanical services - air conditioning
 - Plumbing maintenance - hot water heaters

9.2.1 (cont)

- Fitout – carpentry
- Furniture, fittings and equipment maintenance
- Cleaning and provision for consumables for toilets
- Consumables for kitchens including tea, coffee and milk
- Insurance premiums for buildings
- Pavement sweeping
- Maintenance of garden beds
- Maintenance of infrastructure including asphalt, linemarking, drainage, concrete, signs, fences and gates.

VICSES paid:

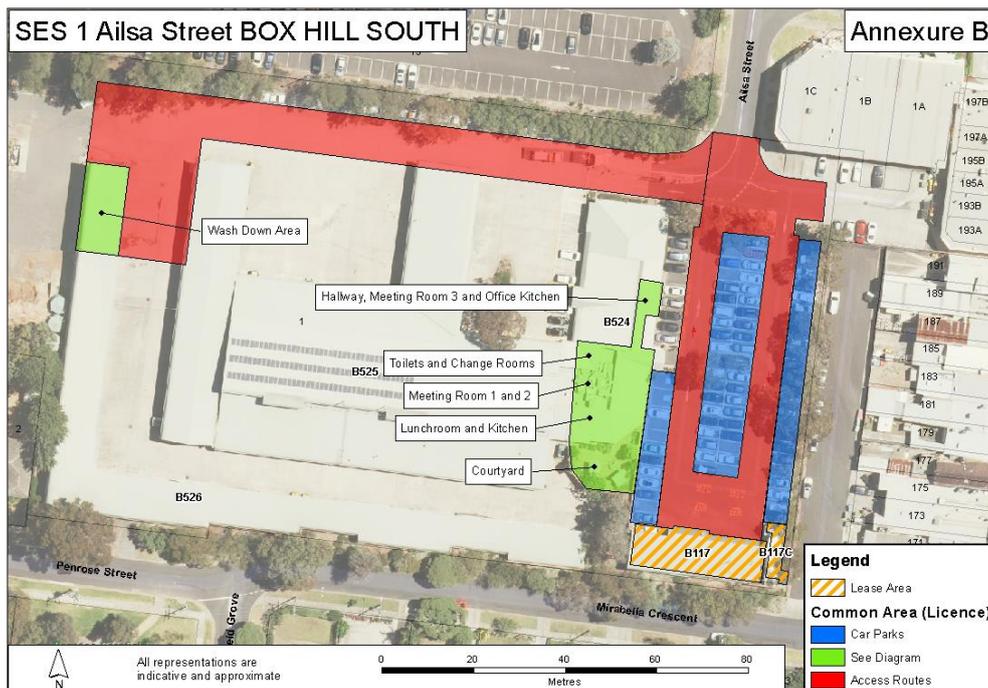
- Contents insurance premiums
- Public liability insurance premiums
- Registrations for vehicles
- VICSES workers compensation insurance premiums
- Cleaning in connection with improvements made by VICSES
- Maintenance of any improvements made by VICSES, including antennas and communication equipment in exclusive use buildings and the audio visual system installed in the lunchroom.

Proposed lease with VICSES

As part of the MOU that was executed on 20 December 2017, there was a standard template provided to prepare a lease between local Councils and local VICSES volunteer units.

The template has been used to prepare a proposed lease between Council and VICSES to document the current arrangements for accommodation and funding.

A copy of the lease plan is provided below:



9.2.1

(cont)

DISCUSSION

The following is a summary of key aspects of the proposed lease with VICSES:

- The commencement date is 1 March 2019 for a term of 20 years with no options.
- The rent is \$1.00 per annum plus GST (if demanded).
- There is no commitment for Council to pay a direct contribution to VICSES for operational funding.
- Council will continue to pay an indirect contribution for the operation and maintenance of Council facilities used by VICSES.
- Council will continue to insure vehicles under its policy in accordance with existing arrangements up to 30 June 2019. From 1 July 2019, VICSES will insure its own vehicles.
- If at any time during the term of the lease, Council requires the land or any part of it for other purposes then Council will give not less than two years notice for VICSES to vacate. Council will assist to provide an alternative site. The State Government would need to fund any new facilities and Council would assist to provide temporary facilities until alternative premises are ready to be occupied.

It is recommended that Council grant a lease with VICSES. The lease provides VICSES Whitehorse Unit with security of tenure and provides clarity on Council's obligations for providing accommodation and funding. The current arrangements with VICSES have been working effectively since 1996/1997. The meetings and training sessions held by VICSES Whitehorse Unit are held outside the hours of Council operations and therefore the arrangements of having shared use facilities works well.

In the 2018/2019 operational budget there is an amount of \$16,052 to pay VICSES. It is recommended that Council proceed with this payment and indicate to VICSES that there is no commitment to provide any further direct payments for operational funding. If they require additional funding then this is to be provided by the State Government.

CONSULTATION

1. In accordance with Section 191 of the *Local Government Act 1989*, Council is empowered to grant an interest in land to a public body without giving public notice of the proposal under Section 190 of the *Local Government Act 1989*.
2. Legal advice has confirmed that VICSES is a public body for the purposes of Section 191 of the *Local Government Act 1989*, and accordingly, the public notification requirements of Section 190 of the *Local Government Act 1989*, do not apply in this circumstance; meaning that Council is not required to publish a public notice and is also not required to hear submissions relating to the proposal to grant a lease.

FINANCIAL IMPLICATIONS

The lease commits Council to continuing to support VICSES indirectly for the operation and maintenance costs associated with using Council facilities. In 2017/2018 the indirect contribution was approximately \$19,300. These costs are anticipated to increase each year with the increase in utility costs and general service cost escalation. These costs are funded from various operational and maintenance budgets.

There is no requirement for Council to continue to pay VICSES a direct contribution towards operational costs.

POLICY IMPLICATIONS

The granting of this lease is undertaken in accordance with Council's Property Leasing and Licence Policy.

9.2.2 Tender Evaluation Walker Park Pavilion Redevelopment (Contract 30129) and Morton Park Pavilion Redevelopment (Contract 30130)

SUMMARY

To consider tender submissions received for the proposed construction of two sports pavilions and to recommend the acceptance of the tender submission received from 2Construct Pty Ltd for the construction of Walker Park Pavilion Redevelopment for the amount of \$2,743,469 excluding GST and Morton Park Pavilion Redevelopment for the amount of \$3,894,469 excluding GST and to consider the overall project expenditure.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Cutts

That Council:

- 1. Award Contract No 30129 for the Walker Park Pavilion Redevelopment and Contract No 30130 Morton Park Pavilion Redevelopment, to 2Construct Pty Ltd (ABN 28 109 517 188), of Suite 105, L1, 3 Chester Street, Oakleigh Vic 3166 for the tendered sums of \$2,743,469 exclusive of GST and \$3,894,469 exclusive of GST, respectively.**
- 2. Approve an additional budget amount of \$129,869 exclusive of GST.**

CARRIED UNANIMOUSLY

The Chairperson and meeting requested that a note is made in the Minutes to record that the word “footprint” on page 48 of the Council Agenda be replaced with the words “same site”.

BACKGROUND - MORTON PARK PAVILION

Morton Park Pavilion is located in Morton Park Blackburn and is home to:

- Blackburn Men’s and Women’s Football Club;
- Blackburn Junior Boys and Girls Football Club; and
- Blackburn Cricket Club

The pavilion has been identified as an ageing facility that no longer meets the growing needs of the community and requires replacement.

The proposed new pavilion will occupy the footprint of the existing building and has been designed to encourage community multi-use whilst meeting the requirements of the local sporting teams, peak sporting associations, Council’s policy expectations and legislative requirements. In addition, it is envisaged that the new pavilion would offer optimum viewing to both sporting ovals.

Funding was provided in the 2018/19 capital works program to undertake design and documentation for the new sports pavilion and in the 2019/20 program for building construction. Construction is expected to commence early 2019 and be completed early 2020.

9.2.2 (cont)

BACKGROUND

WALKER PARK PAVILION

Walker Park Pavilion is located in Walker Park Nunawading, and is home to Mitcham Sporting Club which comprises Mitcham Football Club and Mitcham Cricket Club.

The current pavilion services one sporting oval and comprises change and social facilities underneath a grandstand structure. The pavilion has been identified as an ageing facility that no longer meets the growing needs of the community, and requires upgrading. The proposed new areas being added to the pavilion will remain within the same site along with the addition of an extended viewing/spectator facility to the south of the grandstand area. This will encourage community multi-use, whilst meeting the requirements of the local sporting teams, peak sporting associations, Council's policy expectations and legislative requirements. In addition, it is envisaged that the new viewing/spectator facility would offer optimum viewing to the sporting oval.

Funding was provided in the 2018/19 capital works program to undertake design and documentation of the new sports pavilion, and in the 2019/20 program for building construction.

Construction will run concurrently with the Morton Park Pavilion Redevelopment project with construction expected to commence early 2019 and be completed early 2020.

DISCUSSION

Six pre-qualified tenderers were selected from the State Government's Construction Supplier Register to tender for the project.

The list of Tenderers were selected using the following criteria:

- Project expertise with projects within \$2,500,00 to \$10,000,000 range
- Proven experience with the construction of sporting pavilions
- Previous local government experience
- Excellent market reputation
- Customer services focus
- Proven ability to deliver quality project outcomes

The following six shortlisted contractors were invited to tender:

- 2Construct Pty Ltd
- Melbcon Pty Ltd
- McCorkell Constructions
- Harris HMC
- Dura Constructions Pty Ltd
- Ducon Building Solutions

The tenderers were asked to confirm their interest in pricing both projects independently, offering Council a potential saving if carried out concurrently, taking advantage of the economies of scale.

Five tender submissions were received for the Walker Park Pavilion Redevelopment, and six tender submissions for Morton Park Pavilion Redevelopment. One Tenderer was considered non-conforming as they only submitted a tender for one of the two sites.

9.2.2

(cont)

Tender submissions were evaluated against the following criteria:

- Cost
- Savings offered to bundle both contracts, if awarded to one contractor
- Resources and Previous Relevant Experience
- Project Methodology
- Occupational Health & Safety and Equal Opportunity
- Quality Assurance Systems
- Risk Management Systems
- Environmental Management Systems

The tender evaluation panel met on 12 December 2018, to review, assess and discuss their evaluation of the submissions. The highest scoring tenderer was interviewed by the tender evaluation panel on 14 December 2018.

Following detailed assessment and clarifications to confirm tender prices, 2Construct Pty Ltd were the lowest conforming tenderer and offered the highest discount to complete both project concurrently. 2Construct Pty Ltd was considered to provide the best value for money for both pavilion projects.

CONSULTATION

Council officers have consulted extensively with Parks, Planning and Recreation, Engineering Services, Parkside, Town Planning, tenant sporting clubs, and the Design Architect and consultants with respect to:

- Facility design to best satisfy current and future requirements
- Architectural design elements consistent with surrounding environment
- AFL preferred facilities guidelines for local, regional and state league facilities amenities upgrade for unisex use
- Cricket Australia community facility guidelines
- Eastern Football League requirements

The preferred tenderer's financial scorecard has also been assessed and deemed to be financially viable.

9.2.2
 (cont)

FINANCIAL IMPLICATIONS

The construction program will run over two financial years. Works completed in FY 2018/19 will be funded by Capital Works Program account V598 (Morton Park) and V599 (Walker Park). The allocated funding in the 2019/20 budget will require an adjustment to align with the revised project budget.

MORTON PARK PAVILION REDEVELOPMENT	Budget	Expenditure
2017/18 Capital Works Funding (V598)	\$ 975,000	
2018/19 Capital Works Funding	\$ 3,075,000	
External Federal Funding	\$ 500,000	
Club Cash Contribution	\$ 200,000	
AFL Victoria Funding Contribution	\$ 100,000	
Net Construction Tender Amount Council		\$ 3,894,469
Consultant & Authority Fees		\$ 949,446
WALKER PARK PAVILION REDEVELOPMENT		
2017/18 Capital Works Funding (V599)	\$ 647,000	
2018/19 Capital Works Funding	\$ 2,203,000	
External Federal Funding	\$ 400,000	
Female Friendly Funding	\$ 132,861	
AFL Victoria Funding Contribution	\$ 100,000	
Net Construction Tender Amount Council		\$ 2,743,469
Consultant & Authority Fees		\$ 875,346
TOTAL PROJECT COST (excl. GST)	\$ 8,332,861	\$ 8,462,730
Variance		(\$ 129,869)

POLICY IMPLICATIONS

Nil

9.3 CORPORATE

9.3.1 Appointment of Authorised Officer under the Planning and Environment Act 1987

SUMMARY

The purpose of this report is to recommend that Council resolve to appoint the named officers as Authorised Officers under the Planning and Environment Act 1987 and approve the execution of the Instrument of Appointment.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Massoud

That Council resolve to appoint Sam Jiang, Sarah Aloï and Ian Romeril as Authorised Officers pursuant to the Planning and Environment Act 1987 and that the Common Seal be affixed to the Instrument of Appointment (provided as Appendix 1).

CARRIED UNANIMOUSLY

BACKGROUND

Part 6 of the Planning and Environment Act 1987 ("the Act") provides for the enforcement of planning schemes, planning permits and agreements entered in accordance with Section 173 of the Act.

Investigative powers are vested in individuals appointed as "Authorised Officers", such as the power to enter land, apply for an enforcement order, and file a charge and summons.

As Section 188(2) of the Act, prohibits authorisations being made under delegation, it is up to Council to directly appoint persons as "Authorised Officers" for the purpose of enforcing the Planning and Environment Act 1987.

DISCUSSION

The attached Instrument of Appointment has been prepared following advice received from Council's solicitors Maddocks and is similar to that used by many Victorian Councils.

The Instrument of Appointment will come into force once Council's Common Seal is affixed to the document.

CONSULTATION

Consultation with the General Manager City Development and the Manager Planning and Building has been undertaken in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the preparation of this report.

POLICY IMPLICATIONS

There are no policy implications arising from the preparation of this report.

9.3.1
(cont)

APPENDIX 1

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

In this instrument “**officer**” means –

Sam Jiang;
Sarah Aloji; and
Ian Romeril.

By this instrument of appointment and authorisation Whitehorse City Council -

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

It is declared that this instrument -

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

This instrument is authorised by a resolution of the **Whitehorse City Council** on **29 January 2019**.

THE COMMON SEAL OF THE)
WHITEHORSE CITY COUNCIL)
was hereunto affixed this **day of**)
2019 in the presence of:)

Councillor

Chief Executive Officer

Date: / /

9.3.2 Delegated Decisions November 2018

SUMMARY

The following activity was undertaken by officers under delegated authority during November 2018.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

That the report of decisions made by officers under Instruments of Delegation for the month of November 2018 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for November 2017	Number for November 2018
Planning and Environment Act 1987	Delegated Decisions	101	169
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		0	Nil
Subdivision Act 1988		31	25
Gaming Control Act 1991		0	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	85	46
Liquor Control Reform Act 1998	Objections and Prosecutions	2	Nil
Food Act 1984	Food Act Orders	2	1
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	Nil	1
Local Government Act 1989	Temporary Rd. Closures	7	5
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	1	2
	Property Sales and Leases	9	8
	Documents to which Council seal affixed	1	1
	Vendor Payments	1159	1475
	Parking Amendments	7	2
	Parking Infringements written off (not able to be collected)	252	310

9.3.2

(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS NOVEMBER 2018

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

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/349/A	19-11-18	Application Lapsed	7 Ashburn Place Blackburn Vic 3130	Central	Change of use to a dance studio	Permit Amendment
WH/2018/1000	09-11-18	Application Lapsed	100 Woodhouse Grove Box Hill North Vic	Elgar	Construction of Two (2) Double Storey Dwellings on a Lot	Multiple Dwellings
WH/2018/1021	07-11-18	Application Lapsed	730 Canterbury Road Surrey Hills Vic	Riversdale	Buildings and works associated with existing telecommunications facility (Section 2 use)	VicSmart - General Application
WH/2018/1132	29-11-18	Application Lapsed	6a Longland Road Mitcham Vic 3132	Springfield	Removal of a tree	VicSmart - General Application
WH/2018/1137	27-11-18	Application Lapsed	2/13 Skene Street Burwood East Vic	Riversdale	Removal of one (1) tree within SLO9	VicSmart - General Application
WH/2018/891	23-11-18	Application Lapsed	55 Benwerrin Drive Burwood East Vic	Riversdale	Vegetation Removal	Special Landscape Area
WH/2010/455/D	16-11-18	Delegate Approval - S72 Amendment	253 Middleborough Road Box Hill South Vic	Riversdale	Use and development of land for restricted retail, warehouse, restricted recreation facility (gymnasium and children's play centre), convenience shop, and food and drinks premises, reduction in car parking and alteration of access to a road in a road zone category 1	Permit Amendment

9.3.2
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2010/734/B	08-11-18	Delegate Approval - S72 Amendment	14/25-39 Cook Road Mitcham Vic 3132	Springfield	Use and development of land for 38 warehouse buildings with ancillary offices, store and reduction in the standard car parking requirement	Permit Amendment
WH/2011/940/A	27-11-18	Delegate Approval - S72 Amendment	329/270 Canterbury Road Forest Hill Vic 3131	Central	Use land to sell and consume liquor	Permit Amendment
WH/2012/146/G	14-11-18	Delegate Approval - S72 Amendment	108/712 Station Street Box Hill Vic 3128	Elgar	Development of a nine (9) storey building plus basement car park, use for office, licensed food and drink premises (café), shop (Beauty Salon), and convenience shop, access to a Road Zone Category 1, reduction in the parking requirements of Clause 52.06 and waiver of loading bay requirements at Clause 52.07	Permit Amendment
WH/2014/1114/A	13-11-18	Delegate Approval - S72 Amendment	6 Beddows Street Burwood Vic 3125	Riversdale	Construction of two double storey dwellings	Permit Amendment

9.3.2
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2014/548/A	19-11-18	Delegate Approval - S72 Amendment	31 Gerald Street Blackburn Vic 3130	Springfield	Amendment of Planning Permit WH/2014/548 (issued for development of two dwellings, tree removal and subdivision of the land in to two lots) to extend the ground level of Dwelling 1 and remove two additional trees	Permit Amendment
WH/2014/772/C	23-11-18	Delegate Approval - S72 Amendment	80-80a South Parade Blackburn Vic 3130	Central	Buildings and works to extend existing restaurant, reduction in car parking and waiver of loading bay	Permit Amendment
WH/2015/540/A	08-11-18	Delegate Approval - S72 Amendment	34-36 Alfred Street Blackburn Vic 3130	Central	Use of land for motor vehicle sales and variation of the requirements of Clause 52.14	Permit Amendment
WH/2015/794/A	14-11-18	Delegate Approval - S72 Amendment	367-369 Mont Albert Road Mont Albert Vic	Elgar	Use of land for sale and consumption of liquor and reduction in the standard car parking requirements (for a restaurant use)	Permit Amendment
WH/2015/996/A	29-11-18	Delegate Approval - S72 Amendment	3 Cromwell Court Blackburn Vic 3130	Springfield	Construction of two double storey dwellings with removal of one tree	Permit Amendment
WH/2016/1112/A	16-11-18	Delegate Approval - S72 Amendment	8a Clarice Road Box Hill South Vic	Riversdale	Change of use to Place of Worship, buildings and works, reduction in statutory car parking requirements	Permit Amendment

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2016/1137/A	15-11-18	Delegate Approval - S72 Amendment	26-32 Mcdowall Street MITCHAM VIC 3132	Springfield	Construction of 30 dwellings including 28 triple storey dwellings and 2 double storey dwellings and reduction in the statutory car parking requirement	Permit Amendment
WH/2016/493/A	15-11-18	Delegate Approval - S72 Amendment	150 Canterbury Road Blackburn South	Central	Use and development of the land for the purpose of a dental surgery and reduction in car parking	Permit Amendment
WH/2016/762/A	23-11-18	Delegate Approval - S72 Amendment	60 Heatherdale Road Mitcham Vic 3132	Springfield	Construction of two double storey dwellings and two lot subdivision	Permit Amendment
WH/2016/939/A	23-11-18	Delegate Approval - S72 Amendment	8 Black Street Mont Albert Vic	Elgar	Construction of a front fence	Permit Amendment
WH/2017/1005/A	22-11-18	Delegate Approval - S72 Amendment	9 Olympiad Crescent Box Hill North Vic	Elgar	Construction of two double storey dwellings and vegetation removal	Permit Amendment
WH/2017/651/A	08-11-18	Delegate Approval - S72 Amendment	97 Rostrevor Parade Mont Albert North	Elgar	The construction of two or more dwellings on a lot, removal of vegetation and to construct a building and construct or carry out works	Permit Amendment
WH/2017/791/A	23-11-18	Delegate Approval - S72 Amendment	16 Clive Street Mitcham Vic 3132	Springfield	The construction of three double storey dwellings	Permit Amendment
WH/2017/999/A	20-11-18	Delegate Approval - S72 Amendment	20 Scottsdale Street Surrey Hills Vic	Riversdale	2 lot subdivision	Permit Amendment
WH/2018/713/A	27-11-18	Delegate Approval - S72 Amendment	10 Aldinga Street Blackburn South	Central	Construction of a single double storey dwelling in the Special Building Overlay	Permit Amendment

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2015/1089/A	15-11-18	Delegate NOD Issued	9-11 Prospect Street Box Hill Vic 3128	Elgar	Buildings and works to construct a twenty-five (25) storey building comprising 194 dwellings, use of land for dwellings and a reduction in the loading and unloading of vehicles requirement, generally in accordance with the endorsed plans and subject to the following conditions	Permit Amendment
WH/2017/1023	08-11-18	Delegate NOD Issued	4-6 Shepherd Street Surrey Hills Vic	Riversdale	Construction of five (5) double storey dwellings and tree removal	Multiple Dwellings
WH/2017/1045	16-11-18	Delegate NOD Issued	20 Graham Place Box Hill Vic 3128	Elgar	Construction of six double storey dwellings with basement car park	Multiple Dwellings
WH/2017/449	27-11-18	Delegate NOD Issued	28 Loudon Road Burwood Vic 3125	Riversdale	Construction of four dwellings, comprising two triple storey dwellings facing Alder Street and two double storey dwellings facing Loudon Road, and associated tree removal	Multiple Dwellings
WH/2017/658	19-11-18	Delegate NOD Issued	5 Wattle Street Box Hill North Vic	Elgar	Construction of two double storey dwellings, buildings and works within 4 metres and removal of trees protected under the SLO9	Multiple Dwellings
WH/2017/675	12-11-18	Delegate NOD Issued	37 Fowler Street Box Hill South Vic	Riversdale	Construction of Four (4) Double Storey Dwellings on a Lot	Multiple Dwellings

9.3.2
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/710	30-11-18	Delegate NOD Issued	2 Chapel Street Blackburn Vic 3130	Central	Construction of a four storey building, reduction in car parking and alteration of access to a road in a Road Zone, Category 1	Business
WH/2017/755	01-11-18	Delegate NOD Issued	20 Robert Street Burwood East Vic	Morack	The construction of two double storey dwellings, buildings and works within 4 metres of vegetation.	Multiple Dwellings
WH/2017/777	07-11-18	Delegate NOD Issued	4 Cole Court Box Hill North Vic	Elgar	Construction of four double storey dwellings	Multiple Dwellings
WH/2017/793	13-11-18	Delegate NOD Issued	15 Millicent Street Burwood Vic 3125	Riversdale	Construction of a Three (3) Storey Office Building, Alterations and Additions to Existing Warehouse and Reduction in Car Parking	Industrial
WH/2017/907	14-11-18	Delegate NOD Issued	1/42 Newton Street Surrey Hills Vic	Riversdale	Buildings and works to extend an existing dwelling and construct a fence.	Heritage
WH/2018/102	27-11-18	Delegate NOD Issued	96 Middleborough Road Blackburn South	Riversdale	Development of four (4) dwellings above basement carpark, tree removal, works within 4 metres of a protected tree and alterations of access to a Road Zone Category 1	Multiple Dwellings
WH/2018/108	26-11-18	Delegate NOD Issued	27 Shannon Street Box Hill North Vic	Elgar	Construction of three double storey dwellings on a lot, removal of and buildings and works within 4 metres of trees protected under SLO9	Multiple Dwellings

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/112	12-11-18	Delegate NOD Issued	347 Springvale Road Forest Hill Vic 3131	Morack	Use and development of a childcare centre and associated business identification signage and tree removal within the Significant Landscape Overlay Schedule 9 and alteration of access to a Road Zone Category 1	Child Care Centre
WH/2018/133	07-11-18	Delegate NOD Issued	124 Woodhouse Grove Box Hill North Vic	Elgar	Construction of 2 double storey dwellings, construction of a front fence and tree removal	Multiple Dwellings
WH/2018/140	20-11-18	Delegate NOD Issued	15 Charles Street Surrey Hills Vic	Elgar	The development of 3 double storey dwellings and buildings and works within 4m of a tree protected by SLO9	Multiple Dwellings
WH/2018/24	19-11-18	Delegate NOD Issued	39 Nicholson Street Nunawading Vic	Springfield	Construction of two, two-storey dwellings and associated removal of trees within the Significant Landscape Overlay Schedule 9 (SLO9)	Multiple Dwellings
WH/2018/33	19-11-18	Delegate NOD Issued	41 Beaver Street Box Hill South Vic	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2018/362	20-11-18	Delegate NOD Issued	40 Rosstrevor Crescent Mitcham Vic 3132	Springfield	Construction of a single dwelling on a land lot size less than 500 square metres and buildings and works within 4 metres of protected vegetation	Single Dwelling < 300m2

9.3.2
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/370	30-11-18	Delegate NOD Issued	1133 Whitehorse Road Box Hill Vic 3128	Elgar	Construction of 3 x 2 storey dwellings with basement car park and removal of trees	Multiple Dwellings
WH/2018/380	12-11-18	Delegate NOD Issued	942 Station Street Box Hill North Vic	Elgar	Construction of three double storey dwellings, associated tree removal and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
WH/2018/438	08-11-18	Delegate NOD Issued	297-309 Whitehorse Road Nunawading Vic	Springfield	Extension to the existing motor vehicle sales showroom and associated alterations to site layout	Business
WH/2018/520	30-11-18	Delegate NOD Issued	14 Wooddale Grove Mitcham Vic 3132	Springfield	Construction of 5 double storey dwellings	Multiple Dwellings
WH/2018/55	13-11-18	Delegate NOD Issued	6 Agnes Street Mont Albert Vic	Elgar	Construction of two double storey dwellings, buildings and works within 4 metres and removal of trees protected under the SLO9	Multiple Dwellings
WH/2018/692	16-11-18	Delegate NOD Issued	20 Erasmus Street Surrey Hills Vic	Riversdale	Construction of a New Dwelling Behind Existing Dwelling, Removal of Associated Vegetation and Re-Alignment of Common Boundary Between Two Lots	Multiple Dwellings
WH/2018/791	27-11-18	Delegate NOD Issued	1183 Riversdale Road Box Hill South Vic	Riversdale	Construction of three dwellings and removal of vegetation	Multiple Dwellings

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/80	21-11-18	Delegate NOD Issued	404 Burwood Highway Vermont South Vic	Morack	Construction of ten triple storey dwellings, alteration of access to a road in a road zone, Category 1, and tree removal	Multiple Dwellings
WH/2017/1017	07-11-18	Delegate Permit Issued	5 Range Road Burwood East Vic	Morack	Construction of two (2) double storey dwellings and tree removal	Multiple Dwellings
WH/2017/988	20-11-18	Delegate Permit Issued	195a Middleborough Road Box Hill South Vic	Riversdale	Use land to sell and consume liquor associated with the use as a restaurant	Liquor Licence
WH/2018/1007	28-11-18	Delegate Permit Issued	1 Corlett Street Mont Albert North	Elgar	2 lot subdivision	Subdivision
WH/2018/1043	08-11-18	Delegate Permit Issued	2a Hodgson Street Mitcham Vic 3132	Springfield	Removal of six (6) trees	Special Landscape Area
WH/2018/1056	30-11-18	Delegate Permit Issued	275-277 Burwood Highway	Morack	Use of the land for restricted retail premises and display of an above verandah sign and internally illuminated business identification signage	Other
WH/2018/1069	28-11-18	Delegate Permit Issued	310/270 Canterbury Road Forest Hill Vic 3131	Central	Use of the land for the sale and consumption of liquor associated with a food and drink premises	Liquor Licence
WH/2018/1078	28-11-18	Delegate Permit Issued	270 Canterbury Road Forest Hill Vic 3131	Central	Use of the land for the sale and consumption of liquor associated with a food and drink premises	Business
WH/2018/1112	12-11-18	Delegate Permit Issued	8-12 Simla Street Mitcham Vic 3132	Springfield	Use of part of the land for the purpose of a commercial kitchen	Industrial
WH/2018/1118	22-11-18	Delegate Permit Issued	31 Kangerong Road Box Hill Vic 3128	Elgar	Two lot subdivision	VicSmart - Subdivision

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1130	20-11-18	Delegate Permit Issued	322/270 Canterbury Road Forest Hill Vic 3131	Central	Use of the land for the sale and consumption of liquor associated with a food and drink premises	Business
WH/2018/1131	27-11-18	Delegate Permit Issued	307/270 Canterbury Road Forest Hill Vic 3131	Central	Use of the land for the sale and consumption of liquor associated with a food and drink premises	Liquor Licence
WH/2018/1136	01-11-18	Delegate Permit Issued	2/44 Naughton Grove Blackburn Vic 3130	Central	Buildings and works (construct a deck)	VicSmart - General Application
WH/2018/1144	02-11-18	Delegate Permit Issued	1/97-123 Hawthorn Road Forest Hill Vic 3131	Morack	Removal of one (1) tree	VicSmart - General Application
WH/2018/1145	02-11-18	Delegate Permit Issued	1/97-123 Hawthorn Road Forest Hill Vic 3131	Morack	Removal of one (1) tree	VicSmart - General Application
WH/2018/1153	02-11-18	Delegate Permit Issued	1-19 Burwood Highway Burwood East Vic	Riversdale	Display of business identification signage	Advertising Sign
WH/2018/1154	28-11-18	Delegate Permit Issued	K 313/270 Canterbury Road	Central	Use of the land for the sale and consumption of liquor associated with a food and drink premises	Liquor Licence
WH/2018/1159	02-11-18	Delegate Permit Issued	1a Wellesley Street Mont Albert Vic	Elgar	Removal of one tree (Tree 1)	VicSmart - General Application
WH/2018/1160	15-11-18	Delegate Permit Issued	4 Louise Avenue Mont Albert Vic	Elgar	Construction of a fence in a Heritage Overlay - Schedule 243	VicSmart - General Application
WH/2018/1163	02-11-18	Delegate Permit Issued	3 Newbury Street Mitcham Vic 3132	Springfield	Removal of one (1) tree within SLO9	VicSmart - General Application
WH/2018/1164	27-11-18	Delegate Permit Issued	306/270 Canterbury Road Forest Hill Vic 3131	Central	Use of the land for the sale and consumption of liquor associated with a food and drink premises	Liquor Licence

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1165	27-11-18	Delegate Permit Issued	31 Uganda Street Burwood Vic 3125	Riversdale	Buildings and works (construct a new dwelling) within 4 metres of protected vegetation	Special Landscape Area
WH/2018/1181	08-11-18	Delegate Permit Issued	Bus stop no.1304, corner of Springfield Rd and Williams Rd Blackburn	Central Ward	Display two internally illuminated promotion signs	Advertising Sign
WH/2018/1184	30-11-18	Delegate Permit Issued	Bus Stop no 12515, Corner of Springvale Road and Panaroma Drive, Forest Hill	Morack Ward	Display two advertising signs comprising of two internally illuminated promotion signs near the corner of Springvale Road and Panaroma Drive, Forest Hill (Bus stop id 12515)	Advertising Sign
WH/2018/1187	23-11-18	Delegate Permit Issued	15 Taldra Street Box Hill North Vic	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
WH/2018/1190	12-11-18	Delegate Permit Issued	25 Parkside Avenue Box Hill Vic 3128	Elgar	To construct a deck to the rear of the dwelling	VicSmart - General Application
WH/2018/1191	01-11-18	Delegate Permit Issued	84 Harrison Street Box Hill North Vic	Elgar	Removal of one (1) tree	VicSmart - General Application
WH/2018/1195	27-11-18	Delegate Permit Issued	309/270 Canterbury Road Forest Hill Vic 3131	Central	Use of the land for the sale and consumption of liquor associated with a food and drink premises	Liquor Licence
WH/2018/1202	13-11-18	Delegate Permit Issued	48 Benwerrin Drive Burwood East Vic	Riversdale	Buildings and works (construction of new dwelling) within 4 metres of protected trees	Special Landscape Area
WH/2018/1208	02-11-18	Delegate Permit Issued	11 Marlborough Street Mont Albert Vic	Elgar	Buildings and works (construction of in-ground swimming pool and fence)	VicSmart - General Application

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1211	29-11-18	Delegate Permit Issued	5 Athol Court Blackburn Vic 3130	Central	Removal of seven (7) trees and buildings and works within 4 metres of protected vegetation	Single Dwelling < 300m2
WH/2018/1218	20-11-18	Delegate Permit Issued	1/11-13 Mcclares Road VERMONT VIC 3133	Morack	Buildings and works (construct a covered outdoor deck) to extend one dwelling on a lot of less than 300 square metres	Single Dwelling < 300m2
WH/2018/1220	22-11-18	Delegate Permit Issued	1a Orion Street Vermont Vic 3133	Springfield	Building a deck and verandah at rear of unit	VicSmart - General Application
WH/2018/1221	22-11-18	Delegate Permit Issued	3 Richard Street Box Hill North Vic	Elgar	Removal of one (1) tree	VicSmart - Tree
WH/2018/1223	26-11-18	Delegate Permit Issued	53 Harrison Street Box Hill North Vic	Elgar	Two lot subdivision	VicSmart - Subdivision
WH/2018/1229	20-11-18	Delegate Permit Issued	9 Lucerne Street Vermont Vic 3133	Morack	Removal of two (2) trees	Special Landscape Area
WH/2018/1233	23-11-18	Delegate Permit Issued	40 Rutland Road Box Hill Vic 3128	Elgar	Shopfront access alterations to the existing building facade of the commercial premises.	VicSmart - General Application
WH/2018/1234	28-11-18	Delegate Permit Issued	F 1/270 Canterbury Road Forest Hill Vic 3131	Central	Buildings and works (external alterations)	Business
WH/2018/1235	23-11-18	Delegate Permit Issued	29 Casella Street Mitcham Vic 3132	Springfield	Buildings and works (Construction of a rear deck, pool seat and pool fence) within the SLO6	VicSmart - General Application
WH/2018/1237	22-11-18	Delegate Permit Issued	16 Churinga Avenue Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1239	22-11-18	Delegate Permit Issued	47 Worthing Avenue Burwood East Vic	Morack	Removal of Protected Tree (SLO9)	VicSmart - Tree
WH/2018/1240	22-11-18	Delegate Permit Issued	16 Cumberland Court Forest Hill Vic 3131	Springfield	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2018/1241	22-11-18	Delegate Permit Issued	16 Cumberland Court Forest Hill Vic 3131	Springfield	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2018/1242	22-11-18	Delegate Permit Issued	18 Drovers Court Vermont South Vic	Morack	Removal of one (1) tree	VicSmart - Tree
WH/2018/1246	22-11-18	Delegate Permit Issued	7 Hughes Street Burwood Vic 3125	Riversdale	Removal of one tree - Cupressus sempervirens Italian Cypress	VicSmart - Tree
WH/2018/1247	22-11-18	Delegate Permit Issued	7 Hughes Street Burwood Vic 3125	Riversdale	Removal of one tree - Cupressus sempervirens Italian Cypress	VicSmart - Tree
WH/2018/1249	22-11-18	Delegate Permit Issued	1/25 Amery Avenue Blackburn Vic 3130	Central	Buildings and works (construct a front fence) within 4 metres of protected vegetation	VicSmart - General Application
WH/2018/1251	26-11-18	Delegate Permit Issued	103 Kenmare Street Mont Albert North	Elgar	Construction of a front fence within 4 m of protected trees within the SLO9	VicSmart - General Application
WH/2018/1252	26-11-18	Delegate Permit Issued	27 Linden Street Blackburn Vic 3130	Central	Two lot subdivision	VicSmart - Subdivision
WH/2018/1258	27-11-18	Delegate Permit Issued	1/16 Thomas Street Mitcham Vic 3132	Springfield	Buildings and works (alteration to existing dwelling)	Heritage
WH/2018/1277	27-11-18	Delegate Permit Issued	14 Warnes Road Mitcham Vic 3132	Springfield	Two lot subdivision	VicSmart - Subdivision
WH/2018/1286	30-11-18	Delegate Permit Issued	5 Beddoe Road Vermont Vic 3133	Morack	Removal of tree (SLO9)	VicSmart - Tree
WH/2018/1296	30-11-18	Delegate Permit Issued	35 Pope Road Blackburn Vic 3130	Central	Removal of one (1) tree	VicSmart - Tree

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/162	19-11-18	Delegate Permit Issued	1 Carramar Court Vermont Vic 3133	Morack	Construction of two (2) dwellings and removal of vegetation in SLO	Multiple Dwellings
WH/2018/221	07-11-18	Delegate Permit Issued	10 Renmark Court Vermont South Vic	Morack	Construction of one (1) double storey dwelling to the rear of an existing dwelling and buildings and works within a Special Building Overlay and tree removal	Multiple Dwellings
WH/2018/252	13-11-18	Delegate Permit Issued	7 Puerta Street Burwood Vic 3125	Riversdale	Construction of two double storey dwellings and removal of trees within SLO9	Multiple Dwellings
WH/2018/314	07-11-18	Delegate Permit Issued	14 Ferris Avenue Mitcham Vic 3132	Springfield	Removal of two trees	Special Landscape Area
WH/2018/437	23-11-18	Delegate Permit Issued	68 Somers Street Burwood Vic 3125	Riversdale	Tree removal within the significant landscape overlay	Special Landscape Area
WH/2018/440	21-11-18	Delegate Permit Issued	23 Stanley Road Vermont South Vic	Morack	Construction of two new dwellings	Multiple Dwellings
WH/2018/504	07-11-18	Delegate Permit Issued	42 Ashmore Road Forest Hill Vic 3131	Morack	Removal of two trees	Special Landscape Area
WH/2018/515	07-11-18	Delegate Permit Issued	500 Middleborough Road Blackburn Vic 3130	Central	Display of business identification signage	Advertising Sign
WH/2018/584	30-11-18	Delegate Permit Issued	10 Kalka Street Blackburn Vic 3130	Central	Buildings and works for the extension of an existing dwelling and construction of a new carport, including associated buildings and works within 4 metres of protected SLO9 trees and tree removal	Single Dwelling < 300m2

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/589	26-11-18	Delegate Permit Issued	3 Tunstall Avenue Nunawading Vic	Springfield	Removal of two protected trees in the Signficiant Landscape Overlay - Schedule 9	Special Landscape Area
WH/2018/609	21-11-18	Delegate Permit Issued	35 Norma Road Forest Hill Vic 3131	Morack	5 lot subdivision	Subdivision
WH/2018/634	20-11-18	Delegate Permit Issued	5 Fuchsia Street Blackburn Vic 3130	Central	Building and works for the construction of a new dwelling and associated vegetation removal	Special Landscape Area
WH/2018/643	14-11-18	Delegate Permit Issued	47 Katrina Street Blackburn North	Central	Development of two (2) double storey dwellings including associated buildings and works within 4 metres of protected trees	Multiple Dwellings
WH/2018/652	08-11-18	Delegate Permit Issued	63 Katrina Street Blackburn North	Central	Construction of a three storey mixed-use building comprising one shop and one dwelling	Business
WH/2018/717	20-11-18	Delegate Permit Issued	8 Selwyn Street Blackburn Vic 3130	Central	Buildings and works within 4 metres of vegetation and vegetation removal.	Special Landscape Area
WH/2018/747	22-11-18	Delegate Permit Issued	2/5 Court Street Box Hill Vic 3128	Elgar	Reduction of car parking requirement for Education Centre.	Education
WH/2018/753	08-11-18	Delegate Permit Issued	19 Barkly Terrace Mitcham Vic 3132	Springfield	Second storey addition	Single Dwelling < 300m2
WH/2018/771	26-11-18	Delegate Permit Issued	64 Springfield Road Blackburn Vic 3130	Central	Replace existing posterboard sign with new electronic sign	Advertising Sign
WH/2018/779	30-11-18	Delegate Permit Issued	54 Raleigh Street Forest Hill Vic 3131	Central	Removal of eight (8) protected trees	Special Landscape Area

9.3.2
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/782	28-11-18	Delegate Permit Issued	23 Peacock Street Burwood Vic 3125	Riversdale	Buildings and works and use as a residential building (student accommodation)	Residential (Other)
WH/2018/79	13-11-18	Delegate Permit Issued	21 Second Avenue Box Hill North Vic	Elgar	Construction of second double storey dwelling on a lot and buildings and works within 4 metres trees protected under the SLO9	Multiple Dwellings
WH/2018/790	29-11-18	Delegate Permit Issued	52 Cumming Street Burwood Vic 3125	Riversdale	Buildings and works for construction of two double storey dwellings and removal of trees	Multiple Dwellings
WH/2018/81	26-11-18	Delegate Permit Issued	12 Bellevue Avenue Burwood East Vic	Morack	Construction of two, two storey dwellings and works within 4 metres of trees protected under the Significant Landscape Overlay Schedule 9 (SLO9)	Multiple Dwellings
WH/2018/821	21-11-18	Delegate Permit Issued	8 Hotham Court Mont Albert Vic	Elgar	Buildings and works within 4 metres of protected trees and vegetation removal	Special Landscape Area
WH/2018/841	21-11-18	Delegate Permit Issued	939 Whitehorse Road Box Hill Vic 3128	Elgar	Construct and display an internally illuminated sign and buildings and works (in association with the use of land for the purpose of a shop)	Advertising Sign
WH/2018/851	21-11-18	Delegate Permit Issued	25 Scott Grove Burwood Vic 3125	Riversdale	2 Lot Subdivision Boundary re-alignment and remove Common Property	Subdivision
WH/2018/866	05-11-18	Delegate Permit Issued	14 Linden Street Box Hill South Vic	Riversdale	Subdivision of Land into Four Lots, in	Subdivision

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
					accordance with the approved Development Permit / Plans.	
WH/2018/867	29-11-18	Delegate Permit Issued	4 Albert Crescent Surrey Hills Vic	Elgar	Demolition of existing outbuilding, partial demolition of existing dwelling, additions to existing dwelling and construction of new outbuilding in a heritage overlay and removal of three (3) trees	Heritage
WH/2018/880	08-11-18	Delegate Permit Issued	96-106 Springvale Road Nunawading Vic	Springfield	Alter access to a road in a Road Zone, Category 1 and removal of native vegetation	Other
WH/2018/883	08-11-18	Delegate Permit Issued	3 Shafer Road Blackburn North	Central	Four (4) Lot Subdivision	Subdivision
WH/2018/890	14-11-18	Delegate Permit Issued	1 Laurencia Court Mont Albert Vic	Elgar	Buildings and works (alterations to existing dwelling) in a Heritage Overlay and within 4 metres of protected vegetation	Heritage
WH/2018/894	27-11-18	Delegate Permit Issued	2 Pelham Drive Vermont South Vic	Morack	Removal of three (3) trees within the Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2018/904	21-11-18	Delegate Permit Issued	11 Trafalgar Street Mont Albert Vic	Elgar	SUBDIVIDE THE LAND INTO TWO (2) LOTS	Subdivision
WH/2018/907	19-11-18	Delegate Permit Issued	29 Karen Street Box Hill North Vic	Elgar	To subdivide the land into five lots and common property.	Subdivision
WH/2018/908	26-11-18	Delegate Permit Issued	5 Dalmor Avenue Mitcham Vic 3132	Springfield	Removal of 3 Trees	Special Landscape Area

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/913	20-11-18	Delegate Permit Issued	18 Winjallock Crescent Vermont South Vic	Morack	2 lot subdivision	Subdivision
WH/2018/918	23-11-18	Delegate Permit Issued	2 Wellington Avenue Blackburn Vic 3130	Central	Buildings and works for Construction of Carport	Special Landscape Area
WH/2018/919	27-11-18	Delegate Permit Issued	23 Paul Avenue Box Hill North Vic	Elgar	Two lot subdivision	Subdivision
WH/2018/928	13-11-18	Delegate Permit Issued	7 Market Street Box Hill Vic 3128	Elgar	Use of land for the sale of liquor	Liquor Licence
WH/2018/956	23-11-18	Delegate Permit Issued	24 Thomas Street Box Hill South Vic	Riversdale	Removal of 3 Trees and Pruning of 2 Trees	Special Landscape Area
WH/2018/962	19-11-18	Delegate Permit Issued	270 Canterbury Road Forest Hill Vic 3131	Central	Buildings and works associated with reconfiguration of tenancies	Business
WH/2018/989	22-11-18	Delegate Permit Issued	11 Citrus Street Vermont South Vic	Morack	Removal of vegetation within SLO9	Special Landscape Area
WH/2018/990	26-11-18	Delegate Permit Issued	50 Andrews Street Burwood Vic 3125	Riversdale	Removal of trees	Special Landscape Area
WH/2018/996	28-11-18	Delegate Permit Issued	9 Russell Street Nunawading Vic	Springfield	2 lot subdivision	Subdivision
WH/2018/999	22-11-18	Delegate Permit Issued	12 Saxon Street Burwood East Vic	Riversdale	2 lot subdivision	VicSmart - Subdivision
WH/2013/822/D	23-11-18	Delegate Refusal - S72 Amendment	62 Surrey Road Blackburn North	Central	Construction of two (2) double storey dwellings and create access to a road in a Road Zone, Category 1	Permit Amendment
WH/2017/806	14-11-18	Delegate Refusal Issued	9 Glen Valley Road Forest Hill Vic 3131	Springfield	Buildings and works for construction of three double storey dwellings	Multiple Dwellings

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1173	01-11-18	Delegate Refusal Issued	20 Chessell Street Mont Albert North	Elgar	Removal of gum tree in backyard. Roots are damaging pool . See arborist report.	VicSmart - General Application
WH/2018/1210	16-11-18	Delegate Refusal Issued	19 Jeffery Street Blackburn Vic 3130	Central	removal of one (1) tree	VicSmart - Tree
WH/2018/1232	22-11-18	Delegate Refusal Issued	7 Belgravia Avenue Mont Albert North	Elgar	Removal of one (1) tree	VicSmart - Tree
WH/2018/1268	27-11-18	Delegate Refusal Issued	3 Arnott Street Mont Albert North	Elgar	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2018/230	28-11-18	Delegate Refusal Issued	13 Inglis Street Box Hill North Vic	Elgar	Change of use to childcare centre and reduction in car parking requirements of Clause 52.06.	Child Care Centre
WH/2018/431	30-11-18	Delegate Refusal Issued	15 Duckham Street Blackburn Vic 3130	Central	Construction of second dwelling on a lot, renovations to existing dwelling and buildings and works within 4 metres of trees and tree removal	Multiple Dwellings
WH/2018/45	07-11-18	Delegate Refusal Issued	42-48 Glenburnie Road Mitcham Vic 3132	Springfield	Construction of ten (10) double storey dwellings, buildings and works in a SLO7 and removal of vegetation	Multiple Dwellings
WH/2018/71	02-11-18	Delegate Refusal Issued	56 Orchard Crescent Mont Albert North	Elgar	Proposed development of 2 double storey dwellings with basement on a single lot, tree removal and works within 4 metres of protected trees in the SLO9.	Multiple Dwellings
WH/2017/179/A	29-11-18	Withdrawn	11 Norway Avenue Blackburn Vic 3130	Central	Construction of two double storey dwellings	Permit Amendment

9.3.2
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1207	02-11-18	Withdrawn	801-805 Whitehorse Road Mont Albert Vic	Elgar	(Withdrawn - due to being a street tree) Removal of a single tree	VicSmart - Tree
WH/2018/957	30-11-18	Withdrawn	964 Whitehorse Road Box Hill Vic 3128	Elgar	Construction and display of an internally illuminated sign	Advertising Sign

9.3.2
 (cont)

BUILDING DISPENSATIONS/APPLICATIONS NOVEMBER 2018

Address	Date	Ward	Result
12 Burcote Street, Blackburn North	08-11-18	Central	Consent Granted 76
16 Vernon Street, Blackburn South	09-11-18	Central	Consent Granted 76
19 Gay Street, Blackburn North	22-11-18	Central	Consent Granted 74
19 Slater Avenue, Blackburn North	08-11-18	Central	Consent Granted 76
31 Main Street, Blackburn	01-11-18	Central	Consent Granted 89
4 Pope Road, Blackburn	09-11-18	Central	Consent Granted 79
40 Lee Ann Street, Forest Hill	09-11-18	Central	Consent Granted 89
12 Burcote Street, Blackburn North	08-11-18	Central	Consent Refused 74
1 Hopetoun Parade, Box Hill	12-11-18	Elgar	Consent Granted S57
11 Serpentine Street, Mont Albert	01-11-18	Elgar	Consent Granted 89
21 Box Hill Crescent, Mont Albert North	23-11-18	Elgar	Consent Granted 74
4 Hood Street, Mont Albert	27-11-18	Elgar	Consent Granted 80
5 Parkside Avenue, Box Hill	13-11-18	Elgar	Consent Granted 91
6 Menzies Street, Box Hill	19-11-18	Elgar	Consent Granted 83,74
820-824 Whitehorse Road, Box Hill	26-11-18	Elgar	Consent Granted 116
321 Mont Albert Road, Mont Albert	20-11-18	Elgar	Consent Refused 89
553 Middleborough Road, Box Hill North	09-11-18	Elgar	Consent Refused 89,92
8 Cameron Road, Box Hill North	14-11-18	Elgar	Consent Refused 80, 81
1 Blanche Drive, Vermont	12-11-18	Morack	Consent Granted 74
155 Hawthorn Road, Forest Hill	23-11-18	Morack	Consent Granted 89
20 Holyrood Drive, Vermont	09-11-18	Morack	Consent Granted 79
33 Ranfurlie Road, Forest Hill	09-11-18	Morack	Consent Granted 74
4 Joan Crescent, Burwood East	16-11-18	Morack	Consent Granted 89
4 Opal Street, Forest Hill	13-11-18	Morack	Consent Granted 74
42 Nurlendi Road, Vermont	08-11-18	Morack	Consent Granted 89
54 Robinlee Avenue, Burwood East	14-11-18	Morack	Consent Granted 89
93 Husband Road, Forest Hill	22-11-18	Morack	Consent Granted 89
14 Ashmore Road, Forest Hill	12-11-18	Morack	Consent Refused 82
9 Leddy Street, Forest Hill	16-11-18	Morack	Consent Refused 74
1/15 Hill Street, Box Hill South	19-11-18	Riversdale	Consent Granted 75,80
20 Campbell Parade, Box Hill South	16-11-18	Riversdale	Consent Granted 89
24 Massey Street, Box Hill South	01-11-18	Riversdale	Consent Granted 79
33 Jenner Street, Blackburn South	12-11-18	Riversdale	Consent Granted 89
22 Andrews Street, Burwood	12-11-18	Riversdale	Consent Refused 89
24 Massey Street, Box Hill South	01-11-18	Riversdale	Consent Refused 74
18 Boyle Street, Forest Hill	22-11-18	Springfield	Consent Granted 79
3 Wattle Valley Road, Mitcham	29-11-18	Springfield	Consent Granted 76
303 Springvale Road, Forest Hill	23-11-18	Springfield	Consent Granted 89
43 Glen Valley Road, Forest Hill	22-11-18	Springfield	Consent Granted 74
6 Vernal Avenue, Mitcham	29-11-18	Springfield	Consent Granted 76
18 Boyle Street, Forest Hill	22-11-18	Springfield	Consent Refused 80
52 Owen Street, Mitcham	29-11-18	Springfield	Consent Refused 89

9.3.2

(cont)

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS NOVEMBER 2018

Under the Planning and Environment Act 1987 - Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION NOVEMBER 2018

Contract Number	Service
30094	Supply of Track Loader
30019	Harrow Street Car Park Construction

REGISTER OF PROPERTY DOCUMENTS EXECUTED NOVEMBER 2018

Property Address	Document Type	Document Detail
Leases		
13C Luckie Street, Nunawading	Lease	Lease Renewal - A Guide hall
83 Eley Road, Blackburn South	Lease	Lease Renewal - A Guide hall
19 Station Street, Burwood	Lease	Lease Renewal - A Guide hall
73 Rostrevor Parade, Mont Albert North	Lease	Lease Renewal - A Guide hall
11 Nunkeri Street, Vermont	Lease	Lease Renewal - A Guide hall
Licenses		
8A Prospect Street, Box Hill	Licence	For use as a car park
Fire Services Property Levy (FSPL)		
246 Mitcham Road, Mitcham	Not applicable	Category changed from 'Residential' to 'Commercial'
1 South Parade, Blackburn	Not applicable	Category changed from 'Public Benefit' to 'Exempt'

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL NOVEMBER 2018

Instrument of Appointment and Authorisation under the Planning and Environment Act 1987
 Council to Anne North – 19.11.18

PARKING RESTRICTIONS APPROVED BY DELEGATION NOVEMBER 2018

Address: **Norcal Road, Nunawading:** from 13m north of the southern boundary of 51-53 Norcal Road to 26m north of the southern boundary of 51-53 Norcal Road – east side

Previously: 2 'Unrestricted' parking spaces

Now: 2 'Temporary 'Bus Zone' 7.30am to 10.30am & 3.30pm to 6.30pm, Monday to Friday' parking spaces

Address: **Heatherdale Road, Mitcham:** from 15m north of Kulnine Avenue to 33m north of Kulnine Avenue – west side

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

Now: 2 'Unrestricted' parking spaces

9.3.2
 (cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING NOVEMBER 2018

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
01/11/2018	\$6,648.76	25	EFC
01/11/2018	\$44,599.24	35	CHQ
01/11/2018	\$2,968,920.30	268	EFT
02/11/2018	\$23,635.40	5	EFT
05/11/2018	\$1,188.00	1	EFT
08/11/2018	\$861.84	6	EFC
08/11/2018	\$109,133.57	37	CHQ
08/11/2018	\$324,327.90	41	EFT
08/11/2018	\$1,486.00	1	EFC
15/11/2018	\$7,005.63	29	EFC
15/11/2018	\$57,228.41	19	CHQ
15/11/2018	\$2,178,629.71	317	EFT
21/11/2018	\$18,719.77	1	EFT
22/11/2018	\$10,695.76	16	EFC
22/11/2018	\$171,049.39	88	CHQ
22/11/2018	\$577,009.25	72	EFT
28/11/2018	\$71,830.20	2	EFT
29/11/2018	\$3,973.20	9	EFC
29/11/2018	\$86,114.81	70	CHQ
29/11/2018	\$5,054,020.20	432	EFT
29/11/2018	\$964.10	1	EFT
GROSS	\$11,718,041.44	1475	
Monthly Lease Payments	\$36,198.95		
Direct Debit Payments	\$146,630.78		
CANCELLED PAYMENTS	-\$51,488.93	-15	
NETT	\$11,849,382.24	1460	

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 Ellis reported on her attendance at the Eastern Region Group meeting held on the 14 December 2018.
- 10.1.2 Cr Liu reported on her attendance at the:
- Whitehorse Manningham Regional Library Corporation meeting held on the 12 December 2018.
 - Eastern Transport Coalition meeting held on the 13 December 2018.
- 10.1.3 Cr Cutts reported on her attendance at the:
- Whitehorse Manningham Regional Library Corporation meeting held on the 12 December 2018.
 - Whitehorse Business Group meeting held on the 11 December 2018.
- 10.1.4 Cr Bennett reported on his attendance at the Eastern Region Group meeting held on the 14 December 2018.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendation from the Special Committee of Council Meeting

No meeting held.

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
10.12.18 6:30-7:00pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> • 6.1-6.4 Notice of Motions • 9.2.1 Whitehorse Sport and Recreation Network – Appointment of Members • 10.2.1 Gift Register Accessibility on Council's Website 	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe	N Duff J Green N Brown T Wilkinson P Smith S Freud A De Fazio R Anania	Nil	Nil
21.01.19 6:30-8:10pm	Councillor Briefing Session	Cr Bennett (Mayor & Chair) Cr Barker (left meeting at 7:15pm, returned at 7:55pm) Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe	N Duff K Marriott (AGMCD) N Brown T Wilkinson P Smith A De Fazio S Freud I Kostopoulos S Morison S Cann A Egan V McLean S Belmore J Hansen	Nil	Nil

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Munroe

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

Nil

12 CLOSE MEETING

Meeting closed at 8.17pm

Confirmed this 25th day of February 2019

CHAIRPERSON