



# City of Whitehorse

## MINUTES

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### Ordinary Council Meeting

Held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 16 February 2015**

at 7.00 p.m.

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

**Ms Noelene Duff**  
Chief Executive Officer

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**Meeting opened at 7.00pm**

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

## **AGENDA**

### **1 PRAYER**

#### **1a Prayer for Council**

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

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

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

**Amen.**

#### **1b Aboriginal Reconciliation Statement**

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

### **2 WELCOME AND APOLOGIES**

The Mayor Welcomed All

Cr Ellis has previously sought and been granted a leave of absence for the Ordinary Council Meeting 16 February 2015.

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

Cr Chong AM declared an Indirect Conflict of Interest in item 9.1.4 Consideration of the Panel Report in relation to combined Amendment C153 and planning permit application WH/2012/872 for 15-31 Hay Street, Box Hill South, in respect of his personal and public duties, as he was a consultant and advisor to the International Business College.

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

Minutes of the Ordinary Council Meeting 27 January 2015.

#### **COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Massoud

***That the minutes of the Ordinary Council Meeting of 27 January 2015 having been circulated now be confirmed.***

**CARRIED UNANIMOUSLY**

## 5 RESPONSES TO QUESTIONS

- 5.1 Jean Hutson submitted two questions in relation to item 9.1.4 Consideration of the Panel Report in relation to combined Amendment C153 and planning permit application WH/2012/872 for 15-31 Hay Street, Box Hill South

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

- 5.2 Robyn Lawley submitted a question in relation to item 9.1.4 Consideration of the Panel Report in relation to combined Amendment C153 and planning permit application WH/2012/872 for 15-31 Hay Street, Box Hill South

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

- 5.3 Hugh Marr submitted two question in relation to item 9.1.3 Whitehorse Planning Scheme Amendment C164 – Introduction of two heritage overlays: the Blue Flame Estate Vermont South (former display village) and 127 Whitehorse Road Blackburn (former factory and now used as a Sikh temple).

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

- 5.4 Sheila Turner submitted two questions in relation to 9.1.4 Consideration of the Panel Report in relation to combined Amendment C153 and planning permit application WH/2012/872 for 15-31 Hay Street, Box Hill South

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

- 5.5 Tracey Suidgeest submitted two questions in relation to 9.1.4 Consideration of the Panel Report in relation to combined Amendment C153 and planning permit application WH/2012/872 for 15-31 Hay Street, Box Hill South

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

## 6 NOTICES OF MOTION

6.1 Notice of Motion 83 – Cr Davenport

### COUNCIL MOTION

Moved by Cr Davenport, Seconded by Cr Massoud

#### *That Council:*

1. *Requests officers prepare a cost and time estimate to complete a report which details the following information about Council buildings:*
  - i. *Lease arrangements*
  - ii. *Type of use*
  - iii. *Approximate usage rates expressed as a percentage of time used.*
2. *Refer the estimate to the 2015-2016 Budget for further consideration.*
3. *Consider a policy position that new capital projects are prioritized where existing capacity is limited and the decision to invest in capital project is not dependent on the facility being “multi-use”*

LOST

## 7 PETITIONS

Nil

## 8 URGENT BUSINESS

Nil

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

##### **9.1.1 57 Florence Road, Surrey Hills (LOT 17 LP 6476 39B) – Construction of four double storey dwellings**

FILE NUMBER: WH/2014/290  
ATTACHMENT

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#### **SUMMARY**

*This application was advertised, and a total of 14 objections from 12 objector properties were received. The objections raised issues with neighbourhood character, amenity, car parking and traffic, vegetation removal and detailed site planning. A Consultation Forum was held on Wednesday 10 December 2014 chaired by Councillor Davenport, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **RECOMMENDATION**

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

- A. *Being the Responsible Authority, having caused Application WH/2014/290 for 57 Florence Road, SURREY HILLS (LOT 17 LP 6476 39B) 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 dwellings is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 57 Florence Road, SURREY HILLS (LOT 17 LP 6476 39B) for the construction of four dwellings, subject to the following conditions:***
  - 1. *Before the development starts, or any trees or vegetation removed, amended plans (two copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
    - a) *The steps and entry porch of Dwellings 1 and 2 modified to achieve a minimum front setback of 15.24 metres.***
    - b) *Trees 10 (*Brachichyton acerifolius*), 23 (*Fagus sylvatica*) and 27 (*Arbutus unedo*) retained in the design.***
    - c) *Tree sensitive footings for the south wall of Dwelling 3 where within the TPZ of Tree 10 including cross section plans with construction methodology.***
    - d) *Bedroom 3 and the adjoining toilet of Dwelling 3 repositioned in line with the northern wall of the bathroom thus providing articulation to the upper floor south-facing wall.***

**9.1.1**  
(cont)

- e) *The steps and entry of Dwelling 1 relocated outside of the TPZ of Tree 23.*
  - f) *The driveway to Dwelling 1 relocated outside the TPZ of Tree 23.*
  - g) *Removal of the 1.65m high fence between Dwellings 1 and 2 and replaced with a suitable evergreen hedging plant.*
  - h) *Existing ground levels maintained and the retaining wall removed within the TPZ of Tree 27.*
  - i) *Relocation of the clothesline and footpath of Dwelling 4 to a location outside the TPZ of Tree 27.*
  - j) *Trees on the abutting properties referred to in Condition 5 as Trees B (Banksia sp.), C (Prunus laurocerasus), D (Laurus nobilis), E (Eucalyptus nicholii) and F (row of Camellia japonica).*
  - k) *Shading devices attached to all west facing ground level windows/doors of Dwellings 3 and 4.*
  - l) *Compliance with Clause 55, Standard B23 Internal Views.*
  - m) *The Dwelling 1 garage free of obstructions (stairs and door) in accordance with Clause 52.06, Car Parking.*
  - n) *Landscape Plan in accordance with Condition 3, including the following:*
    - *Provision of one upper canopy tree capable of reaching a height of 8 metres within the front setback of each dwelling.*
    - *Provision of one upper canopy tree capable of reaching a height of 8 metres within the secluded private open space of each dwelling.*
    - *Each tree must be 1.5 metres in height at the time of planting.*
2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show –*
- i. *A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
  - ii. *Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.*
  - iii. *Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
    - *Providing a complete garden scheme, softening the building bulk,*
    - *Providing some upper canopy for landscape perspective,*
    - *Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.*
  - iv. *A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any other relevant requirements of Condition No. 1.*
  - v. *The proposed design features such as paths, paving, lawn and mulch.*
  - vi. *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.*
  - vii. *All trees are to be a minimum of 1.5 metres in height at the time of planting.*
  - viii. *Details of meter and mail boxes.*

**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.**

**9.1.1**  
(cont)

- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it should be required to be replaced by a tree or shrub of similar size and variety.**
- 5. Prior to commencement of any building or demolition works on the land, Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:**

**a) Tree Protection Zone distances:**

- i. Tree 10 (*Brachychiton acerifolius*) - 6.0 metre radius from centre base of tree.**
- ii. Tree 12 (*Acer palmatum*) - 4.7 metre radius from centre base of tree.**
- iii. Tree 23 (*Fagus sylvatica*) - 3.8 metre radius from centre base of tree.**
- iv. Tree 27 (*Arbutus unedo*) - 5.5 metre radius from centre base of tree.**
- v. Tree 20 (*Callistemon viminalis*) - 2.2 metre radius from centre base of tree.**
- vi. Tree 21 (*Agonis flexuosa*) - 3.6 metre radius from centre base of tree.**
- vii. Tree 28 (*Eucalyptus mannifera*) - 5.4 metre radius from centre base of tree.**
- viii. Tree 29 (*Syzygium austral*) - 6.2 metre radius from centre base of tree.**
- ix. Tree 30 (*Jacaranda mimosifolia*) - 3.0 metre radius from centre base of tree.**

**On the abutting properties:**

- x. Tree B (*Banksia species*) - 2.4 metre radius from centre base of tree.**
- xi. Tree C (*Prunus laurocerasus*) - 5.4 metre radius from centre base of tree.**
- xii. Tree D (*Laurus nobilis*) - 3.0 metre radius from centre base of tree.**
- xiii. Tree E (*Eucalyptus nicholii*) - 2.2 metre radius from centre base of tree.**
- xiv. Tree F (row of *Camellia japonica*) - 2.0 metre radius from centre base of tree.**

**b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:**

- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.**
- ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.**
- iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.**
- 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.**



**9.1.1**  
(cont)

- 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. *All sub surface utilities and utility connection points, inspection pits and associated infrastructure trenching and installation are to be designed so that they are located outside the TPZs of retained trees, to the satisfaction of the Responsible Authority. Utility conduits can be located beneath TPZs but must be installed using trenchless excavation (eg: boring) and installed to a minimum depth of 0.6 metres below natural grade.*
  - viii. *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - ix. *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.*
- c) *During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:*
- i. *The soil level within the TPZ of Trees 20 (*Callistemon viminalis*), 21 (*Agonis flexuosa*), B (*Banksia* sp.), D (*Lauris nobilis*) and E (*Eucalyptus nicholii*) must remain at existing grade and permeable.*
  - ii. *The soil level between the property boundary and respective dwelling footprints within the TPZs of Trees 10 (*Brachychiton acerifolius*), 12 (*Acer palmatum*), 29 (*Syzigium australe*) and F (row of *Camellia japonica*) are to remain at existing grade and permeable.*
  - iii. *Excavation for the dwellings must be limited to the building footprints within TPZs. Excavation must not commence at the property boundary.*
  - iv. *The sleeper retaining wall is removed from the SRZ of Tree 12 and 27.*
  - v. *Any services required within TPZs are bored and not 'open trenched'.*
  - vi. *All tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified Arborist (AQF Level 4, minimum).*
6. *The existing street trees shall not be removed or damaged unless with the written consent of the Responsible Authority.*
7. *All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.*
8. *Detailed civil plans and computations for stormwater on-site detention and connection to the point of discharge via an outfall drain must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.*

**9.1.1**  
(cont)

9. ***Stormwater connection to the nominated point of discharge; stormwater on-site detention and the outfall drain must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of any of the buildings.***
10. ***Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
11. ***Prior to the occupation of any of the buildings, the proposed vehicle crossings are to be constructed to the satisfaction of the Responsible Authority. There must be a minimum distance of 10.8 metres between vehicle crossings.***
12. ***The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.***
13. ***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.***

**Notes**

**Engineering Assets**

- a) ***Prior to the occupation of any of the buildings, the Applicant/Owner shall pay to the Council an amount of money equal to 2.5% of the actual cost of the outfall drainage works for on-site supervision of the outfall drainage works.***
- b) ***Prior to the occupation of any of the buildings, the Applicant/Owner shall give to the Council an amount equal to 5% of the actual cost of the drainage outfall works as cash security or as a bank guarantee in lieu of cash, to cover a three-month maintenance period. The Applicant/Owner shall enter into a maintenance agreement so that in the event of any maintenance works not being completed by a due date, the Council may proceed with the maintenance works and deduct the cost from the security lodged.***
- c) ***As-constructed drawings prepared by a Licensed Land Surveyor are to be provided to Council after the completion of the drainage outfall works prior to the occupation of any of the buildings.***
- d) ***Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.***

**9.1.1**  
(cont)

- e) *The property owner/builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.*
- f) *All stormwater drainage within the development site and associated with the buildings (except for an on-site detention system, outfall drainage and connection to the nominated point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of any of the buildings, in accordance with the provisions of the Building Regulations (2006) section 610.*
- g) *The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.*
- h) *Bluestone kerb and channelling shall be retained to the satisfaction of the Responsible Authority. Any reconstruction should be to the satisfaction of the Responsible Authority.*

**Parkswide**

- a) *Authorisation for removal of existing street tree 17 (*Photinia robusta*) will be granted after payment of the Tree Amenity Value for the tree to Council's Parkswide Department. Council's Parkswide Department can be contacted on 9262 6222.*
- 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.*

**COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Massoud

**That Council:**

- A *Being the Responsible Authority, having caused Application WH/2014/290 for 57 Florence Road, Surrey Hills to be advertised and having received and noted the objections is of the opinion that the grant of a Planning Permit for the construction of four double storey dwellings is not acceptable and will cause unreasonable impact to the amenity of adjacent properties and the streetscape.*
- B *Issue a Notice of Refusal to Grant a Permit under the Whitehorse Planning Scheme to the land described as 57 Florence Road, Surrey Hills for the construction of four double storey dwellings on the following grounds:*
  - 1. *The proposal fails to comply with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, particularly Clause 21.05 (Environment), Clause 21.06 (Housing), Clause 22.03 (Residential Development) and Clause 22.04 (Tree Conservation), in terms of respecting built form, adequate protection of existing trees on the site and adjoining properties and local landscape values.*
  - 2. *The proposal fails to satisfy the objectives of Clause 55.02-1 (Neighbourhood Character), Clause 55.03-5 (Energy Efficiency), Clause 55.03-8 (Landscaping) and Clause 55.05-6 (Storage).*

**9.1.3**

(cont)

- 3. *The proposal is an overdevelopment of the site in terms of building intensity, minimal setback of the rear dwellings to the Royal Lane boundary and poor landscaping contribution.***
  - 4. *The registered restrictive covenant affecting the subject land is breached.***
- C *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.***

**CARRIED**


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**9.1.1**  
 (cont)

MELWAYS REFERENCE 60 J1

Applicant:	Acacia Property Developments	
Zoning:	Neighbourhood Residential Zone	
Overlays:	None	
Relevant Clauses:	Clause 11	Settlement
	Clause 12	Environment and Landscape Values
	Clause 15	Built Environment and Heritage
	Clause 21.05	Environment
	Clause 21.06	Housing
	Clause 22.03	Residential Development
	Clause 22.04	Tree Conservation
	Clause 32.09	Neighbourhood Residential Zone
	Clause 52.06	Car Parking
	Clause 55	Two or More Dwellings on a Lot or Residential Buildings
	Clause 65	Decision Guidelines
Ward:	Riversdale	



	Subject site	12 Objection Properties (1 outside of map)	 <b>North</b>
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### **9.1.1** (cont)

#### **BACKGROUND**

There are no previous planning permits applications for this site.

It is noted that concerns were initially raised and plans were amended under Section 50 of the Planning and Environment Act 1987 prior to notice. Changes made to the plans include setting the development from at least one side boundary as viewed from both street frontages, reduce the coverage of hard surfaces within front setback areas and increase setbacks to side boundaries at ground and upper floors for all dwellings with the length of upper floor walls marginally increased.

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

The site is located on the east side of Florence Road near the intersection with Scottsdale Street. The land has two road frontages, being to Florence Road and Royal Lane. The property has a frontage of 18.29 metres with a depth of 67 metres and an overall area of 1,230 square metres. The site contains a dwelling and a number of outbuildings and there are several mature trees on the site.

Surrounding uses are residential with a single storey dwelling to the north and three single storey dwellings to the south. There are existing trees on north and south abutting lots near common boundaries. On the opposite side of Florence Road is a mix of single and double storey dwellings. On the opposite side of Royal Lane are double storey dwellings.

A Covenant is registered on title which details:

*“ . . . That the heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land comprised in Certificate of Title Volume 3565 Folio 712901 that she her heirs executors . . . will not at any time erect or build any building on the said land nor on any part thereof within fifty feet of the western boundary thereof and being the eastern boundary line of Florence Road . . . ”*

Fifty feet equates to 15.24 metres. This is reflected in the large front setbacks of existing dwellings along Florence Road.

#### **Planning Controls**

The State Planning Policies at Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 15 (Built Environment and Heritage) and 16 (Housing) aim to encourage consolidation of existing urban areas while respecting neighbourhood character, and facilitate sustainable development that takes full advantage of existing settlement patterns through encouraging higher density development near public transport routes.

Pursuant to Clause 22.03, the Residential Development Policy includes the subject site within an Area of Limited Change and in a Garden Suburban area.

Clause 22.04 (Tree Conservation) outlines the importance of retaining significant trees within a development where it is practical to do so, the minimum distances between trees and buildings/hard surfaces and suggested design responses for hard surface areas close to retained trees.

### **9.1.1** (cont)

The land is situated within the Neighbourhood Residential Zone under the Whitehorse Planning Scheme. A permit is required under Clause 32.09 (Neighbourhood Residential Zone) to construct two or more dwellings on a lot. The relevant purposes of Clause 32.09 are to recognise areas of predominantly single and double storey residential development, to limit opportunities for increased residential development, to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics and to implement neighbourhood character policy and adopted neighbourhood character guidelines.

In the Neighbourhood Residential Zone the number of dwellings on a lot must not exceed two pursuant to Clause 32.09-3 and the height of a building must not exceed 8 metres pursuant to Clause 32.09-8. These limitations do not apply to an application made before this restriction came into operation on 14 October 2014. As the most recent plans were lodged prior to the introduction of the new zone on 8 August 2014, the transitional provisions apply enabling consideration of the application in its current form.

Clause 65 provides guidelines that must be considered before deciding on an application to ensure the proposal will produce acceptable outcomes. These guidelines include the State and Local Planning Policy Framework, the purpose of the zone, the orderly planning of the area and the effect on the amenity of the area.

### **PROPOSAL**

It is proposed to construct four double storey dwellings. The proposal will have an overall site coverage of 44.6% and permeability of 35.2%. The dwellings are arranged in attached pairs with Dwellings 1 and 2 fronting Florence Road and Dwellings 3 and 4 fronting Royal Lane. The existing crossover to the north of the Florence Road frontage will remain and serve Dwelling 1. New crossovers are proposed to Dwelling 2 at the southern end of the Florence Road frontage and to Dwellings 3 and 4 fronting Royal Lane.

The dwellings are setback from the northern and southern side boundaries except for the garages associated with Dwellings 1 and 3. Dwellings 1 and 2 are separated from dwellings 3 and 4 at ground level for a distance of 9 metres for the purpose of secluded private open space to the rear of all dwellings. The first floors of each pair of dwellings are separated by a minimum of 2.2 metres. The front setback of the development to Florence Road varies between 14.4 and 15 metres (to the porch of each dwelling). The Royal Lane front setback for Dwellings 3 and 4 varies between 3 and 3.5 metres.

Dwellings 1, 3 and 4 comprise three bedrooms whilst Dwelling 2 has four bedrooms. Each dwelling has a single bay garage with tandem outdoor car space except for Dwelling 1 which has a double garage. At ground level, all dwellings have open plan living areas with an outlook to their respective private open space areas whilst at upper floor the dwellings each contain 2 or 3 bedrooms and private ensuites or communal bathrooms.

Dwelling 1 has an area of secluded private open space totalling 66 square metres, Dwelling 2 has 73 square metres, Dwelling 3 has 59 square metres and Dwelling 4 has 60 square metres.

The architectural style is described as modern traditional with a mix of brick, weatherboard and render and pitched tiled roof. The existing 700mm high front fence is proposed to be retained.

### **9.1.1** (cont)

The dwellings will have overall building heights as follows:

- Dwelling 1 – 7.5 metres
- Dwelling 2 – 7.2 metres
- Dwelling 3 – 7.1 metres
- Dwelling 4 – 7.3 metres.

It is not proposed to retain any onsite vegetation except a Cape Virgillia (Tree 22) within the front setback of Dwelling 1.

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices along the Florence Road and Royal Lane frontages. Following the advertising period 14 objections were received.

The issues raised are summarised as follows:

#### Neighbourhood Character

- Overdevelopment;
- Building bulk and form; and
- Too many units in the area.

#### Amenity impacts

- Visual bulk and loss of enjoyment to abutting land owners;
- Loss of vegetation;
- Overlooking; and
- Noise.

#### Traffic and Parking

- Increased demand for on-street parking;
- Traffic impacts;
- Increased use of vehicles in Royal Lane;
- Royal Lane is not wide enough for two vehicles to pass;
- Difficulty in garbage collection;
- Too much traffic already particularly with other community uses nearby. Cars and buses traverse through congested Florence Road;
- Existing problems with speeding traffic; and
- Inadequate on-site parking provided for the proposal.

#### Other Issues

- Tree removal.

### **Consultation Forum**

A Consultation Forum was held on 10 December 2014. At the Forum, the objectors reiterated the issues listed and provided further detail including an inability of two vehicles to pass at the same time along Royal Lane, the location of the site on a geographical high point, visual impacts of development on abutting private open spaces to the south and the location of heating and cooling units. The extent of vegetation removal proposed and the built form was further discussed. No resolution of the issues occurred.



### **9.1.1**

(cont)

#### **Referrals**

##### **Internal**

###### Parkswide

There are three street trees (Trees 17-19) within the Florence Road frontage and one of the vehicular crossovers will be within the tree protection zone of Trees 18 and 19. A permit condition is required to ensure the protection of these trees. Tree 17 is recommended for removal due to poor health.

###### Planning Arborist

Three trees were found to be worthy of retention – Trees 10 (Illawarra Flame Tree), 23 (Copper Beech) and 27 (Irish Strawberry). The layout of the development would need to be altered in order to protect these trees.

Subject to conditions the proposed development will not have any adverse impact to trees on adjoining properties providing tree protection measures are carried out for Tree 12 (Japanese Maple) located on adjoining land to the south and Tree 29 (Camphor Laurel) located on adjoining land to the north.

###### Assets Engineer

The proposal has been reviewed by Council's Assets Engineer, who raised no concerns on the proposal subject to conditions.

###### Transport Engineer

Council's Transport Engineer has advised that the location of crossovers in Florence Road will result in the loss of one on-street car space. Whilst this is not ideal, given the location of street trees within the frontage, there are no alternative locations available for a second crossover other than the chosen location.

###### Waste Engineer

Royal Lane is a no-through road and therefore rubbish collection will not be available along the Royal Lane frontage. Rubbish bins will need to be wheeled out to the corner of Scottsdale and Elwood Streets for collection.

#### **DISCUSSION**

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

The proposal accords with State Planning Policies that 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.

Clause 15, Built Environment and Heritage, identifies that planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context. Urban developments are to be safe and functional and provide good quality environments with a sense of place and cultural identity.

### **9.1.1** (cont)

Clause 16, Housing, expands on the housing components of the settlement provisions of State policy, and includes strategies that promote increasing the supply of housing in existing urban areas, ensuring housing developments are integrated with infrastructure and services, and encouraging housing that is both water efficient and energy efficient. Higher density housing is to be located in or close to activity centres. Such new development is to match changing demand by widening housing choice, and improving affordability.

In light of the above, the construction of four dwellings on this site is in accordance with State policies to encourage medium density development within walking distance of parks, retail/commercial services and public transport. The subject site is equidistant to the Surrey Hills and Wattle Park Activity Centres, Wattle Park bushland reserve, bus routes and other local services including shops and medical centres.

From a local policy perspective, Clause 21.06 identifies the site as being within an area of Limited Change. These areas are where the lowest level of redevelopment is expected to occur. Clause 22.03 identifies the site as being within the Garden Suburban Precinct 2 area which expects generous spacing between dwellings to create a rhythm of dwelling spacing and for the purposes of landscaping.

Council's Tree Conservation Policy (Clause 22.04) is also a relevant consideration. This policy encourages the retention of existing gardens and trees and the provision of sufficient space for regeneration and replanting.

The future character envisaged by the local policy at Clause 22.03 has been reflected in the design and layout of the dwellings ensuring adequate space for landscaping around the perimeter of the site and between buildings. Further, there are sufficient tree planting opportunities within both street frontages and secluded private open space areas to ensure the redevelopment of this site will continue to contribute towards the canopy tree cover of the neighbourhood. The dwellings have been designed to take account of the outlook from surrounding properties with recessive upper floor elements which are considered to respect neighbouring properties.

#### **Neighbourhood Character**

The development provides an appropriate neighbourhood character response as it comprises two storey residential development of a style and layout that will fit in with the diverse mix of dwellings (both single and double storey) in the area.

The front setback to Florence Road at 14.4 metres falls short of the 15.24 metre minimum setback requirement of the covenant on title. While the covenant setback exceeds that required under Rescode of 9 metres, compliance with the covenant is required. The covenant on the land requires all buildings to be setback 15.24 metres from the Florence Road frontage. The term building can be interpreted as meaning all buildings and access to buildings including porches and steps. The development can comply with the covenant subject to a permit condition involving relocation of the stairs and entry porch of Dwellings 1 and 2.

The layout of the development is such that boundary to boundary construction is avoided through the provision of a 1 metre boundary offset to both street presentations ensuring the spacing and rhythm pattern of the street is responded to. Space is available for landscaping throughout the site both at the front and rear of the proposed dwellings. A number of existing trees onsite are able to be retained via permit condition.

### **9.1.1** (cont)

Single as opposed to double crossovers are proposed with all garages recessed behind the façade of each dwelling thereby reducing the amount of hard surfacing in the frontage for additional landscaping opportunities. A detailed landscaping plan was submitted as part of the application. The plan provides for new canopy tree planting and is considered to be generally acceptable provided a number of existing trees onsite are retained.

Two single crossovers are proposed to Royal Lane and they form a modest proportion of the frontage. The detailed design of the dwellings incorporate eaves and window styles along with other features found in the broader neighbourhood providing for appropriate articulation. Some alterations are suggested to improve the building setbacks to abutting properties as discussed below.

Dwelling 3 spans much of the north facing secluded private open space of the adjoining land at 59A Florence Road. There would be merit in using pier and beam construction for the ground level building foundations and to recess upper levels of Dwelling 3 in order to protect Tree 10. This would also have the benefit of creating some immediate visual relief to the built form for the neighbour. The upper level Bedroom 3 and toilet should also be stepped back in line with the bathroom wall to assist with breaking up the otherwise unarticulated length of the southern upper floor wall.

#### **Existing Trees**

Council's Planning Arborist has recommended Trees 10, 23 and 27 be retained. In order to achieve this the steps and porch associated with Dwelling 1 should be relocated outside of the TPZ of Tree 23, the driveway to Dwelling 1 should be relocated outside the TPZ of Tree 23 and the 1.6 metre high fence between Dwellings 1 and 2 be removed and replaced with hedging vegetation, extending no closer than 4 metres to the west side base of Tree 23. Retention of Tree 10 at the rear of Dwelling 3 will be assisted through the use of pier and beam building foundation construction where within the TPZ as discussed above. Tree 27 can be retained by ensuring existing ground levels are maintained within the TPZ. The designer will need to make changes to the plans and remove the sleeper retaining wall of Dwelling 1 in order to achieve this.

#### **Assessment under Clause 55 (ResCode) of the Whitehorse Planning Scheme**

Clause 55 (ResCode) is the primary assessment tool to ensure that developments of two or more dwellings provide reasonable standards of amenity for existing and new residents. The proposal has been assessed against the objectives and standards of Clause 55 and is considered to be a satisfactory response.

Further discussion, however is required in the following areas:

#### Amenity

##### *Overshadowing*

Shadow diagrams for the Equinox indicate that there will be limited impacts from overshadowing on adjoining properties. Some shadow will be cast into adjoining properties however this complies with the ResCode standard. The majority of shadow is within the shadow cast by the existing boundary fence.

##### *Overlooking*

Concern was raised from adjoining landowners with regard to overlooking from the dwellings and stairs that lead to the secluded private open space areas.

### **9.1.1** (cont)

Overlooking to adjoining properties has been addressed through the use of highlight windows and obscure glazing to all windows. Compliance has been achieved with ResCode from all relevant vantage points.

In relation to internal overlooking between proposed dwellings, a condition to any approval granted is listed to ensure compliance with Standard B23.

#### *Solar access*

Shading devices to the west facing ground level windows of Dwellings 3 and 4 are recommended to reduce summer afternoon heat exposure.

#### **Car Parking, Traffic and Access**

The proposed development complies with onsite car parking provision and it meets the design standards except for steps and a door encroaching into the Dwelling 1 double garage. This issue can be addressed by condition for any approval granted.

During the public consultation forum, concerns were expressed in relation to traffic and car parking along with garbage collection for the dwellings. Council's Transport Engineer has advised that the only available locations for two crossovers fronting Florence Road are in the nominated positions and therefore one on-street car space would be lost within the frontage of the site. This is considered acceptable.

In relation to waste collection, both dwellings fronting Royal Lane will require rubbish collection from Scottsdale Street as waste collection vehicles cannot turn around in Royal Lane. This is listed in conditions for any approval granted.

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

##### Loss of the area to units

The State Government introduced the Neighbourhood Residential Zone to the subject site and select surrounding areas on 14 October 2014. The new zone regulates a limit of no more than two dwellings on a lot. This application and subsequently amended plans were submitted before the introduction of the new zone and therefore the application has the benefit of transitional provisions which don't apply limits to the number of dwellings on a lot.

Irrespective of this, Council officers cannot assess an application based solely on the number of dwellings proposed. The State Planning Policy Framework has an overarching direction to achieve urban consolidation in established residential areas whilst respecting neighbourhood character. Therefore, the primary concern of any application for multiple dwellings on one lot is the intensity of proposed buildings as well as the ability to provide meaningful landscaping within new developments.

##### Noise generation

The proposal involves a residential use in a residential area. The type of noise expected to be generated by one dwelling to another would not be particularly dissimilar. Noise associated with construction is to be expected and can be managed in accordance with EPA regulations.

**9.1.1**  
(cont)

Vegetation removal

A number of residents were concerned with the level of vegetation proposed to be removed. It is acknowledged that while the majority of trees on the subject site would be removed as a result of the proposed development, with some minor changes to the design the three trees onsite considered worthy of retention can be kept.

**CONCLUSION**

The application proposes the construction of four double storey dwellings. The proposed development is consistent with the relevant planning controls and policies in the State and Local Planning Policy Frameworks, Clause 22.03 (Residential Policy), Clause 22.04 (Tree Conservation) and Clause 55 (ResCode).

Subject to amendment, the dwellings are well articulated and provide boundary setbacks that allow for new canopy trees and other vegetation to be planted. Subject to conditions, appropriate landscaping will be provided throughout the site which will further contribute to the garden suburban neighbourhood character.

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

The proposal is considered an appropriate development outcome for the site. It is therefore considered that the application should be approved subject to conditions.

**9.1.2 104-168 Hawthorn Road, Forest Hill (Lot 1005 PS 705766J) –  
Subdivision of land into 13 lots and creation and alteration of  
access to a road in a Road Zone, Category 1**

FILE NUMBER: WH/2014/833  
ATTACHMENT

**SUMMARY**

*This application was advertised, and a total of thirteen (13) objections were received. The objections raised issues with open space, landscaping, amenity, traffic and drainage. A Consultation Forum was held on 17 December 2014 chaired by Cr Bennett, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

**COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Carr

**That Council:**

- A. Being the Responsible Authority, having caused Application WH/2014/833 for 104-168 Hawthorn Road, FOREST HILL (Lot 1005 PS 705766J) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Subdivision of land into 13 lots and creation and alteration of access to a road in a Road Zone, Category 1 is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Planning Permit under the Whitehorse Planning Scheme to the land described as 104-168 Hawthorn Road, FOREST HILL (Lot 1005 PS 705766J) for the Subdivision of land into 13 lots and creation and alteration of access to a road in a Road Zone, Category 1, subject to the following conditions:**
  - 1. This permit shall have no force or effect until two copies of an amended plan of subdivision has been submitted to and approved by the Responsible Authority. This plan shall show:**
    - a) All required alterations by VicRoads, as per Condition 12 of this permit.**
    - b) The accessway must comply with the Access Street – Level 2 requirement under Clause 56.06-8 of the Whitehorse Planning Scheme. Including a 7.5 metre wide carriageway and 4.5 metre wide verges on each side.**
    - c) Provision of building envelopes to all lots achieving the setbacks below:**
      - i. Setback 3.5 metres from the front boundary.**
      - ii. Vehicle accommodation setback a minimum of 5.4 metres from the front boundary.**
      - iii. Ground level to be setback a minimum of 5 metres from the southern rear boundary.**
      - iv. First Floor to be setback a minimum of 7 metres from the southern rear boundary.**
      - v. A ground level separation of 2 metres between each pair of dwellings.**
      - vi. A first floor separation of 4 metres between each pair of dwellings.**

**9.1.2**  
(cont)

**d) The sewerage easement (E-2) width to be increased to 3 metres.**

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

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

**2. The layout and location of the lots as shown on the endorsed plan of subdivision shall not be altered or modified without the written consent of the Responsible Authority.**

**3. Prior to the issue of a Statement of Compliance (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:**

**a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.**

**b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.**

**c) Planting within and around the perimeter of the site and including evergreen height screen planting along the southern boundary capable of:**

**i. Providing some upper canopy for landscape perspective,**

**ii. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.**

**d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**

**e) A planting schedule of all proposed vegetation (trees and shrubs) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

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

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

**4. Prior to certification of the Plan of Subdivision the owner of the land shall enter into a Section 173 Agreement with the Responsible Authority which covenants that:**

**a) Provision of shallow rooted evergreen shrubs in a hedge form generally maintaining a 2 to 3 metres mature height, along the southern boundary of Lots 1 and 13, inclusive.**

**b) All new trees must be planted at a mature height.**

**c) All costs associated with the preparation and registration of the agreement shall be borne by the owner.**

**Shall a Section 173 Agreement be entered into for the development of this site, all construction works, tree retention and drainage works will be covered by the Agreement. This requirement will only be necessary if separate titles are required prior to completion of the development.**

**5. All vegetation within the road reserve must not be removed or damaged without the prior written consent of the Responsible Authority.**

**9.1.2**  
(cont)

6. *Prior to Statement of Compliance the applicant or owner shall pay the Council a POS contribution for an amount equal to 4 per cent of the site value of all the land in the subdivision, pursuant to the Schedule to Clause 52.01 of the Whitehorse Planning Scheme. The amount shall be paid in accordance with Section 18 of the Subdivision Act and is valued and may be varied in accordance with Section 19 of the Subdivision Act.*
7. *The applicant owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority Assets.*
8. *Prior to the issue of the building permit, design plans and specifications are to be prepared by a registered Consulting Engineer detailing civil engineering works within the site in accordance with the endorsed plans. Certification by the Consulting Engineer that the civil works have been completed in accordance with the design plans and specifications are required by the Responsible Authority subsequent to the completion of all the works.*
9. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.*
10. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.*
11. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
12. *Conditions Required by VicRoads*
  - a) *Prior to the endorsement of plans by the Responsible Authority, the applicant must submit swept path diagrams to VicRoads demonstrating that the proposed service road entrance shown on Forest Ridge Conceptual Access Design (Drawing No 13M2187000-03 P1 by GTA Consultants, dated 6 February 2014) allows a medium rigid vehicle to turn smoothly into the service road from the kerbside lane of Springvale Road.*



**9.1.2**  
(cont)

- b) Prior to the endorsement of the plans by the Responsible Authority and prior to the Certification of a plan of subdivision, functional layout plans must be submitted and approved by VicRoads. When approved by VicRoads, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the Forest Ridge Conceptual Access Design (Drawing Nos 13M2187000-01 P1 and 13M2187000-03 P1 by GTA Consultants, dated 6 February 2014) but modified to show;**
  - i. Any changes required in accordance with the swept path diagrams submitted in Condition 10 a), and**
  - ii. An annotation indicating that the existing crossover, north of the service road is to be removed.**
- c) Before the use of the commencement of any works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.**
- d) The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.**
- e) The proposed roadworks, including footpath and nature strip, require a widening of the road reserve, at no cost to VicRoads. The developer must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.**
- f) Prior to the issue of Statement of Compliance, the access works shown on the approved functional layout plans and detailed design plans must be completed to the satisfaction of VicRoads and at no cost to VicRoads.**
- g) No work must be commenced in, on, under or over the road reserve without having first obtained all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.**
- h) Prior to the issue of Statement of Compliance a construction management plan must be submitted to and approved by VicRoads, Public Transport Victoria and the Responsible Authority. The plan must be prepared by a suitable qualified person and must identify potential disruptions to the traffic operations Spingvale Road and contain suitable mitigation measures to the satisfaction of VicRoads.**

**9.1.2**  
(cont)

- 13. Conditions Required by United Energy (Ref: S-2015-00078):**
  - a) *The applicant entering into an agreement with United Energy for an extension, upgrade and/or rearrangement of the current electricity supply to lots on the land, which may also require:*
    - i. *Establishing easement(s) internally or externally to the site; and/or*
    - ii. *Providing site(s) to locate substations; and*
  - b) *Making a payment to United Energy to cover the cost of preparing such documentation and work.*
- 14. Condition required by Multinet Gas (Ref: MGN-2015-00123):**
  - a) *The plan of subdivision submitted for certification must be referred to Multinet Gas in accordance with Section 8 of the Subdivision Act 1988.*
- 15. Conditions Required by Yarra Valley Water (Ref: 155593):**
  - a) *The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.*
  - b) *The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.*
- 16. Conditions Required by Melbourne Water (Ref: 249290):**
  - a) *No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.*
  - b) *Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.*
- 17. The owner of the land must enter into an agreement with:**
  - a) *A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*
  - b) *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.*

**9.1.2**  
(cont)

18. ***Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***
  - a) ***A telecommunications network or service provider for the provision of telecommunication services in accordance with the provider's requirements and relevant legislation at the time; and***
  - b) ***A suitably qualified person that fibre ready telecommunications facilities have been provided 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.***
19. ***Prior to the issue of the Statement of Compliance, all roads created by the proposed subdivision and shown on the endorsed plans shall be constructed in accordance with plans and specifications approved by the Responsible Authority in accordance with the provisions of Part 3 of the Subdivision Act 1988.***
20. ***Prior to the commencement of any works either on, or required in order to service the subject land, detailed plans and specifications of proposed stormwater drains, road works and paved areas shall be submitted and approved by the Responsible Authority in accordance with the provisions of Part 3 of the Subdivision Act 1988. These plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and outfall drainage.***
21. ***Prior to the issue of the Statement of Compliance, all drainage works necessary to serve the land within the proposed subdivision and any other lands within the catchment of the subject land as determined by the Responsible Authority, shall be carried out in accordance with plans and specifications approved by the Responsible Authority in accordance with the provisions of Part 3 of the Subdivision Act 1988.***
22. ***Easements in favour of the Responsible Authority or a referral authority shall be created on the plan of subdivision to the satisfaction of the Responsible Authority. Specifically, the easement denoted as E-2 on PS 705766J should be designated as a Drainage and Sewerage easement and it should be wide enough to cover the existing sewer asset and the future drainage asset.***
23. ***Prior to Statement of Compliance the applicant or owner shall submit a proposal to Council's Assets Engineering Department detailing how the infrastructure is to be operated and maintained.***
24. ***Prior to the issue of a Statement of Compliance, the applicant or owner must at its own cost prepare the area within the southeast corner of the site to the reasonable standards required by Council's Drainage Engineer for use as a retarding basin, to the satisfaction of the Responsible Authority.***
25. ***Prior to Statement of Compliance the applicant or owner shall submit a water quality measures in accordance with the best practice performance objectives of the Victorian Best Practice Environmental Guidelines.***

**9.1.2**  
(cont)

26. *The applicant or owner must pay the full cost of all road works, service relocations, signage, street lighting and all other costs associated with these works, to the satisfaction of the Responsible Authority.*
27. *Footpaths and vehicle crossovers must be constructed to the satisfaction of the Responsible Authority.*
28. *Prior to the handover of the roadway, all street trees must be planted to the satisfaction of the Responsible Authority.*  
*All costs associated with the planting and maintenance of the street trees shall be borne by the owner.*
29. *Prior to the issue of a Statement of Compliance, all structures on the lot shall be demolished and removed from the land to the satisfaction of the Responsible Authority.*
30. *All existing and proposed easement and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
31. *This permit will expire if one of the following circumstances applies:*
  - a) *The plan of subdivision is not certified within two years of the date of this permit; or*
  - b) *The plan of subdivision is not registered at Land Registration Services within five years of certification.*

*If a plan of subdivision is not certified within two years, the Responsible Authority may extend the time for certification if a request is made in writing prior to expiry of the permit or within 6 months afterwards.*

**Permit Notes**

- *“Drainage” works are “public works” as defined in the Subdivision Act 1988.*
- *For engineering (public works) clearance, please contact Council’s Civil Works Inspector. Drainage Plans must be lodged with, and approved by, Council’s Drainage Engineer.*
- *For details of street tree planting, please contact Council’s ParksWide Department on 9262 6333.*
- *Prior to the issue of a Statement of Compliance the applicant shall pay to the Council an amount of money equal to 0.75% of the estimated cost of the engineering works plus 2.5% of the actual cost of the engineering works for checking of plans and specifications and for on-site supervision of the engineering works respectively in accordance with Clause 8 and 9 of the Subdivision (Permit and Certification Fees) Regulations 1989.*
- *Prior to the issue of a Statement of Compliance the applicant shall give to the Council an amount equal to 5% of the actual cost of the engineering works as cash security or bank guarantee in lieu of cash to cover the three month maintenance period and enter into a maintenance agreement so that in the event of any maintenance works not being completed by the due date the Council may proceed with the works and deduct the cost from the security lodged.*

**9.1.2**

(cont)

- *Prior to construction of new vehicle crossovers, road opening permit and inspection should be arranged with Council's Engineering Department.*
- *In accordance with Condition 19, road construction specification, drainage, kerb and channels, footpaths and any other required works are to be approved and constructed to the satisfaction of the relevant authorities.*
- *Streets must be named to the satisfaction of the Responsible Authority.*
- *Melbourne Water – For further information in relation to Melbourne Water Conditions contact Melbourne Water on 9235 2517 quoting Melbourne Water reference: 249290.*

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

**CARRIED UNANIMOUSLY**


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**9.1.2**  
 (cont)

MELWAYS REFERENCE 62 C5, C6, D5 & D6

Applicant:	Bazem Pty Ltd
Zoning:	Residential Growth Zone, Schedule 2
Overlays:	Nil
Relevant Clauses:	Clause 11 Settlement Clause 12 Environment and Landscape Values Clause 15 Built Environment and Heritage Clause 21.05 Environment Clause 21.06 Housing Clause 22.03 Residential Development Clause 22.04 Tree Conservation Clause 22.06 Activity Centres Clause 22.08 Tally Ho Activity Centre Clause 22.15 Public Open Space Contribution Clause 32.07 Residential Growth Zone, Schedule 2 Clause 52.01 Public Open Space Contribution and Subdivision Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 road  Clause 56 Residential Subdivision Clause 65 Decision Guidelines
Ward:	Morack



	Subject site		13 Objector Properties	 North
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## **9.1.2**

(cont)

### **BACKGROUND**

#### **History**

Planning Permit WH/2004/14834 was issued on 13 April 2006 to the property described as 100-168 Hawthorn Road under the direction of VCAT for the subdivision of land into 48 lots and removal of native vegetation. This subdivision is known as Forest Ridge, Stage 1. This permit included an Urban Design Guideline, which relates specifically to the 48 lots created and restricts height, form, setbacks and materials of the dwellings to be constructed on those lots.

Planning Permit WH/2011/13 was issued on 26 June 2012 to the subject site for the development of the land for the construction of twenty-seven (27) double storey dwellings under the direction of VCAT.

A number of minor amendments and variations to the Urban Design Guideline to Planning Permit WH/2004/14834 have been approved.

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

The subject site is bound by one major arterial road and a significant collector road to the east and north, being Springvale Road and Hawthorn Road respectively. The site has a total area of 90,562 square metres. It contains a number of buildings, including a building used as a filming studio (Channel 10). The site is currently used as a filming studio and has multiple access points via Hawthorn Road and one unused access on Springvale Road.

Residential properties abut the site to the south and west. There are 13 residential properties and one reserve fronting Ansett Court that abut the southern boundary of the site. To the west are residential properties, however these lots do not directly abut the proposed 13 lots.

The site contains a number of canopy trees, these are mainly along the eastern boundary of the subject site and around the car park.

#### **Planning Controls**

Pursuant to Clause 32.07-2 (Residential Growth Zone) of the Whitehorse Planning Scheme, a Planning Permit is required to subdivide land.

Pursuant to Clause 52.29 (Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) a permit is required to create or alter access to a road in a Road Zone, Category 1.

The subject site is also located within the Tally Ho Major Activity Centre and development applications are guided by the Urban Design Framework (UDF), which is a reference document under Clause 22.08 (Tally Ho Activity Centre Policy) of the Whitehorse Planning Scheme.

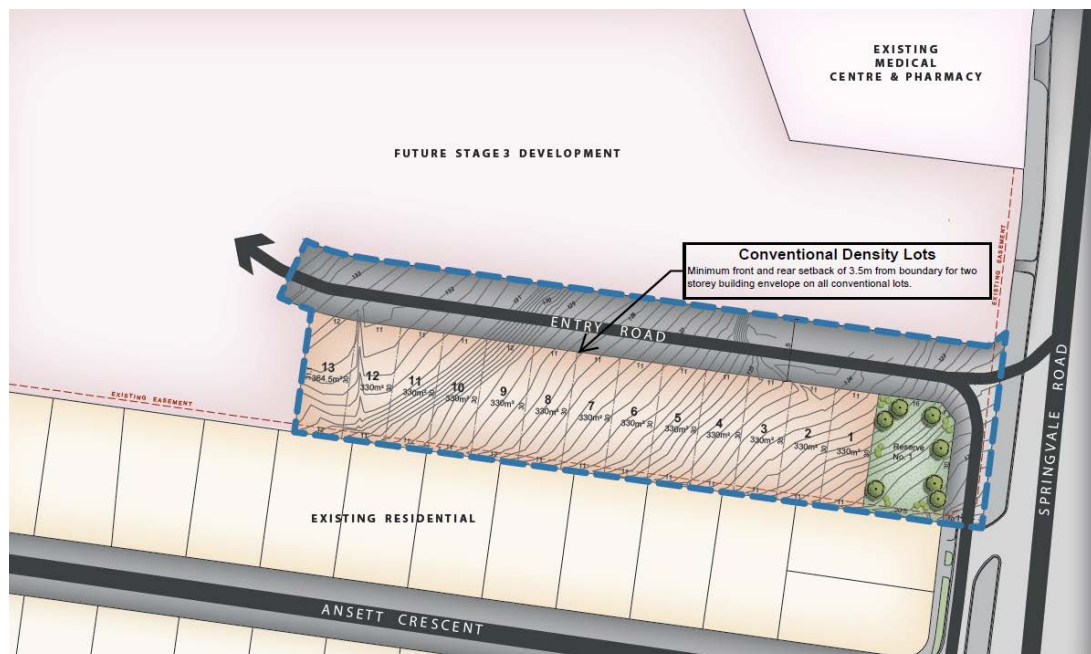
It is also worth noting that Council recently adopted the Tally Ho Major Activity Centre Urban Design and Landscape Guideline as part of the C110 Amendment to the Whitehorse Planning Scheme. This included recommendations for a landscape buffer to be provided along the southern boundary of the subject site. As the document has been adopted and heard by a Planning Panel, the document is considered to be a seriously entertained policy and will be referred to in assessment of this application.

**9.1.2**  
(cont)

**PROPOSAL**

The proposal is to subdivide the southeast section of the subject site, fronting Springvale Road, into 13 lots and a reserve. The proposal also includes the extension of the Springvale Road Service Road northward into the subject site by approximately 30 metres.

Twelve of the thirteen lots will be 330 square metres in size with a frontage of 11 metres and a depth of 30 metres. The thirteenth lot will be 360 square metres with a frontage of 12 metres and a depth of 30 metres. The proposed lots abut existing residential lots to the south, fronting Ansett Crescent, and the reserve will face Springvale Road to the east. The proposed building envelope is two storeys and will provide a 3.5 metres setback from the front and rear boundaries respectively.



The reserve which has a primary function of a drainage basin, is also included in the proposal fronting Springvale Road. This reserve is 30 metres in length and between 16 and 20.5 metres in width, forming a total area of approximately 580 square metres.

The proposed internal roadway has a width of 15.8 metres and a length of approximately 185 metres and will be constructed to the north of the proposed lots. The proposal also includes the extension of Springvale Road northwards to service the 13 lots.

A Master Plan for the overall site has been submitted which includes recommendations for construction of 800 dwellings over the site. The Master Plan details were included in the application, however, does not form part of this approval for a 13 lot subdivision.

To accommodate the new road for the 13 lots, alterations to the service road, including entry and exit point, at Panorama Drive located 185 metres to the south of the subject site are proposed. However, as these works are outside of the subject site, it cannot be considered as part of the planning application. The owner of the land or applicant will need to negotiate with VicRoads and Council's Engineering and Environment Services Department separately, as a planning permit is not required for these works.



## 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 two (2) notices along Springvale Road and Hawthorn Road frontages. Following the advertising period thirteen (13) objections were received.

The issues raised are summarised as follows:

#### *Open Space*

- The reserve does not appear to be contributing to the existing or future habitat corridors and does not link with any other reserves in the area.
- The reserve should not be used for stormwater retention or restricted by easements.
- Submission should detail how the drainage reserve will benefit the community as a recreation reserve.

#### *Landscaping*

- The extension to Springvale Road Service Road will result in removal of established Oak and Gum Trees. Access should be relocated to avoid loss of canopy trees.
- The Tally Ho Major Activity Centre Urban Design Guidelines require a significant vegetation screen along the southern boundary of the site.
- The trees allowed to be removed in Stage 1 have already resulted in a significant loss of canopy in the area, this should not be allowed to happen again in future stages.
- Additional vegetation should be planted on the subject site.

#### *Amenity*

- The proposed building envelopes will result in dwellings only setback 3.5 metres from the common boundary with the properties on Ansett Crescent, and will result in amenity impact to those properties.
- Potential overlooking from the new dwellings.
- External services on the new dwellings may result in visual amenity impact to the adjoining properties.
- Potential overshadowing.
- Buffer zone with substantial planting should be provided along the southern side boundary.
- Dwellings should only be single storey, which will be respectful of the existing character along Ansett Crescent.

#### *Traffic*

- Further development will result in impact traffic congestion along Springvale, Hawthorn and Mahoneys Roads.

#### *Drainage*

- Concern on overland flow and flooding resulting from the development of the subject site.

### **9.1.2** (cont)

Council began the process in preparing public notice on the 10 October 2014, whilst the Minister of Planning approved the Planning Scheme Amendment C160 on 14 October 2014 which altered the zone of the subject site from General Residential Zone, Schedule 1 to Residential Growth Zone, Schedule 2. Pursuant to Clause 32.07-10 (RGZ2) of the Whitehorse Planning Scheme, an application to subdivide land under current controls is exempt from notice and review.

Due to the change in zoning after the preparation of public notice, the objections can only be treated as submissions to the application. The exemption under Clause 32.07-10 (RGZ2) indicates that this application for subdivision cannot be subject to any third party appeal. Therefore, the submitters do not have appeal rights and a permit must be issued rather than a Notice of Decision to Grant a Planning Permit.

#### **Consultation Forum**

A Consultation Forum was held on 17 December 2014. Twelve (12) objectors attended the meeting. The objectors concerns listed above have been explored and discussed within the forum.

The applicant agreed to review with his client the dwellings rear setback from the southern boundary, however no other resolution was reached between the parties. At the time this report is prepared, the permit applicant has not been able to provide Council with any update on this matter.

#### **Referrals**

##### **External**

##### VicRoads

The proposal has been reviewed by VicRoads where no objection has been raised provided that specific conditions are to be included in any permit issued.

##### Melbourne Water, Yarra Valley Water, United Energy & Multinet Gas

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

##### **Internal**

##### Engineering and Environmental Services Department

- Transport Engineer

Council's Transport Engineer does not support the proposal, as the internal roadway is considered to be substandard. As the permit applicant is intending to hand over the road to Council in the future, the road pavement must have a width of 7.5 metres without indented car parking spaces and should have a minimal total width of 16.5 metres, that includes 4.5 metre wide verges on both sides. A permit condition is proposed to alleviate these concerns.

- Assets Engineer

Council's Assets Engineer raised concerns on the drainage management within the proposed development. A permit condition is to be included to ensure the site, including dwellings and the internal road are to be drained to the satisfaction of Council's Engineering and Environmental Services Department.

### **9.1.2** (cont)

To accommodate a landscape buffer recommended by the Tally Ho UDF, it is recommended that the easement (E-2) be increased from 2 to 3 metres. The increase in width will enable the planting of the landscape buffer against the southern boundary, while the remaining width of the easement will be sufficient to accommodate the required assets. All planting within the easement must also be shallow rooted vegetation species.

#### ParksWide Arborist

The proposal has been reviewed by Council's ParksWide Arborist who raised no objection to the proposal, however requires the developer to source and plant street trees after being approved by Council. The proposal will not result in removal of any Council managed street tree.

#### Planning Arborist

Council's Planning Arborist recommends that six canopy trees located within the subject site and along Springvale Road be retained if possible. Those trees include two *Eucalyptus viminalis*, one *Quercus robur* and three *Eucalyptus leucoxylon*.

#### Parks Planning and Recreation

Council's Open Space Planner indicated that the applicant or owner of the land will be required to pay Council a 4% public open space contribution in the form of cash in-lieu, as it is not required in Council's Open Space Strategy for additional parkland to be provided in this area.

## **DISCUSSION**

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

The State Planning Policy Framework (SPPF) aims to increase the supply of housing in existing urban areas, and to encourage well-designed medium density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing. Clause 15.01-3 (Neighbourhood and subdivision design) has an objective to ensure that the design of subdivisions achieve attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. The proposed subdivision is consistent with the relevant sections of the SPPF which seek to ensure new development appropriately responds to its neighbourhood context.

The preferred neighbourhood character is to be achieved by encouraging the retention of existing trees and the planting of new trees where possible; ensuring buildings are setback a substantial distance from one side boundary; ensuring buildings are setback from the front boundary in accordance with the predominant setback in the street; ensuring buildings, including garages, are sited and designed so as not to dominate the streetscape; encouraging a lack of front fences and encouraging consistent street tree planting.

In general it is considered that the proposed subdivision will create lot sizes consistent with lots in the Forest Ridge Stage 1 subdivision and allows for sufficient space for landscaping and canopy tree planting which will contribute to the landscape character in the area. All new lots are of sufficient size for planting of new vegetation around each dwelling. However, to ensure that the amenity of the existing neighbours to the south is protected, as well as providing reasonable internal amenity to the future occupants of the proposed lots, modification to the building envelope will be required and creation of a landscape buffer between the subject land and the adjoining properties to the south will be necessary. This is listed in conditions for any approval granted.

**9.1.2**  
(cont)

**Clause 56 (Subdivision)**

The application has been assessed against the objectives and standards of Clause 56 specified in the Whitehorse Planning Scheme. The main objectives and standards relevant to the application are discussed below.

**Neighbourhood character**

Standard C6 – Neighbourhood character objective

This standard seeks to ensure that subdivisions respect the existing neighbourhood character or achieve a preferred neighbourhood character. In particular subdivision layouts should:

- *Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme,*
- *Respond to and integrate with the surrounding urban environment, and*
- *Protect significant vegetation and site features.*

The neighbourhood character is described under local policy. It is considered that the lot sizes proposed will enable any new dwellings to be constructed on the proposed lots to respect the existing and preferred neighbourhood character. The lot sizes are similar to a number of lots within the Forest Ridge State 1 subdivision approved under WH/2004/14834. It is considered that the lot sizes of over 300 square metres will further contribute to the range of lot sizes available in the area. The lot sizes are also considered to be appropriate within a Residential Growth Zone and respect the preferred transition of density encouraged with the Tally Ho Urban Design Framework (Tally Ho UDF) and adopted Tally Ho Major Activity Centre Design and Landscape Guidelines (Tally Ho MACDLG).

The proposed lot configuration satisfies the rhythm of spacing between existing dwellings and allotments within the neighbourhood, as it will provide an appropriate transition from the abutting dwellings in a General Residential Zone and those proposed for the Residential Growth Zone. The parcels created will be of a sufficient size to accommodate one dwelling as well as provide some area of landscaping and tree planting and/or retention and car parking provision on site.

Any new dwelling will be subject to the relevant building regulations to ensure minimal impact on abutting properties, with regard to overshadowing, overlooking and setback requirements.

**Lot Design**

Standard C7 - Lot diversity and distribution objectives

The subject land is classified as Substantial Change in accordance with Clause 22.03, Council's Residential Development Policy as it is within the Tally Ho Major Activity Centre. The proposed subdivision allows for additional dwellings that are acceptable in the context of the area of a major activity centre. The thirteen lots proposed will provide future homes of varying size to be accommodated whilst ensuring adequate secluded private open space and landscaping opportunities.

**9.1.2**  
(cont)

Clause 56.04-2 (Standard C8) – Lot area and building envelopes objective

This objective ensures that lots have areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.

Standard C8 details that an application to subdivide land that creates:

- Lots less than 300 square metres should include a building envelope.
- Lots of between 300 square metres and 500 square metres should contain building envelope.
- Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres and may contain a building envelope.

Lot dimensions and building envelopes should protect:

- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.
- Existing or proposed easements on lots.
- Significant vegetation and site features.

Each lot will have a land size of between 330 and 364.5 square metres with rectangular dimensions of 30 metres by 11 or 12 metres. Pursuant to Standard C8 above, a building envelope is required to be specified.

The proposal indicates that dwellings will be setback 3.5 metres from the front (north) and rear (south) boundaries respectively, and separation between dwellings are not specified. The front setback is considered to be acceptable, as the land is located within a Residential Growth Zone and a reduced setback to an internal roadway will encourage better integration between public and private spaces. However, to avoid reliance on on-street parking, any car accommodation will be required to be setback a minimum of 5.4 metres from the front boundary.

The proposed 3.5 metre setback to the rear is considered to be unsatisfactory. Both the Tally Ho UDF and the Major Activity Centre Design and Landscape Guidelines recommend that interface treatments are to be put in place for planting of vegetation to provide adequate screening, as the site is located within a Residential Growth Zone, where more intense developments are expected. Furthermore, the proposed lots are more compact than those lots along Ansett Crescent and others within the immediate neighbourhood, with the potential of higher density developments, and potentially in a flat and apartment style built form further to the north of the proposed subdivision. Consequently, the provision of a landscape buffer is seen to be essential in this instance to provide visual relief and amenity protection to the existing residential properties to the south of the subject site.

**9.1.2**  
(cont)

To ensure sufficient space is set aside for the buffer vegetation and not compromising on the outdoor recreation needs of the future occupants of the proposed lots, it will be required that the ground level building envelope setback be increased from 3.5 metres to 5 metres from the rear boundary. This will also ensure that the dwellings to be constructed on the proposed lots will have access to secluded private open spaces of at least 35 square metres and with a minimum dimension of 5 metres, in accordance with the varied private open space requirement under Clause 55.05-4 of the Whitehorse Planning Scheme. It is also noted that there is a 2 metre wide easement along the rear which would limit opportunities for tree planting and landscaping along the southern rear boundary. Therefore, the building envelope setback from the southern rear boundary is required to be increased from 3.5 to 5 metres to ensure adequate space for both landscaping and the recreation needs of the future occupants of the lots.

In addition, as the private open spaces of dwellings constructed on these lots will be orientated to the south, it is considered that a greater setback to the southern (rear) boundary is appropriate. It is expected that a double storey wall height of a dwelling would be at least 5.5 metres in height, therefore the upper level building envelopes of the proposed lots should be setback at least 7 metres from the southern boundary.

To ensure that dwellings on the lots will not result in a continuous built form when viewed from the properties to the south and surrounding streets and to create a sense of openness to allow north-south viewlines across the site, a ground level separation of 2 metres between each pair of dwellings on the ground level and 4 metres between each pair of upper levels will be required. All of the above setbacks and separation requirements will be included in conditions for any approval granted.

Overall, the rectangular lots, with the required setbacks above, will enable any new development to achieve appropriate solar access for dwellings, accommodate easements on site and enable setbacks that allow new canopy trees and vegetation to be planted within each lot.

Standard C10 – Street orientation objective

The objective is to provide a lot layout that contributes to community social interaction, personal safety and property security and the standard details that subdivision should increase visibility and surveillance. Each lot will have its own street frontage to the newly created roadway to ensure an interactive interface and streetscape address and presentation.

Any permit issued will require the roadway and crossovers to be constructed to the satisfaction of the Responsible Authority to provide access to the proposed lots. Designated pedestrian paths will be required to be constructed to the satisfaction of Council to promote walkability within the development and provide safe and efficient connection to and from nearby activity centres. Details for the roadway will be discussed below.

**9.1.2**  
(cont)

**Urban Landscape**

Standard C12 - Integrated urban landscape objectives

The objective is to:

- *Provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.*
- *Incorporate natural and cultural features in the design of streets and public open space where appropriate.*
- *Protect and enhance native habitat and discourage the planting and spread of noxious weeds.*
- *Provide for integrated water management systems and contribute to drinking water conservation.*

It is noted that the proposal includes the construction of a new roadway and a service road extension that will require the removal of six (6) trees within the subject site. Whilst there will be some loss of vegetation within the subject site, replacement canopy trees will be planted along the service road and within the proposed reserve and the residential lots. The proposed subdivision would provide for adequate offset planting to compensate for the trees to be removed.

Although Council's Planning Arborist recommends those trees be retained, the tree removal is unavoidable to allow a safer and more efficient access to and from the subject site. It is noted that Trees 142, 143 and 145 (*Eucalyptius leucoxylon*) located at the southeast corner of the site are required to be removed for the construction of the site's stormwater detention system under the proposed reserve. Tree 141 (*Quercus robur*) has a TPZ within the building envelope, and it is therefore considered that the removal of this tree should be supported and appropriate specimens can be planted within the rear setback of the lots to ensure the site continues to contribute to the canopy density within the area. The proposed tree removal is therefore considered to be acceptable in this instance.

As discussed above, it is requirement for a landscape buffer to be provided along the southern boundary of the subject site from proposed Lot 1 through to Lot 13. The landscape plan will include a mixture of plants including canopy trees and screening shrubs.

**Access and Mobility Management**

Standard C20 – Neighbourhood street network detail objective

The objective is to design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users. Standard C20 requires the design of streets and roads to meet the requirement of Table C1.

The permit applicant submitted two Traffic Impact Assessments, one which relates to the proposed 13 lot subdivision and the other refers to the Master Plan which takes into consideration future subdivision of the remaining land.

The Traffic Impact Assessments estimate that the traffic volume created by this 13 lot subdivision will be 78 vehicle movements per day (vpd). However, as the roadway to be constructed will be used as access for further subdivision or development of the remaining site and will connect through to Hawthorn Road, it must be built to cater for the vehicle movement for the estimated 800 dwellings on site, with a potential 4800 vpd. Furthermore, as it is the permit applicant's intention to transfer road management to Council after construction, the road must be constructed to Council's Engineering standard.

### **9.1.2** (cont)

Pursuant to Table C1 under Clause 56 of the Whitehorse Planning Scheme, a road catering for between 3,000 to 7,000 vehicle movements per day (vpd) must meet the Connector Street – Level 2 requirement. However, as the road will connect through to Hawthorn Road, this means that the actual traffic movement may be less than the estimated 4,800 vpd as indicated by the applicant's Transport Engineer. It is considered that any vehicle egressing from a dwelling near Springvale Road will most likely take the Springvale Road exit and vice versa. As a result of the above consideration, Council's Transport and Assets Engineers require the road to comply with the Access Street – Level 2 standard. This requires the road to be 16.5 metres in width, which includes a 7.5 metre wide carriageway and 4.5 metre verge on each side. The proposal currently has a road width of 15.8 metres and therefore a condition will be included requiring the minimum width to be increased to 16.5 metres.

#### **Public Open Space Contributions**

A public open space contribution of 4%, in cash in-lieu not land, is required as per Clause 22.15 (Public Open Space Contribution) and Clause 52.01 (Public open space contribution and subdivision).

#### **Objection issues not already considered**

##### *Open space*

The Whitehorse Planning Scheme encourages development or subdivision of residential land to contribute to public open space to meet the recreation and leisure needs of residents and contributions are taken via land or cash in-lieu in accordance with Council's Open Space Strategy. Advice from Council's Open Space Planner confirms in this case that the applicant or owner is not required to provide additional public open space in this area. Therefore, the reserve has a primary purpose for stormwater retention not open space for recreation purposes. Vegetation and canopy trees will also be planted within this reserve to ensure it contributes to the habitat corridors and environment of the area.

##### *Dwellings should be single storey*

Double storey dwellings are commonly found within the City of Whitehorse and metropolitan Melbourne. Given the proposed rear setbacks of the building envelope, double storey dwellings will not result in unreasonable material detriment to amenity.

#### **CONCLUSION**

The proposed subdivision is consistent with the relevant planning controls and policies, including the State and Local Planning Policies, the provisions of the Residential Growth Zone, Schedule 2 and the relevant Clause 56 objectives and standards.

A total of 13 individual objections from 13 properties were received as a result of public notice and each of the issues raised have been addressed as required. The changes to the residential zones under Amendment C160 result in no notice requirement and no appeal right for submitters. However, modifications to building envelopes and landscaping provision required by conditions will address the majority of concerns raised.

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



## Strategic Planning

### 9.1.3 Whitehorse Planning Scheme Amendment C164 – Introduction of two heritage overlays: the Blue Flame Estate Vermont South (former display village) and 127 Whitehorse Road Blackburn (former factory and now used as a Sikh temple).

FILE NUMBER: SF 15/51  
ATTACHMENT

#### **SUMMARY**

*This report discusses Amendment C164 and recommendations from the independent panel appointed to assess submissions and the proposed amendment. The Panel recommends that Amendment C164 be adopted as exhibited subject to deletion of a heritage overlay for the site at 127 Whitehorse Road Blackburn. This report recommends that the Panel recommendations be accepted.*

#### **RECOMMENDATION**

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

- A. Adopt Amendment C164 as exhibited, subject to deletion of the proposed heritage overlay over the former factory at 127 Whitehorse Road Blackburn.*
- B. Submit the adopted Amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987 with the appropriate fee.*
- C. Advise all submitters of Council's resolution.*

#### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Bennett

*That Council being the Planning Authority and having considered the Panel report for Amendment C164 to the Whitehorse Planning Scheme:*

- A. Consider the Amendment in two parts with part 1 being the proposed Blue Flame Precinct, Vermont South and part 2 being 127 Whitehorse Road, Blackburn.*
- B. Defer considering adoption of part 1 of the amendment, being the Blue Flame Precinct, Vermont South, to the March Council meeting.*
- C. Delete part 2 of the amendment, being 127 Whitehorse Road, Blackburn*
- D. Advise all submitters of Council's decision.*

**CARRIED UNANIMOUSLY**

**9.1.3**  
(cont)

MELWAY REFERENCES: 62 F8, 47 K9

Proponent: Whitehorse City Council

Zoning:	General Residential, Mixed Use
Overlay:	Design and Development, Environmental Audit
Relevant Clauses	Clause 11.01 Activity Centres Clause 11.04 Metropolitan Melbourne Clause 15.01 Urban Environment Clause 15.03 Heritage Clause 16 Housing Clause 17 Economic Development Clause 21,04 Strategic Directions Clause 21.05 Environment Clause 21.06 Housing Clause 21.07 Economic Development Clause 22.01 Heritage Buildings and precincts Clause 22.03 Residential Development
Wards:	Central, Morack

**BACKGROUND**

This amendment was initiated by Officers under delegation. Both places were considered under threat and as a result, a decision was taken to 'fast track' a proposed amendment.

Initially it was proposed that the amendment also include the property at 15 Hopetoun Parade Box Hill. However the threat of demolition dissipated and so the property was removed from the amendment at the owner's request, and inserted as part of amendment C157, which recently finished exhibition.

The heritage significance of the property at 127 Whitehorse Road Blackburn was identified during preparation of the Post 1945 Heritage Study. The place is currently being used as a temple and at the time of its identification, a planning application had already been received which proposed to demolish the building as part of the temple's proposed redevelopment of the site.

The Blue Flame precinct was also identified as part of the Post 1945 Heritage Study. Council's Refusal to demolish and construct 3 dwellings at 11 Shalimar Court was considered by VCAT in 2014. VCAT advised that although Council's refusal was upheld, an amended application may be approved and heritage matters could not be taken into account unless a heritage overlay is in place. A second application was received by Council and so a heritage overlay was prioritised.

A request was also lodged with the Minister for Planning for interim heritage controls to prevent uncontrolled demolition of the proposed places. In order for that request to be seriously considered, Council was required to initiate permanent heritage controls as soon as possible.

**CONSULTATION**

The amendment was placed on exhibition for one month commencing 19 June 2014 and 34 submissions were received. Some submissions supported the Amendment and others did not. On 18 August 2014, Council resolved to refer all submissions to an independent Panel for further consideration and advice.

### **9.1.3** (cont)

#### **PANEL HEARING AND REPORT**

A Panel Hearing was held on 12 and 13 November 2014 at the Whitehorse Civic Centre. The Panel comprised two members with heritage knowledge and expertise. Council was represented by a Senior Strategic Planner who called an expert heritage witness to provide advice in relation to both sites. The Panel also heard from representatives from the Sikh community (owners of the site in Whitehorse Road) and one Vermont South resident who submitted in relation to the Blue Flame Precinct. The Sikh community were represented by a barrister who called expert witnesses for architecture, heritage and the Sikh community. The Blue Flame Precinct resident represented herself.

The Panel report and Panel recommendation documentation are included as Attachment 3 to this report: track changes indicate modifications recommended by panel and supported by officers.

#### **DISCUSSION OF PANEL REPORT**

In summary, the Panel recommends that:

- The proposed heritage overlay be introduced for the Blue Flame Precinct Vermont South.
- The proposed heritage overlay not be introduced for 127 Whitehorse Road Blackburn on the basis that:
  - Substantial changes have been made to both the interior and exterior of the building,
  - The original proposed parklike setting for the factory was never realised; and
  - Historical associations with the potter EG Greenway are insufficient because the intended memorial tower was never constructed and the manufacturing process on site changed from being specialist hand painted pottery to being mass produced.

It is noted that a key submitter in support of the Blue Flame Precinct withdrew her submission shortly after the hearing.

#### **Blue Flame Precinct**

The Panel considers that the citation for the Blue Flame Precinct clearly demonstrates that the proposed precinct meets the threshold of local significance and can therefore support a heritage overlay. Although some houses in the precinct have been altered or extended, the changes do not detract from the integrity of their original design which is still clearly recognisable. The Panel believes Neighbourhood Character Overlay provisions would be of limited value to protect the precinct's heritage significance. The Panel concluded that the precinct has local historical and aesthetic significance as an excellent example of rigorous interest from the architectural profession to produce imaginative and cost effective housing developments in suburban Melbourne. The Panel supports the application of a heritage overlay to the precinct.

#### **Officer comments**

The Panel's conclusions and recommendations are supported by Officers.

#### **127 Whitehorse Road, Blackburn**

The Panel was not convinced regarding the heritage significance of the former factory in Whitehorse Road. It concluded that the argument regarding historic significance of the post war industrial development of the municipality (and Whitehorse Road in particular) was not sufficient, particularly in light of the fact that the proposed parkland setting and memorial tower for the factory were never realised. The Panel was satisfied that the research supporting the citation was both expert and rigorous. However Panel preferred the alternative assessment provided by the Sikh's heritage expert who described the building as modest and demonstrative of its style yet not significant.

### **9.1.3** (cont)

The Panel also considers that the draft Post 1945 Heritage Study should have been available to submitters and the general public, even if the report had draft status, had not been considered by Council and contained sensitive information which was irrelevant to the amendment.

The Panel did not believe that social and economic factors of the proposed overlay were satisfactorily considered by Council as part of the amendment process. Panel cited some of the relevant economic issues as including:

- Effect of heritage overlays on property owners redevelopment expectations.
- Impacts must be significant, clearly linked to the heritage controls, and potentially affect more than just a small group or individuals.
- Economic and social issues must be relevant to a wider community and these interests should be clearly identified in the planning scheme at both the policy level and at the particular site level.
- Inclusion in a heritage overlay no longer presumes that demolition or significant alteration will be prevented.
- Financial imposition of the proposed overlay.

#### Officer comments

The Panel's conclusions regarding the Blackburn Road site will be helpful in respect to future amendments. However the comments about availability of the Post 1945 Heritage Study are disappointing. It is considered that releasing the report to the public before Council had an opportunity to view it would be premature.

The Panel's advice regarding the consideration of social and economic factors will be helpful in the preparation and consideration of future heritage amendments. Social and economic factors are becoming increasingly important, and are changing the way in which all levels of Government deal with heritage matters.

#### **FINANCIAL IMPLICATIONS**

Council is the proponent for the amendment and if the amendment is adopted, then a fee of \$798 is required to submit the amendment for Ministerial approval.

Although there will be some cost for Council associated with assessment of the additional permit applications required as a result of the new heritage overlay, Council already has a well-established process for dealing with these types of applications.

#### **POLICY IMPLICATIONS**

The Amendment is consistent with Council's Vision 2013-2023 of:

- Supporting a healthy, vibrant, inclusive and diverse community.
- Maintaining and enhancing the built environment to ensure a liveable and sustainable city.
- Protecting and enhancing both the built and natural environment.

#### **CONCLUSION**

The Panel comprised two respected members with many years of panel experience, in particular experience dealing with heritage amendments. The report is detailed and thorough. It is therefore recommended that their independent expert advice and recommendations be supported, and Amendment C164 be adopted as exhibited, subject to deletion of the property at 127 Whitehorse Road, Blackburn.

## **Attendance**

Cr Chong having declared a Conflict of Interest in this item left the Chambers at 7.47pm prior to discussion taking place on this item.

### **9.1.4 Consideration of the Panel Report in relation to combined Amendment C153 and planning permit application WH/2012/872 for 15-31 Hay Street, Box Hill South**

FILE NUMBER: WH/2012/872 / SF14/1011  
ATTACHMENTS

#### **SUMMARY**

*The Panel Report for Amendment C153 and planning permit application WH/2012/872 has been received. This report discusses the exhibition and consideration of submissions to Amendment C153 and WH/2012/872 and the recommendations of the independent planning Panel that has assessed the amendment and permit application. It is recommended that Amendment C153 and planning permit WH/2012/872 be adopted and approved, as recommended by the Panel.*

#### **RECOMMENDATION**

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

- A. Note the key findings and recommendations given in the Panel Report (Attachment 4a).*
- B. Adopt Amendment C153 in line with the recommendations made by the Panel, with the exception of the numbering sequence recommended.*
- C. Request the Minister for Planning to approve planning permit WH/2012/872 with the conditions shown at Attachment 4b which are generally in line with the recommendation made by the Panel.*
- D. Submit the adopted Amendment and draft planning permit to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987 with the appropriate fee.*
- E. Advise all submitters to Amendment C153 of all resolutions in relation to the Panel Report.*

#### **MOTION**

Moved by Cr Davenport, Seconded by Cr Daw

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

- A. Defer Consideration of the Panel Report in relation to combined Amendment C153 and planning permit application WH/2012/872 for 15 – 31 Hay Street, Box Hill South until Ordinary Council Meeting 16 March 2015*

LOST

**9.1.4**  
(cont)

**COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Harris

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

- A. Note the key findings and recommendations given in the Panel Report (Attachment 4a).***
- B. Adopt Amendment C153 in line with the recommendations made by the Panel, with the exception of the numbering sequence recommended.***
- C. Request the Minister for Planning to approve planning permit WH/2012/872 with the conditions shown at Attachment 2 which are generally in line with the recommendation made by the Panel, with condition 3 e) amended to read: Any other matter, if required, to the satisfaction of the Responsible Authority, including any proposed upgrade of lighting at the Wembley Park Oval.***
- D. Submit the adopted Amendment and draft planning permit to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987 with the appropriate fee.***
- E. Advise all submitters to Amendment C153 of all resolutions in relation to the Panel Report.***

**CARRIED**

**A Division was called**

<b>For</b>	<b>Against</b>
Cr Stennett	Cr Massoud
Cr Harris	Cr Carr
Cr Bennett	Cr Daw
Cr Davenport	
Cr Munroe	

**On the results of the Division the motion was declared CARRIED**


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**9.1.4**  
 (cont)

MELWAYS REFERENCE: MAP 61 F1

Applicant:	Canaan Holdings Pty Ltd
Zoning:	Special Use Zone (Schedule 1) Public Use Zone (Schedule 1)
Overlays:	Land Subject to Inundation Overlay
Relevant Clauses:	Clause 11 Settlement Clause 12 Environmental and Landscape Values Clause 15 Built Environment and Heritage Clause 16.01 Residential Development Clause 17 Economic Development Clause 18 Transport Clause 19 Infrastructure Clause 21.05 Environment Clause 21.06 Housing Clause 22.03 Residential Development, Natural Change Clause 22.04 Tree Conservation Clause 32.01 Residential 1 Zone Clause 52.06 Car Parking Clause 52.34 Bicycle Facilities Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys Clause 55 Two or more dwellings on a lot Clause 65 Decision Guidelines
Other:	Cultural Heritage Sensitivity
Ward:	Riversdale



	Subject site	41 of 57 submissions received (as at July 2014)	 <b>North</b>
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#### **9.1.4** (cont)

#### **BACKGROUND**

Amendment C153 proposes to rezone 15-31 Hay Street Box Hill South from Special Use Zone and Public Use Zone to Residential Growth Zone and General Residential Zone with associated schedules, and apply an Environmental Audit Overlay to the site.

Amendment C153 is being sought to facilitate planning permit application WH/2012/872 which is being considered concurrently with the amendment. The application is for a planning permit to develop the land for two or more dwellings, development and use of land for a retirement village, and use of land for a food and drink premises (café), shop and associated buildings and works on land subject to inundation.

The development proposal primarily comprises residential and aged care living with the construction of 310 dwellings including apartments, terraces, semi-detached and detached dwellings. The proposal is broken up into four corridors of development which grade from Hay Street to the west, to Gardiners Creek to the east. Two and three storey split level single dwellings are configured to front Hay Street, with more medium density forms within the middle of the site comprising of 3 (row houses) and up to 6 to 7 storeys (apartment form), before grading down to semi-detached 1-2 storey dwellings along the Gardiners Creek edge.

Amendment C153 was exhibited between 24 April and 27 May 2014 following a decision by Council on 17 February 2014 to prepare and exhibit a concurrent amendment and planning permit application for the site. Item 9.2.4 of the minutes from that meeting provides full details of the site, proposal and its recent planning history. Of note, this is the third planning scheme amendment proposal which has been considered by Council for this site. This amendment has been requested by the owner of the site, Canaan Holdings Pty Ltd.

Council considered fifty seven (57) submissions received on the amendment at its meeting on 21 July 2014 and resolved to refer the amendment and all submissions to an independent Panel. The Panel Hearing was held on 17, 19, 23 and 24 September 2014 at the Whitehorse Civic Centre in Nunawading.

#### **PANEL REPORT**

##### **Submissions**

At the close of the exhibition period fifty two (52) submissions had been lodged and a further five submissions were received just following the close of the exhibition period. The main issues raised by the submissions related to traffic and car parking, neighbourhood character and built form, environmental considerations and the impact of the proposal on existing infrastructure and amenities. Council considered fifty seven (57) submissions at its meeting on 21 July 2014, and detailed discussion of those submissions is available in the minutes to that meeting. It is also noted that a number of emails and letters about the amendment were received by Council following that meeting.

In total, sixty (60) submissions were considered by the Panel, with three additional submissions referred to the Panel just prior to its commencement. The Panel considered all of the written submissions, together with the submissions made in person at the hearing.

##### **Panel Hearing**

The Panel held a Directions Hearing on 21 August 2014. A number of directions were made which provided guidance for the conduct of the hearing and issues to be addressed.



#### 9.1.4

(cont)

The Panel Hearing was held over four days on 17, 19, 23 and 24 September 2014 at the Whitehorse Civic Centre in Nunawading. Council was represented at the hearing by officers and called no expert witnesses. The Panel undertook two unaccompanied site visits on 9 September and 6 October 2014.

The Panel heard from twelve parties, including Council, who were represented at the hearing. This included the proponent, Canaan Holdings Pty Ltd, represented by Mr Chris Townshend QC and others, who called five expert witnesses; VicRoads; the Box Hill United Pythagoras Soccer Club; the Box Hill South Neighbours Group; six residents (Ms A Murray, Mr A Sylvan, Mr A Holmes, Ms T Bourke, Ms T S and Ms H Eason) and one interested individual (Mr G Ryan).

The Panel has now submitted a written report to Council (Attachment 1) with recommendations that are in agreement with the position of Council officers. The Panel recommends that:

*Whitehorse Planning Scheme Amendment C153 should be adopted as exhibited, subject to the following:*

1. *Renumber the proposed Schedules to the General Residential Zone and Residential Growth Zone as follows:*
  - a. *General Residential Zone 1 to be renumbered General Residential Zone 8*
  - b. *General Residential Zone 2 to be renumbered General Residential Zone 9*
  - c. *Residential Growth Zone 1 to be renumbered Residential Growth Zone 3*
2. *Remove the words 'Former St. Leo's College (15-31 Hay Street, Box Hill South)' from the header of each of the renumbered Schedules GRZ8, GRZ9 and RGZ3 and other consequential changes to maps and related documentation, made.*

*It is further recommended that planning permit WH/2012/872 should be issued, and include the conditions set out in Appendix D of this report (page ii).*

#### **DISCUSSION OF PANEL REPORT**

The Panel Report from Planning Panels Victoria was received by Council on 17 November 2014 and the report was released to the general public on 24 November 2014. This was done by advising all submitters to Amendment C153 that the report had been received and was available for viewing in person or on Council's website, and by providing a full copy of the report to those who presented at the hearing in person.

The Panel has presented their findings under seven key themes, each of which will be discussed in turn. However the Panel does make some commentary upfront about the proposal and exhibition procedure. The Panel notes in its discussion that a number of residents indicated that they did not receive notification in the mail or that they were misled about the extent of the proposal. At the Panel's request, Council provided the Panel with addresses and documentation verifying the mail-out. The Panel also looked at the materials sent out and noted the reference in the Explanatory Report to the proposed 310 dwellings. Accordingly, the Panel stated that

*"...It is aware that correspondence from institutions such as Councils is not always read carefully by some people" (page 6).*

That said, the Panel did consider that the community could have had a greater understanding of the proposal had they been briefed prior to formal notification.

#### 9.1.4 (cont)

##### **Strategic underpinning of the Amendment**

Council submitted that the rezoning of the subject land would facilitate redevelopment and use of a large site within the established suburbs of Melbourne, close to a range of amenities including Box Hill Activity Centre, transport options, education facilities, open space and employment opportunities. It was submitted that the rezoning is consistent with broader strategic policy that encourages redevelopment of key sites and the provision of a range of housing types. Further, the potential externalities from the Rhodia Chemical Plant at 313 Middleborough Road, which prevented the rezoning of the site in 2002, are no longer a consideration following the closure of the plant. These justifications were echoed by the proponent via their submission and through their town planning expert evidence.

The Panel agreed that there is State policy support for the proposed development, but considers that at a local level there are general, but no strong strategic underpinnings for development on the specific site. The Panel noted that the previous *Whitehorse Housing Study 2003* identified potential residential redevelopment sites, but considers that Council has “dropped this policy ball” (page 19) by not including such policy support in the document’s successor, the *Whitehorse Housing Strategy 2014*. While the Panel acknowledged Council’s intention to assess strategic redevelopment sites on a case by case basis, they believe that this does not provide enough certainty to stakeholders over the long term.

Regardless, the Panel accepts that the site offers significant potential and is similar in context to a number of former government school sites which are being rezoned for residential purposes. The Panel considers that while the site is not perfectly located for high density residential development, that on balance it is a large, relatively unencumbered site which can be developed “in a manner which minimises a number of the potential impacts on neighbouring residential areas” (page 20).

In summary, the Panel concluded that:

- *There is strong State policy support for development at higher densities*
- *Whilst the subject site does not enjoy strong strategic support in local policy its residential development potential has been recognised locally for a number of years*
- *It should be of no surprise to any stakeholder that higher density residential development is proposed*
- *On balance, higher density residential development on the site does have strategic support (page 20).*

##### Officer comments

The Panel’s endorsement that the site can be developed is noted, as is its criticism regarding policy guidance for potential residential redevelopment sites. It is proposed that this gap be addressed in future strategic work.

##### **Proposed zoning and density of development**

A significant issue for submitters was the potential density of development provided for by the proposed zones, and/or the overdevelopment of the site. The Panel also queried the application of the proposed zones and questioned their flexibility over the long term.

Council responded to these concerns from the perspective of neighbourhood character and built form. It was submitted that a combination of General Residential and Residential Growth Zones is appropriate for the subject site to facilitate higher density development in the core of the site, but to ensure that appropriate built form interfaces are provided to the existing residential and parkland areas in close proximity. This would respond to policy objectives which encourage development of strategic sites whilst ensuring that the amenity of existing areas is not substantially affected.

#### 9.1.4 (cont)

The proponent argued that the development was appropriate on similar grounds. It was submitted on their behalf that overdevelopment is widely understood to refer to the measurable and unacceptable off site or on site failings of a proposal.

The Panel agreed with Council and the proponent, stating that:

*“There is no clear policy or other reason that the density of development is too high and that the issue is better addressed in terms of off-site amenity impacts, urban design and built form, and the physical interface, particularly with residential areas to the west” (page 25).*

In addition, the Panel noted that it is:

*“...Firmly of the view that there is strong policy support for significantly increased density on the site and agrees with Mr Biacsi [town planning expert witness] that replicating the residential development to the west would not be appropriate” (page 24).*

The Panel also did an assessment of the implications of reducing residential density on the site by removing one level from each apartment building. It found that removing one or two floors from the apartment buildings would reduce the overall density of the development, but that the density would remain well above that of the residential area to the west.

#### Zoning

The Panel acknowledged that the amendment documentation was prepared at a time when there was uncertainty around the implementation of the new residential zones. After having some reservations about the application of the proposed zones, it concluded that:

*“...The proposed zoning, whilst a little unusual and potentially inflexible in respect of changing needs in the future, particularly if the proposed permit does not proceed, is nevertheless appropriate and does provide a level of protection to the sensitive Hay Street interface... the proposed zoning facilitates a much higher level of density in the core north south corridor on the site and in the context of the other north south corridors provides for a level of density which the Panel finds broadly acceptable (The Panel draws this conclusion on the basis that other related issues, of urban design interface and off-site amenity are addressed in later Chapters)” (page 25).*

During the hearing for Amendment C153, the *Stage 1 Overarching Issues Report* of the Residential Zones Standing Advisory Committee was released. This committee was appointed by the previous Minister for Planning to advise on the method and application of introducing the new Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone into local planning schemes. One of the findings of this report was that local schedules should be applied on a broad scale rather than a site specific basis. In that context, the Panel considered that the schedules proposed for the site should be applied in a way that they could be used for other sites in the future. This is reflected in their recommendation to remove reference to the subject site in the proposed schedules.

Also during the hearing, Amendment C160 was approved by the Minister for Planning. This means that there is now a duplication of schedule numbers, and therefore the schedules in Amendment C153 require renumbering to follow the new sequence. The Panel concluded that:

*“The Schedules should be renumbered to remove possible confusion in using duplicate Schedule numbers and the reference to the St Leo’s sites be removed from the two Schedules proposed to the GRZ and the one Schedule proposed to the RGZ” (page 25).*

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

##### Panel recommendations

- *Renumber the proposed Schedules to the General Residential Zone and Residential Growth Zone as follows:*
  - a) *General Residential Zone 1 to be renumbered General Residential Zone 8*
  - b) *General Residential Zone 2 to be renumbered General Residential Zone 9*
  - c) *Residential Growth Zone 1 to be renumbered Residential Growth Zone 3*
- *Remove the words 'Former St. Leo's College (15-31 Hay Street, Box Hill South)' from the header of each of the renumbered Schedules GRZ8, GRZ9 and RGZ3 and other consequential changes to maps and related documentation, made.*

##### Officer comments

The Panel's support of Council's approach to addressing concerns about density and overdevelopment are noted.

The Panel's recommendations to renumber and streamline the proposed schedules are supported. However, it is proposed to renumber the proposed schedules as follows:

- General Residential Zone 1 to be renumbered General Residential Zone 6
- General Residential Zone 2 to be renumbered General Residential Zone 7
- Residential Growth Zone 1 to be renumbered Residential Growth Zone 4

This is because while the first draft of Amendment C160, which was exhibited in February/March 2014, had seven schedules to the General Residential Zone and two schedules to the Residential Growth Zone, the final adopted Amendment C160 introduced five schedules to the General Residential Zone and three schedules to the Residential Growth Zone, thereby altering the numbering sequence.

##### **Traffic, parking and site access**

Many submitters were concerned about the impact of increased traffic generated by the development and the adverse effect of this on the amenity and safety of the surrounding neighbourhood. Some submitters were interested in access to Canterbury Road and potential signalisation of the intersections of Canterbury Road and Hay Street and Canterbury Road and Kitchener Street.

Council presented its assessment of the increased traffic based on the traffic report submitted by the applicant. In summary, it was noted that the level of traffic estimated appeared reasonable and that the potential traffic volumes could be readily accommodated in existing streets (Council's full assessment is summarised in the report to Council on 17 February 2014 at item 9.2.4). This was also submitted by the applicant, who acknowledged that while the percentage increases of traffic on existing streets were significant, this was a reflection of how low the existing traffic volumes are.

A meeting of traffic experts, including one of Council's traffic engineers, a representative of VicRoads and the two expert witnesses engaged by the proponent, was held prior to the hearing at the direction of the Panel. The purpose of the meeting was to compare and comment on data sets and assumptions which underpinned their relative opinions and conclusions, and list points of agreement and disagreement between the experts. At this meeting it was agreed that the existing road network would be able to accommodate the traffic generated by the proposal and that signalisation at Canterbury Road is unnecessary. At the hearing, VicRoads withdrew their submission as its outstanding issues had been resolved or addressed.

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

The Panel appreciated the residents' perception of the area as a quiet residential precinct. However, they noted that all traffic experts suggested that the surrounding road network has the capacity to cater for the anticipated traffic generation, and that such traffic would likely be below the levels generated historically by the St Leo's College. The Panel also considered that reducing the number of storeys, and thus apartments, would not result in a perceivable difference in generated traffic volumes. The Panel also accepted the advice of VicRoads and the other traffic experts that the installation of traffic signals at Canterbury Road and Hay Street is not warranted on traffic grounds.

The potential for car parking demand to overflow into surrounding areas was also discussed. It was Council's and the proponent's position that the proposed car parking provision is adequate and exceeds the requirements specified in Clause 52.06 of the Whitehorse Planning Scheme by forty four spaces. The Panel noted this and considered that the overflow of parking into surrounding streets will be limited and is likely to be less than the current on-street parking demand observed by the Panel. The Panel also noted that car parking demand generated by weekend activities at the nearby sports grounds is a matter for investigation by Council, and should not be used to seek modifications to the proposed development.

Access to the site via three crossovers from Hay Street and the proposed internal circulation network for the site was also discussed. The Panel was satisfied with the overall internal street and pedestrian / bike path networks and considered that it will encourage permeability through the development and integration with existing areas. This integration is enhanced by the connections with Jellicoe and Halsey Streets at Hay Street. The Panel was also satisfied with the existing level of bicycle parking provision, noting that it is almost three times the statutory requirement.

#### Officer comments

The Panel's acceptance of the potential traffic, car parking and site access outcomes is noted.

#### **Urban design elements and integration with surrounding areas**

A number of submissions considered that the proposal is inconsistent with the existing neighbourhood character and will have a detrimental impact on the area. It was submitted on behalf of the proponent that the proposal achieves an appropriate balance between housing growth and respecting the site's neighbourhood character context. Council considered that the proposal is largely satisfactory when assessed against ResCode (townhouses and retirement dwellings) and the Design Guidelines for Higher Density Residential Development (apartment buildings).

The Panel was supportive of the suggestion that it is not necessary to replicate the existing built form character of the surrounding area on the subject site, but that rather it is important that the proposal integrates with the wider area. The Panel agreed with Council and the two town planning expert witnesses that:

*"The new development lends itself to the creation of its own distinctive character and urban form and at the same time can integrate with the surrounding street network"* (page 45).

In relation to urban design, the Panel concluded that:

- *The scale and built form of the proposed development is well resolved and achieves a high standard of amenity and urban design and external architectural quality*

#### 9.1.4 (cont)

Residents were concerned about their access to some local facilities, as well as the capacity of others to accommodate increased demand. Of particular concern was the capacity of nearby Roberts McCubbin Primary School and Box Hill High School, both of which are landlocked. The proponent also detailed the facilities on site to be available exclusively to residents of the retirement village and those accessible by the broader community.

The Panel was satisfied with the recreational and community facilities proposed on site, and considered that these would provide a community focus to facilitate the integration of the old and new communities. The Panel was critical of Council for not having detailed information about capacity in existing community facilities and services nearby, nor the expertise in-house to assess the proposal against community development objectives. Despite this, it was satisfied with the addition of a permit condition requiring a shuttle bus to be provided to facilitate access to community facilities by the new residents. The Panel was also satisfied about the development's proximity to a range of activity centres and services nearby and considered this would aid integration of the new community with the old.

Loss of valued public open space or green space was raised by submitters. Council noted that approximately five per cent of the site will be provided as open space, including a pedestrian and bicycle path network. On behalf of the proponent, it was submitted that the design of the development will improve the ecological value of the site and create a new sustainable community set within green surrounds.

The Panel acknowledged that the open space on the site can be valued by the community, even when not directly being utilised. However, the Panel stated that:

*"...The site is privately owned and its owners have every right to develop it in accordance with planning controls"* (page 48).

The Panel also noted that the open space proposed as part of the development will be accessible to the public and enhanced by the landscaping and rehabilitation works proposed along Gardiners Creek.

The impact of adjoining uses on the site, and vice versa, was raised in some submissions. To the east of the site is an industrial area, with the nearest industrial uses over 30 metres from the eastern most retirement village houses and separated by Gardiners Creek (the externalities from the Rhodia Chemical Plant were a significant factor in recommending the abandonment of the previous rezoning proposal for the site). The most sensitive interface is the residential area to the west of the subject site. It was submitted that the two storey dwellings on the Hay Street frontage of the subject site are an appropriate way to manage this interface, to which the Panel agreed. To the north of the site is Wembley Park, a Council owned soccer facility occupied by the Box Hill Pythagoras Soccer Club. While the facility is owned and managed by Council, the site is Crown owned land. The soccer club is considering plans to increase their use of the ground significantly in the short term, which may require improved lighting to facilitate night games and/or training on all seven days of the week.

The Panel agreed with Council and the proponent that the subject site is no longer constrained by industrial uses to the east due to the changing nature of those uses. The Panel doesn't consider that there are significant interface issues with the south of the site, occupied by the Box Hill Golf Club.

The Panel did have some concern about the proximity of the Wembley Park playing pitch to the property boundary and the impact of the potential lighting upgrades. However, they noted that it is difficult to provide further comment as no specific proposal or detail was provided about the possible future lighting. They noted that careful consideration will be needed to baffling the lighting to minimise its impact on nearby residents.

#### 9.1.4 (cont)

The Panel believes that while the proposed development will be of a different character to the surrounding area, it will physically integrate with Hay Street and will not have a detrimental effect on the amenity of the area.

Key conclusions by the Panel, where not noted previously, are that:

- *There are no physical interface issues which are of such significance that the proposal should not be approved*
- *The interface of the development on the subject site with the existing residential development to the west has been well addressed by the proponent with only very limited views to the taller buildings in the centre of the subject site*
- *The proposed development offers housing diversity and a distinct character of its own but should integrate well with the residential area to the west via road, pedestrian and cycle accesses and will not have a significant detrimental effect on amenity of that area*
- *The development of community facilities and the cafe on the subject site will facilitate the social integration of the new community with the existing residential communities*
- *The facilities and services provided on the site will become important foci for social activity for residents living beyond the site*
- *The concerns that the development could place undue pressure on local services and facilities are unlikely to be realised even though this could not be assessed fully*
- *Council's information base on capacity constraints in existing community facilities is not acceptable to the Panel and needs to be addressed so that future significant development proposals in the municipality can be appropriately assessed and monitored over time*

#### Officer comments

The Panel's support of the urban design elements of the proposal is noted, consistent with the position of officers. The Panel was also satisfied with the access to recreational and community facilities on site and in the vicinity, and the proposed upgrades to open space. The Panel also agreed that the previous constraints to development on the site are no longer present, namely the Rhodia Chemical Plant, and that interfaces to the west and south are addressed satisfactorily.

The Panel's criticism of Council's lack of information about the capacity of existing community facilities and services is noted. However, Council has a thorough understanding of the demographics of the municipality both current and projected in addition to a range of policies and strategies developed in consultation with the community to understand and meet the needs of the community. These policies and strategies include the *Whitehorse Municipal Health and Wellbeing Plan 2013-2017*, the *Whitehorse Early Years Plan 2014-2018*, the *Whitehorse Youth Plan 2014-2018*, the *Whitehorse Disability Action Plan 2012-2016*, the *Whitehorse Open Space Strategy*, the *Whitehorse Recreation Strategy 2015-2024*, the *Whitehorse Positive Ageing Strategy 2012-2017*, the *Whitehorse Kindergarten Strategy* and so on.

Box Hill (including Box Hill South) is the fastest growing suburb in the municipality, with an average annual growth of 1.85 per cent. The population is forecast to increase by around 3,000 and the number of dwellings is predicted to increase by just over 1,000 between 2011 by 2021. The largest increase will be in those aged between 20 and 34, which is likely due to the proximity of the Box Hill TAFE and the train station. It should be noted that the proposed development responds to the ageing of the Whitehorse community and that cohort's need for diverse housing within the municipality.

#### 9.1.4 (cont)

The proposed development meets two of Council's community development objectives: 1. *Support a healthy, vibrant, inclusive and diverse community* and 2. *Maintain and enhance our built environment to ensure a liveable and sustainable city*. In addition, it is considered that the development will result in only a modest increase in population. The area is well supported by services, facilities and infrastructure and therefore the development will not, in the main, place undue stress on facilities and services in the area. The capacity requirements of educational facilities and institutions ranging from those that service families and the very young to tertiary institutions, are not the responsibility of local government.

Officers share the Panel's concern about safeguarding the future use of Wembley Park. However, in the absence of plans demonstrating the potential lighting upgrade, it is hard to comment on how development on the subject site could be modified to accommodate those upgrades. As the Panel mentions, appropriate baffling of lights will be required with any upgrade to ensure that light-spill is contained within Wembley Park. Baffling of lights is common for sporting fields and courts to allow activities to take place while minimising disturbance to nearby residences. Should Council approve the business case from the soccer club to upgrade the flood lights to 200 lux then a community consultation process would be required. This process would include:

- Gaining approval from the land owner of the site (Department of Environment, Land, Water and Planning on behalf of the Crown).
- Notice to nearby residents about the proposed flood lighting upgrade, and giving them an opportunity to provide comment.
- Consideration of the community feedback received.
- Depending on the nature of the feedback received, holding a public meeting.
- Making a final assessment of the proposal subject to the community feedback, and if held, public meeting.

#### **Retirement living**

It was submitted by the proponent that the subject site provides an opportunity for a retirement village development which can be integrated with the existing community, and in a location which can meet the needs of those seeking to age in place. The Panel agreed with the proponent that the location was 'ideal', and acknowledged that a range of housing types, including apartments, semi-detached and detached dwellings, is required to attract a broad segment of the market. The Panel was also satisfied that a range of community facilities are available on site to support the proposed retirement living component of the development.

The external and internal architecture of the retirement dwellings and the potential for dwellings to be adapted to facilitate ageing in place with improved mobility and access was also discussed. In this context the Panel believed that it would be a missed opportunity if the detached and semi-detached dwellings were not designed to be more adaptable. The Panel referred to the *Whitehorse Housing Strategy 2014* to substantiate the importance of the adaptability of retirement housing. The Panel recommended that a number of retirement dwellings be redesigned to incorporate more 'universal design' which provides accessibility for people of all levels of mobility and physical impairment.

The corollary of an open and permeable site is the potential security and safety risk for retirement village residents. This could be exacerbated should a number of the proposed apartments be occupied by students, given the proximity of the site to Deakin University. However, the Panel was satisfied that its security concerns could be addressed through sensible management restrictions, and implemented via a permit condition (included as condition 50d in Attachment 4b).



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

##### Officer comments

The Panel's satisfaction with the location and type of retirement housing is noted, as is the inclusion of an additional condition addressing security issues. Officers agree with the Panel's suggestion that more universal design elements should be designed into a number of the retirement dwellings.

##### **Planning permit issues**

A draft of the planning permit with conditions was exhibited as part of the amendment. At the Panel's direction, further discussion about the draft permit conditions occurred between Council and the proponent during and post-Hearing. An agreed version was circulated for comment by all parties in the hearing distribution list following the hearing.

The major changes between the exhibited planning permit and that which was agreed to between Council and the proponent post-Hearing are summarised as follows:

- Restructuring of the permit conditions.
- Changes required in the amended plans to accommodate changes recommended by expert witnesses and to accommodate staging.
- The requirement for a Master Plan and Staging Plan.
- The removal of the VicRoads conditions.
- Further details on the requirements for environmental audit.
- A condition on the quality of material and finishes.
- A section on the retirement living requirements.
- General formatting and corrections.

The Panel supported the permit conditions agreed between Council and the proponent. It noted that it:

*"...Commends the cooperative approach of Council and the proponent both during and after the Hearing and believes that this has resulted in a better structured and effective permit than the version which was exhibited"* (page 57).

The Panel also noted that the issues raised by VicRoads had been addressed and agreed to by VicRoads in discussions prior to the Hearing. The Panel also considered that it is important to strengthen the management of the security of the retirement living villas and has modified its recommended version of the planning permit at condition 51d (now 50d) to reflect this. In summary, the Panel concluded that:

*"...The planning permit conditions as agreed between Council and the proponent are broadly satisfactory subject to an amendment to condition 51 c) [sic] to require monitoring of the effectiveness of security measures"* (page 58).

##### Panel recommendations

- *That Planning Permit WH/2012/872 should be issued, and include the conditions set out in Appendix D of this report.*

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

##### Officer comments

The Panel's recommendation to issue planning permit WH/2012/872 with the conditions set out in Appendix D of their report is supported. However, officers have made minor changes to the conditions provided by the Panel, with these reflected in the final version of the planning permit at Attachment 4b. These changes are:

- Deletion of condition 15 (construction management) as it was repeated at condition 39 (now condition 38). The wording of condition 38 was also amended with some of the wording which was formerly at condition 15.
- Formatting in condition 1.
- Renumbering as a result of the abovementioned changes.

It is noted that after the planning permit and amendment application was lodged in December 2012, a number of changes were made in response to issues identified by Council officers. These changes were required before planning officers were prepared to exhibit the proposal.

##### **Other issues**

The impact of the proposed development on Gardiners Creek and potential flooding downstream was raised by several submitters. It was submitted by Council and the proponent that no objection was received from Melbourne Water, the relevant referral authority for waterways and drainage matters.

The Panel noted that Gardiners Creek and adjoining areas are subject to flooding. However, the Panel cited evidence that the design of the proposed development has been based on a hydrology analysis and includes elements to manage hydrology impacts, such as two wetland areas. The Panel also noted that Melbourne Water had no objection to the proposed development, but that Melbourne Water did request some design changes and inclusion of standard planning permit conditions for development in areas subject to flooding.

Some concern was raised by submitters about landscape, flora and fauna. In particular, that the development would change the character of the Gardiners Creek area and have an impact on biodiversity and wildlife. The proponent as part of their application submitted a landscape plan for the site and an arborist assessment of existing vegetation, both of which were exhibited during the amendment.

The Panel stated that it was 'impressed' by the quality of the landscape proposals. It noted that the current creek environs is not high quality with respect to flora and fauna, and that the proposed development has strong potential to make a positive contribution to the area, including an improved environment for wildlife. However, it urged further consideration to the plantings along Gardiners Creek to reinforce the security for the retirement villas.

In relation to cultural heritage, the site contains some European and Aboriginal cultural heritage elements. The presence of cultural heritage triggered the need for a Cultural Heritage Management Plan (CHMP). The Panel was satisfied that the requirement for a CHMP as a permit condition addresses the need to avoid harm to the European historical site and surrounds and anything pertaining to Aboriginal heritage.

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

A number of submitters raised concerns about noise and air quality issues. These included noise during the construction phase of development, on-going noise post-construction, and the impact of emissions from the nearby industrial area on air quality. The exhibited material for the amendment included air quality and noise assessments of the nearby industrial activities. Based on these assessments, the Panel was satisfied that:

*"...There is no real risk of significant air quality or noise concerns arising for the subject site from the current or potential future uses on the industrial land to the east of the subject site" (page 63).*

The Panel understood the concerns about potential impacts during the construction phase, and concluded that:

- *The noise and related issues during the construction phase are a legitimate concern in this residential area but can be adequately managed through the required Construction Management Plan (The Panel urges the Council to pay particular attention to the hours of the day and days of the week that construction activity is permitted, and to ensure that the movement of construction traffic through the local street network is appropriately managed to protect local amenity and safety) (page 64).*

Key conclusions by the Panel, where not noted previously, are that:

- *The proposed development has dealt appropriately with flooding and water management issues*
- *No evidence was provided of a significant detrimental impact of the development on flora and fauna to the extent that consideration should be given to not supporting the Amendment or permit*

#### Officer comments

The Panel's satisfaction that flooding, flora and fauna, cultural heritage and noise and air quality issues have been appropriately addressed is noted.

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

The proponent will be required to pay a fee of \$798 to the Department of Environment, Land, Water and Planning (formerly Department of Transport, Planning and Local Infrastructure) if it wishes to seek approval of the amendment and permit.

#### **CONCLUSION**

Amendment C153 proposes to rezone 15-31 Hay Street Box Hill South from Special Use Zone and Public Use Zone to Residential Growth Zone and General Residential Zone with associated schedules, and apply an Environmental Audit Overlay to the site.

Amendment C153 is being sought to facilitate planning permit application WH/2012/872 which is being considered concurrently with the amendment. The application is for a planning permit to develop the land for two or more dwellings, development and use of land for a retirement village, and use of land for a food and drink premises (café), shop and associated buildings and works on land subject to inundation.

**9.1.4**  
(cont)

An independent Panel has considered the amendment, planning permit application and associated submissions. The Panel has recommended that the amendment be adopted with minor changes, and that the planning permit be issued with conditions.

This report has assessed the Panel's recommendations and it is submitted that these are acceptable, with minor modifications. It is therefore recommended that Amendment C153 be adopted with changes, and planning permit WH/2012/872 be adopted with conditions, and both submitted to the Minister for Planning for approval.

**Attendance:**

Cr Chong returned to the Chambers at 8.14pm following the vote on item 9.1.4.

Cr Daw left the Chamber at 8.15pm and returned at 8.17pm

## 9.1.5 Amendment C159 - Corrections to the Whitehorse Planning Scheme

FILE NUMBER: 15/12139  
ATTACHMENT

### SUMMARY

*Whitehorse City Council, as the planning authority, is responsible for regularly reviewing the Whitehorse Planning Scheme. Minor errors and anomalies have been identified in the Whitehorse Planning Scheme that require correction via a planning scheme amendment. As they are minor in nature, these errors can be corrected by an Amendment considered and approved by the Minister for Planning.*

### COUNCIL RESOLUTION

Moved by Cr Chong, Seconded by Cr Stennett

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

- A. Request the Minister for Planning to consider and approve Amendment C159 to the Whitehorse Planning Scheme under section 20(4) of the Planning and Environment Act 1987 to correct ninety four (94) identified errors and anomalies in the Whitehorse Planning Scheme; and***
- B. Resolve to pay the fees associated with the Minister for Planning to approve the Amendment to the Whitehorse Planning Scheme.***

**CARRIED UNANIMOUSLY**

MELWAYS REFERENCE: VARIOUS (94 SITES)

Applicant:	Whitehorse City Council
Zoning:	PUZ, PPRZ, INZ, NRZ, GRZ, C1Z, R1Z, RDZ1
Overlay:	VPO1, VPO3, HO, SBO (various)
Relevant Clauses:	Clause 21.09 Monitoring and Review Clause 22.09 Blackburn and MegaMile (West) Activity Centres Clause 42.03 Significant Landscape Overlay Schedule 2 Clause 43.01 Heritage Overlay Schedule Clause 43.02 Design and Development Overlay Schedule 8
Ward:	All

### BACKGROUND

Under Section 12 of the *Planning and Environment Act 1987* (the Act), Council must regularly review the provisions of the Whitehorse Planning Scheme (the Scheme), which includes identifying and correcting errors and anomalies.

The Strategic Planning Unit has been keeping a record of errors and anomalies that have been identified in the Scheme. This Amendment proposes to make corrections that generally relate to mapping anomalies, text errors, removing redundant controls or amending overlay provisions to reflect their intent. The Amendment includes any corrections identified up until December 2014. Any corrections identified after December 2014 will be included in a future corrections amendment.

Having regard to the Advisory note '*A protocol for fast tracking amendments*', it is proposed to request the Minister for Planning to consider and approve a Ministerial Amendment to the Scheme. A Ministerial Amendment is exempt from the notice requirements under section 20(4) of the *Planning and Environment Act 1987* as outlined in practice note '*Ministerial Powers of Intervention in Planning and Heritage Matters*'.

### **9.1.5** (cont)

This is proposed to be Amendment C159 to the Scheme.

The table in Attachment 5 identifies all of the proposed corrections to the Scheme.

#### **PROPOSAL**

The Amendment consists of 94 corrections, all of which can be grouped under one of the following categories:

- Rezone land where incorrect or dual zoning has been erroneously applied, including where land owned by Whitehorse City Council is to be rezoned from the General Residential Zone to the Public Park and Recreation Zone.
- Delete the Vegetation Protection Overlay over land or particular trees where the vegetation has been authorised for removal, or where Council is aware of illegal removal, and make consequential updates to the incorporated document to the Whitehorse Planning Scheme to reflect these corrections.
- Delete the Special Building Overlay over land no longer considered to be flood-prone.
- Delete the Heritage Overlay over land and buildings that were never considered to be of heritage significance or amend the Heritage Overlay to properly reflect the buildings of heritage significance and accordingly make consequential changes to the schedule to the Heritage Overlay.
- Minor amendments to maps, ordinance or incorporated documents to correct errors or anomalies.

#### **DISCUSSION**

A discussion of the corrections is provided below.

##### Rezone land

Fifty parcels of land were identified where the zoning of the land is incorrect or dual zoning has been erroneously applied. This includes reserves which are currently included in a residential zone. To correctly reflect the current use of reserve land, it is proposed to rezone land owned by Whitehorse City Council from a residential zone to the Public Park and Recreation Zone (PPRZ) where the land is already being used for that purpose. It is proposed to rezone one parcel of land owned by Melbourne Water from General Residential Zone (GRZ) to Public Use Zone – Schedule 1 (PUZ1).

It is proposed to rezone 289-291 Morack Road, Vermont South from the Commonwealth Land Zone to the Neighborhood Residential Zone with an accompanying Environmental Audit Overlay (EAO). The zoning of this site has been discussed with the Department of Environment, Land, Water and Planning (DELWP). DELWP have indicated that the current title search is sufficient to indicate that the site is no longer required for Commonwealth purposes, and they have indicated support for the rezoning of the land and the placing of an EAO on the land to ensure it is fit for future sensitive uses that may be located on the land. The proposed Neighbourhood Residential Zone is consistent with the residential zone approved for properties along Morack Road as part of Amendment C160.

Council became aware of the anomaly at 289-291 Morack Road when it was approached by the landowners. In September 2014 the owners of the property were advised of Council's agreement to include this in a corrections amendment and at this time were also given the opportunity to proceed with their own amendment to rezone the property to a residential zone. As of this report no response has been received from the landowners.

### 9.1.5 (cont)

#### Vegetation Protection Overlays

The Vegetation Protection Overlay (VPO) is to be deleted from land or particular trees where the vegetation has been authorised for removal, or where Council is aware of illegal removal, and make consequential updates to the incorporated document no. 10 (City of Whitehorse – Statements of Tree Significance – 2005) and no. 11 (City of Whitehorse – Statements of Tree Significance – 2006) to the Whitehorse Planning Scheme to reflect these corrections. There are 26 properties where the VPO is to be deleted from land or particular trees.

#### Special Building Overlay

The Special Building Overlay (SBO) is to be deleted from land no longer considered to be flood-prone. There is one property to be deleted from the SBO. Melbourne Water confirmed the land was no longer flood-prone in correspondence to council dated 1 September 2006.

#### Heritage Overlay

The Heritage Overlay (HO) is to be deleted from land and buildings that were never considered to be of heritage significance and amended in one instance to properly reflect the heritage building. Accordingly consequential changes are to be made to the schedule to the Heritage Overlay. There are 5 properties where the HO is to be removed or amended based on analysis of the properties.

#### Ordinances, mapping and incorporated documents

There are four minor amendments to ordinances that have been identified to correct errors. It should be noted these do not change the intent of controls or policy.

As a result of the zoning, VPO, SBO and HO changes discussed above, several mapping changes are also proposed. Furthermore the changes above have resulted in several minor changes to the incorporated documents, mainly deleting or amending VPO or HO citations.

#### Practice Notes

In considering proposed Amendment C159, Council must have regard to two Practice Notes:

1. The *Ministerial Powers of Intervention in Planning and Heritage Matters* Practice Note, which outlines the circumstances in which the Minister will consider exercising powers of intervention and the principles that will apply in considering a request. These circumstances are discussed below.
2. The *Strategic Assessment Guidelines* outlines issues that should be addressed in establishing the need for an amendment and whether the proposed provisions are appropriate for the purpose for which they have been developed. These issues are discussed below.

### **9.1.5** (cont)

#### When will the Minister consider using intervention powers?

Having regard to the criteria used to assess requests for Ministerial intervention, the request for the Amendment will highlight the following for the Minister's consideration:

- The matters will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known. The party most commonly affected by the Amendment is Whitehorse City Council. Most other private properties affected have not been consulted, however it is reasonable to assume that they would be supportive of removing anomalous or redundant provisions or permit requirements.
- The matters raise issues of fairness, where anomalous provisions apply and the valid intent is clearly evident or a simple inconsequential correction is required.

#### Why the Amendment is required

The proposed Amendment is required to correct errors and anomalies in the Planning Scheme, all of which are minor in nature.

#### Environmental social and economic effects

The proposed Amendment is administrative only and is not expected to have any adverse environmental, social and economic implications. The changes proposed under this Amendment will generally reflect the intent of the planning scheme as adopted by Council. The Amendment is likely to result in reduced planning permit requirements by reflecting the intended land use and development.

#### Minister's Direction

The proposed Amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7 of the Act.

The proposed Amendment is not affected by any other Ministerial Directions.

#### State Planning Policy Framework

The proposed Amendment is consistent with the general principles of the State Planning Policy Framework. In particular, the Amendment will correct mapping errors and result in more efficient and orderly planning.

#### Local Planning Policy Framework (LPPF)

The proposed Amendment makes consequential changes to the LPPF and all proposed changes are consistent with the LPPF.

#### Referral authorities

There are no additional referral authorities created by the proposed Amendment.



### **9.1.5**

(cont)

#### **CONSULTATION**

It is proposed to request the Minister for Planning to consider and approve a Ministerial Amendment to the Scheme. A Ministerial Amendment is exempt from the notice requirements, including consultation, under section 20(4) of the *Planning and Environment Act 1987* which states that:

*The Minister may exempt himself or herself from any of the [notice] requirements...if the Minister considers that compliance with any of those requirements is not warranted...*

For the corrections which seek to remove redundant overlay provisions, and thereby reduce planning restrictions, this is considered an appropriate outcome.

Consultation was carried out with the Parks, Planning & Recreation, Statutory Planning, Engineering and Environmental Services and Property departments. All departments agree with the proposed zone changes.

Melbourne Water was consulted about two properties included in the Amendment which are currently in their ownership. The properties in Nunawading are currently zoned GRZ1 however they are used as a drainage reserve and proposed to be rezoned to PUZ1. Melbourne Water confirmed they are satisfied with the proposed rezoning of the property at 194-196 Springvale Road, Nunawading. The property at 45 Candlebark Lane, Nunawading has been deferred at this stage as part of the site is currently under negotiation for sale to an adjoining residential property.

#### **FINANCIAL IMPLICATIONS**

Council is expected to bear the administrative costs associated with the planning scheme amendment process, which has been provided for in the 2014/15 budget.

The Minister's approval for a Ministerial Amendment without notification incurs a standard statutory fee of \$2120, which must be paid by Council.

As Council will request an exemption from giving notice of the Amendment, it is highly unlikely that a Panel hearing will be required.

The Amendment is likely to reduce future administrative costs by reducing the number of permits required due to the correct zoning being applied.

#### **POLICY IMPLICATIONS**

The Amendment accords with the Municipal Strategic Statement at Clause 21.09 Monitoring and Review. The Clause notes that Council will conduct regular reviews of the planning scheme. The current list of corrections resulted from Council's regular review of the planning scheme and the Amendment will improve the efficiency and effectiveness of the scheme.

#### **CONCLUSION**

It is recommended that Council request the Minister for Planning to consider and approve an Amendment to correct the errors and anomalies identified in the Scheme. The Amendment has been assessed against the Strategic Assessment Guidelines as outlined above and it is considered that the corrections are justified.

**9.1.5**  
(cont)

The Amendment supports the principles of the State and Local Planning Policy Framework and does not affect its intentions. The Amendment is required to correctly reflect land use and development of the City and the outcome of the Amendment will be to improve the order, accuracy and efficiency of the Scheme through the removal of anomalies and minor identified errors.

## 9.2 INFRASTRUCTURE

### 9.2.1 Tender Evaluation Report – Construction Services for Minor Building Works (Contract 14033)

FILE NUMBER: SF14/846

#### **SUMMARY**

*The purpose of this tender is to appoint a panel of builders to undertake minor building works projects to an individual maximum project value of \$200,000 (including GST) for a term of three years with an option of a two year extension at the Chief Executive Officer's discretion.*

*Following a public tender and the completion of a comprehensive evaluation and assessment process six builders are recommended to form a panel to undertake construction services for minor building works.*

#### **COUNCIL RESOLUTION**

Moved by Cr Chong, Seconded by Cr Harris

#### **That Council:**

1. **Accept the tender and sign the formal contract document for Contract 14033 for the provision of Construction Services for Minor Building Works received from:**
  - a) **Prior Constructions Pty Ltd of 1 Mascoma Street, Ascot Vale, VIC, 3032 (ABN: 43 484 702 852)**
  - b) **Loizou Design and Construction Engineering Pty Ltd of 2/48 Thomas Street, Doncaster East, VIC, 3109 (ABN: 63 111 007 259)**
  - c) **Building Impressions Pty Ltd of 21 Ceylon Street, Nunawading, VIC, 3131 (ABN: 79 862 472 790)**
  - d) **De Carolis Pty Ltd of Level 3, 1-9 Moreland Road, Coburg, VIC, 3058 (ABN: 57 980 538 626)**
  - e) **Campeyn Group Pty Ltd of 8 Elliott Road, Dandenong, VIC, 3175 (ABN: 33 006 818 051)**
  - f) **CA Property Group Pty Ltd of 25 Reserve Street, Preston, VIC, 3072 (ABN: 92 094 711 038)**
2. **Authorise the Chief Executive Officer to award an extension of two years on this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial three year contract term.**

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

Council owns a large number of buildings and undertakes a number of projects annually to maintain, refurbish or redevelop these buildings. Funding for these projects is allocated from the annual Capital Works Program once approved by Council. A large number of building projects in the Capital Works Program are minor works projects individually valued at less than \$200,000 (including GST). It is forecast that these minor building works projects will collectively average approximately \$500,000 (ex GST) per year over the next 3 to 5 years.

### **9.2.1** (cont)

Since 2000, the City of Whitehorse has implemented and administered a Minor Building Works Panel comprising six builders capable of undertaking a wide of lower cost building works across the municipality. The contract which established the current Minor Building Works Panel expires in February 2015 and therefore the establishment of a new panel of six builders, from whom lump sum quotations for minor building works projects can be obtained, is recommended. The establishment of a panel of builders will minimise the cost of tendering, accelerate the project delivery process and ensure that Council has adequate resources available to undertake the efficient and timely completion of smaller building projects thereby minimising the overall risk to Council.

The panel of builders can be used by other departments such as the Facilities Maintenance Department to carry out minor maintenance building projects, as required.

### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday 29 November 2014 and closed on Friday 19 December 2014. Eleven tenders were received for the contract.

The tenders were evaluated against the following predefined evaluation criteria:

- The tender offer;
- Demonstrated knowledge and experience in similar work;
- The quality of the tenderer's work;
- The resources (staff and equipment) available for this contract;
- The suitability of the tenderer to the preferred project categories specified in the tender; and
- Occupational Health & Safety and Equal Opportunity requirements. (Pass/Fail).

A comprehensive evaluation of all tenders has been conducted. The tender offer from each builder has been evaluated by establishing a typical project scenario and applying the tendered schedule of labour rates to estimated workloads for relevant building subcontract trade packages to arrive at a lump sum price for each builder. This evaluation technique enabled a comparative price analysis to be undertaken for each builder. The non-price selection criteria was scored on information supplied by each builder and references checked as appropriate.

At the conclusion of the tender evaluation process the six builders with the highest scores have been selected to comprise the Minor Building Works Panel for the initial three years of the contract with the option of a two year extension at the Chief Executive Officer's discretion.

All of the builders recommended for selection onto the panel have demonstrated superior credentials across the full range of evaluation criteria relevant for building works up to the value \$200,000 GST inclusive.

Prior Constructions Pty Ltd, Loizou Design and Construction Engineering Pty Ltd, Building Impressions Pty Ltd, Campeyn Group Pty Ltd and CA Property Group Pty Ltd have completed numerous projects for the City of Whitehorse to the specified standards. Although De Carolis Constructions Pty Ltd have not previously undertaken works for the City of Whitehorse, independent reference checks have confirmed that the company can undertake the required works in accordance with Council's expectations.

### **CONSULTATION**

References for the selected builders have been checked and confirmed.

**9.2.1**  
(cont)

**FINANCIAL IMPLICATIONS**

Expenditure on the previous Minor Building Works Contract (Contract 09015) was \$926,650 (ex GST). Based on this and Council's current five year Capital Works Program the estimated value of this Contract for the fixed three year term is forecast to be in the order of \$1,500,000 (ex GST).

Funding for this Contract will be drawn annually from project budgets approved by Council as part of the annual Capital budget process. Contract administration and financial management of the actual projects will be undertaken by the Building Project Management team in the Capital Works Department and the various other departments using the construction services.

## 9.3 CORPORATE SERVICES

### 9.3.1 2016 General Valuation – Statutory Requirements

FILE NUMBER: SF14/874

#### **SUMMARY**

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

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Stennett

#### **That Council:**

- 1. Cause a general valuation, including Net Annual Value, Capital Improved Value and Site Value, of all rateable and non-rateable leviable property within the City of Whitehorse to be made as at 1 January 2016 and such valuation to be returned to Council before 30 June 2016.**
- 2. Give notice to the following authorities of the resolution to carry out the valuation; Valuer General Victoria, State Revenue Office, Yarra Valley Water and the Cities of Knox, Maroondah, Manningham, Monash and Boroondara.**
- 3. Appoint Briony Stephen, Nicholas Haines, Lee-Ming Tan of Matheson Stephen Valuations, and also appoint Tony Peak and Rohan Fiedler of Whitehorse City Council to carry out the valuation and any necessary supplementary valuations.**
- 4. Note that Ms Stephen, Mr Haines, and Ms Tan of Matheson Stephen Valuations, and Mr Peak and Mr Fiedler of Whitehorse City Council have made and submitted statutory declarations relating to the making of valuations as required by section 13DH (2) and section 13O(2) of the Valuation of Land Act 1960.**

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

All statutory valuations in Victoria are made on a biennial basis during every even calendar year. The next valuation is due to be returned no later than 30 June 2016 and will reflect the values as at 1 January 2016.

The new valuations must include the Net Annual Value, Capital Improved Value and the Site Value of each rateable and non-rateable leviable property.

Section 11 of the *Valuation of Land Act 1960* (the VLA) enables the valuations to be used for rating purposes in accordance with the *Local Government Act 1989*, while section 13H of the VLA enables the valuations to be used for levying of the *Fire Services Property Levy Act 2012*.

Council is required to resolve “to cause” a new valuation of rateable and non-rateable leviable properties to be made. Council is also required to give notice to the Valuer General, adjoining municipalities and other interested rating authorities, namely the State Revenue Office and Yarra Valley Water.

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

**9.3.1**  
(cont)

**DISCUSSION**

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

It is also proposed that Council employees Tony Peak and Rohan Fiedler, both qualified property valuers, be also appointed to carry out any valuations.

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

**CONSULTATION**

Statutory requirement, therefore no consultation required.

**FINANCIAL IMPLICATIONS**

Statutory requirement, therefore no financial implications.

### **9.3.2 Transfer of part of land used as footpath to Council from registered proprietor of 76 Dorking Road, Box Hill North.**

FILE NUMBER: PF05/33992

#### **SUMMARY**

*This report seeks authorisation from Council to consent to a transfer to Council of the land shown as Road R1 on proposed plan of subdivision no. PS731098C (**Plan**), being a 3m<sup>2</sup> part of the land contained in certificate of title volume 5578 folio 492 (**Title**) and known as 76 Dorking Road, Box Hill North (**Land**), and to procure the registration of the Plan in respect of 76 Dorking Road, Box Hill. The Land is currently constructed as a footpath and the proposed transfer of the Land is intended to formalise Council as the registered proprietor of the Land.*

#### **COUNCIL RESOLUTION**

Moved by Cr Harris, Seconded by Cr Chong

#### **That Council:**

- 1. Being of the opinion that the land designated as Road R1 on proposed Plan of Subdivision number PS731098C (Plan), being part of the land contained in Certificate of Title Volume 5578 Folio 492 and known as 76 Dorking Road, Box Hill North (Land), is required for public purposes, resolves to acquire the Land by agreement with the registered proprietor for the consideration of one dollar (\$1) and works in kind which have been previously undertaken.**
- 2. Resolves to register proposed plan of subdivision PS731098C.**
- 3. Authorise the Chief Executive Officer to issue to the registered proprietor a Statement pursuant to section 7(1)(b)(i) of the Land Acquisition and Compensation Act 1986, that Whitehorse City Council does not intend to acquire an interest in the Land by compulsory process.**
- 4. Authorise the Chief Executive Officer to sign all documents relating to the registration of the Plan and transfer of the Land to Council and to affix the Council seal, if required, to the documents.**

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

During the period 1987 to 1990, Council designed and constructed a roundabout on the corner of Dorking Road and Margaret Street, Box Hill North. The construction of the roundabout required Council to acquire part of the property located at 76 Dorking Road, Box Hill North (**the registered proprietor's property**) for the construction of part of the footpath.

Council has been advised that the former City of Box Hill paid the relevant consideration to the previous registered proprietor in the period between 1987 and 1990. However, the title was never amended to reflect the transfer of the Land. The registered proprietor has now requested that the Title be corrected to reflect the transfer of the Land to Council.

Additionally, Council understands the relevant consideration comprised a financial consideration component and site works which involved Council paying for the relocation of an existing garage.

To confirm Council's occupation of the Land, Council recently arranged for a land survey to be undertaken by surveyors Kirkpatrick & Webber Pty Ltd. The land survey confirms that Council has constructed a footpath on the Land.



**9.3.2**  
(cont)

The registered proprietor of the land is agreeable for Council to formalise Council's occupation of the Land currently used as a footpath by undertaking a subdivision of the registered proprietor's property and transferring the Land to Council.

The relevant process is for Council to lodge a plan of subdivision in such circumstance is contained Section 35 of the *Subdivision Act 1988*. Following certification of the Plan of Subdivision Council will then execute a transfer of land document for the Land.

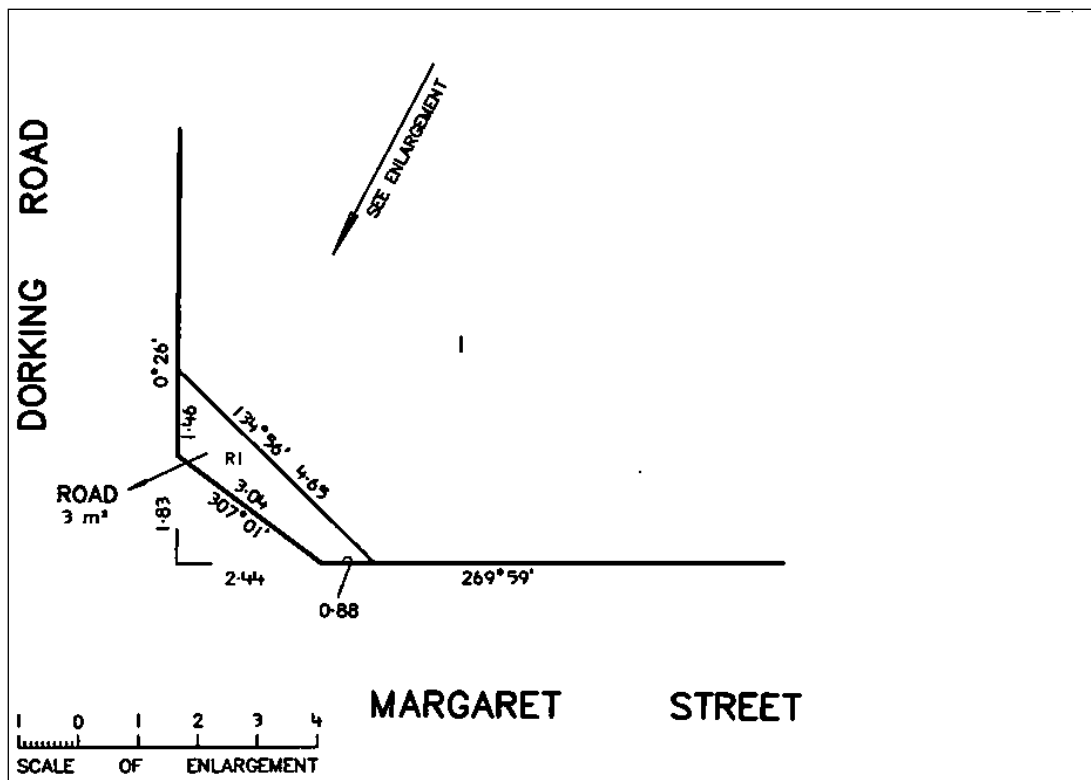
Once the Plan of Subdivision and Transfer of Land documents have been prepared and executed by both parties; Council must then procure the registration of the Plan and Transfer at the Land Registry Office.

After discussions between the registered proprietor and Council's Property & Rates Department it was agreed that Council would undertake the Section 35 process with the proposed consideration of \$1 as compensation and works have already been undertaken.

Additionally, Council will also pay any costs in relation to the subdivision and transfer of the Land, the registered proprietor's reasonable legal costs and expenses in relation to the transfer of the Land to Council. Please note that these costs would have been incurred by Council if it had undertaken the transfers at the time the original works.

Plan A below shows the Land designated as 'Road R1' on plan of subdivision no. PS 731098C, being the land to be transferred to Council.

**Plan A**



### **9.3.2**

(cont)

#### ***Governance Requirements***

Council is acquiring the Land by agreement with the registered proprietor in its capacity as an 'Acquiring Authority' under *the Land Acquisition and Compensation Act 1986 (LACA)*. Section 7(1) (b) (ii) of the LACA requires that Council give notice that it is interested in acquiring the Land by agreement for the purposes of a public footpath and that it does not intend to acquire the interest in the Land by compulsory process.

Council may lodge a plan of subdivision of the land for certification and registration under Section 35 of the *Subdivision Act 1988*.

The proposed transfer of the section of land designated as Road R1 on PS 731098C constitutes the acquisition of an interest in land other than by compulsory acquisition, and as such the decision to transfer the Land is required to be made by Council.

#### **CONSULTATION**

Council's Property & Rates Department has consulted with Council's lawyers, Maddocks, Council's appointed land surveyors, Kirkpatrick & Webber and Council's Engineering and Environmental Services Department.

#### **FINANCIAL IMPLICATIONS**

The proposed consideration payable by Council to the registered owner of 76 Dorking Road, Box Hill North for the transfer of the road splay is one dollar (\$1) and original works in kind, which were undertaken between 1987 and 1990.

Additionally, Council will pay all costs in relation to the matter, estimated to be \$8,000 + GST.

#### **POLICY IMPLICATIONS**

There are no policy implications.

### 9.3.3 Supplementary Valuation Quarterly Return: October to December 2014

FILE NUMBER: SF14/549

#### SUMMARY

*This report presents supplementary valuations and recommends adjustment of rate records. The supplementary valuations in this return are from 01 October 2014 until 31 December 2014. The supplementary valuations have been carried out on properties in accordance with Section 13DF of the Valuation of Land Act 1960.*

#### COUNCIL RESOLUTION

Moved by Cr Daw, Seconded by Cr Bennett

#### **That Council:**

1. **Note and accept the supplementary valuations undertaken during the period commencing 01 October to 31 December 2014.**
2. **Authorise the rate records being adjusted to take account of the supplementary valuations returned.**

**CARRIED UNANIMOUSLY**

#### BACKGROUND

Item 1.11 of the Schedule of Powers contained within the Chief Executive Officer's Instrument of Delegation adopted by Council on 19 August 2013 states the following:

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

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

This report relates to supplementary valuations undertaken by Council in accordance with *Valuation of Land Act 1960* for the period from 01 October 2014 to 31 December 2014.

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

Additionally, supplementary valuations are primarily due to construction, subdivision and/or planning activities.

Seven supplementary valuation batches were completed between 01 October 2014 and 31 December 2014. Refer Table #1

Table # 1: Supplementary Valuation Batches completed between 01 October and 31 December 2014

Supplementary Valuation Reference (Batch #)	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
WH14.08	288	\$170,837,000	\$233,994,000	\$11,778,750
WH14.09	205	\$67,131,000	\$135,768,500	\$ 6,343,950
WH14.10	393	\$101,506,000	\$224,437,500	\$12,669,100
Objections	40	\$14,476,000	\$34,909,000	\$ 2,318,650
Supplementary Valuations Total	926	\$353,950,000	\$629,109,000	\$33,110,450

NB: supplementary valuations on non-rateable properties are recorded on Council's rating system and their totals are included in the supplementary valuation reports. This is because non-rateable properties incur a Fire Services Levy in accordance with the *Fire Services Property Levy Act 2012*.

**9.3.3**  
 (cont)

**CONSULTATION**

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

All supplementary valuations contained in this report have been undertaken in accordance with the 2014 Valuation Best Practice guidelines and have been certified by the Valuer-General's office as being suitable for use by Council.

**FINANCIAL IMPLICATIONS**

The total change to the Capital Improved Value (CIV) caused by the supplementary valuations undertaken is an increase of \$182,755,000.

This change in CIV has generated an additional \$222,500 of supplementary rate income.

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

Table #2: Valuation Totals as at 01 October 2014

BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
Rateable	69,215	\$32,386,434,401	\$47,634,042,001	\$2,498,867,026
Non-Rateable	1,091	\$ 2,455,033,000	\$ 2,854,760,000	\$ 166,092,550
<i>Municipal Total</i>	<i>70,306</i>	<i>\$34,841,467,401</i>	<i>\$50,488,802,001</i>	<i>\$2,664,959,576</i>

Table#3 Change to valuation totals due to supplementary valuations from 01 October 2014 to 31 December 2014

<i>Supplementary Valuations</i>	<i>Assessments within Supplementary Valuation Batches</i>	<i>Change to Site Value</i>	<i>Change to CIV</i>	<i>Change to NAV</i>
	886	\$6,795,000	\$182,755,000	\$9,471,150

Table #4: Valuation Totals as at 31 December 2014

NEW BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
New Rateable	69,470	\$32,393,288,901	\$47,816,473,001	\$ 2,508,310,526
New Non-Rateable	1,090	\$ 2,454,973,500	\$ 2,855,084,000	\$ 166,120,200
<i>New Municipal Total</i>	<i>70,560</i>	<i>\$34,848,262,401</i>	<i>\$50,671,557,001</i>	<i>\$2,674,430,726</i>

**9.3.4 Delegated Decisions – December 2014**

FILE NUMBER: SF 13/1527

*The following activity was undertaken by officers under delegated authority during December 2014.*

**COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Massoud

***That the report of decisions made by officers under Instruments of Delegation for the month of December 2014 be noted.***

**CARRIED UNANIMOUSLY**

DELEGATION	FUNCTION	Number for December 2013	Number for December 2014
Planning and Environment Act 1987	- Delegated decisions	73	161
	- Strategic Planning Decisions	1	1
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		25	25
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	30	58
Liquor Control Reform Act 1998	Objections and prosecutions.	Nil	Nil
Food Act 1984	- Food Act orders	3	1
Public Health & Wellbeing Act 2008	- Improvement / prohibition notices	Nil	Nil
Local Government Act 1989	Temporary road closures	4	4
Other delegations	CEO signed contracts between \$150,000 - \$500,000	3	3
	Property Sales and leases	8	9
	Documents to which Council seal affixed	Nil	Nil
	Vendor Payments	1206	1247
	Parking Amendments	2	4
	Parking Infringements written off (not able to be collected)	310*	279*

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

Details of each delegation are outlined on the following pages.

**DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS DECEMBER 2014**

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

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
588	16-12-14	Application Lapsed	37 Fowler St, Box Hill South	Riversdale	Construction of five double storey dwellings	Multiple Dwellings
756	15-12-14	Application Lapsed	628 Whitehorse Rd, Mitcham	Springfield	Development of a double storey dwelling at the rear of the existing dwelling	Multiple Dwellings
902	08-12-14	Application Lapsed	2 Peacock St, Burwood	Riversdale	Construction of one double storey dwelling to the rear of an existing single storey dwelling	Multiple Dwellings
991	08-12-14	Application Lapsed	59C Station St, Burwood	Riversdale	Reduction of car parking requirement for medical centre (massage therapy)	Business
170	22-12-14	Delegate Approval - S72 Amendment	4/14 Highland Ave, Mitcham	Springfield	Buildings and works for the construction of one (1) double storey dwelling	Permit Amendment
324	09-12-14	Delegate Approval - S72 Amendment	2 Blackwood Crt, Nunawading	Springfield	Amendment to WH/2011/324 (issued for the construction of one new, double storey dwelling at the rear of existing dwelling) to modify the finished floor levels.	Permit Amendment
390	11-12-14	Delegate Approval - S72 Amendment	18 Balmoral Cres, Surrey Hills	Elgar	Buildings and works to alter/renovate existing car accommodation in a heritage overlay	Permit Amendment
407	22-12-14	Delegate Approval - S72 Amendment	5/14 Highland Ave, Mitcham	Springfield	Buildings and works for the construction of one (1) double storey dwelling	Permit Amendment
92	23-12-14	Delegate NOD Issued	48 William St, Box Hill	Elgar	Construction of ten double storey dwellings and reduction of one visitor car space	Multiple Dwellings
124	29-12-14	Delegate NOD Issued	18 O'Shannessy St, Nunawading	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
146	30-12-14	Delegate NOD Issued	712 Station St, Box Hill	Elgar	Amendment to WH/2012/146 [Development of a nine (9) storey building plus basement car park, use for licensed restaurant, licensed food and drink premises (cafe) and convenience store, access to Road Zone Category 1, reduction in the car parking requirements of Clause 52.06 and waiver of the loading bay requirement at Clause 52.07) for alterations to balconies.	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
182	29-12-14	Delegate NOD Issued	2 Foch St, Box Hill South	Riversdale	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
246	15-12-14	Delegate NOD Issued	99 Kenmare St, Mont Albert North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
248	31-12-14	Delegate NOD Issued	706 Whitehorse Rd, Mitcham	Springfield	Construction of three double storey dwellings	Multiple Dwellings
450	29-12-14	Delegate NOD Issued	2A Thomas St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
481	29-12-14	Delegate NOD Issued	45 Greenwood St, Burwood	Riversdale	Construction of five double storey dwellings	Multiple Dwellings
490	18-12-14	Delegate NOD Issued	59 Springfield Rd, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
500	19-12-14	Delegate NOD Issued	80 Albion Rd, Box Hill	Elgar	Construction of three double storey dwellings	Multiple Dwellings
506	22-12-14	Delegate NOD Issued	118 Dorking Rd, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
557	23-12-14	Delegate NOD Issued	9 Russell St, Nunawading	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
655	18-12-14	Delegate NOD Issued	112 Koonung Rd, Blackburn North	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
679	22-12-14	Delegate NOD Issued	3 Broomhill Ave, Blackburn	Central	Construction of three (3) double storey dwellings	Multiple Dwellings
737	29-12-14	Delegate NOD Issued	116 Brunswick Rd, Mitcham	Springfield	Construction three double storey dwellings	Multiple Dwellings
776	30-12-14	Delegate NOD Issued	78 Watts St, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
875	29-12-14	Delegate NOD Issued	50 Lucknow St, Mitcham	Springfield	Tree removal	Vegetation Protection Overlay
880	04-12-14	Delegate NOD Issued	16 Black St, Mont Albert	Elgar	Buildings and works comprising alterations and additions to the existing dwelling	Heritage
955	12-12-14	Delegate NOD Issued	39-51 Chapman St, Blackburn North	Central	Use of part of premises for industry (metal fabrication)	Industrial
977	31-12-14	Delegate NOD Issued	118 Canterbury Rd, Blackburn South	Central	Buildings and works to construct additions to an existing building and reduction in car parking requirement.	Business
984	23-12-14	Delegate NOD Issued	27 Landale St, Box Hill	Elgar	Addition to the existing dwelling in a Heritage Overlay	Heritage
14596	18-12-14	Delegate NOD Issued	20 Station St, Blackburn	Central	Amendment to Permit WH/2004/14596 (Use of land for the purposes of a restricted recreation facility) to allow 24 hour operation of existing restricted recreation facility	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
50	11-12-14	Delegate Permit Issued	5 Norman St, Mitcham	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
109	08-12-14	Delegate Permit Issued	132 Station St, Burwood	Riversdale	Construction three double storey dwellings	Multiple Dwellings
127	05-12-14	Delegate Permit Issued	10 Lyndoch St, Box Hill South	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
221	12-12-14	Delegate Permit Issued	7 Gillard St, Burwood	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
245	08-12-14	Delegate Permit Issued	10 Morley Cres, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
251	05-12-14	Delegate Permit Issued	3 Cyril St, Box Hill South	Riversdale	Buildings and works for the installation and use of tennis court lighting for Courts 1-3 of Box Hill Tennis Club	Residential (Other)
253	30-12-14	Delegate Permit Issued	43 Milton St, Nunawading	Springfield	Construction of three dwellings comprising two double storey dwellings and one single storey dwelling	Multiple Dwellings
255	31-12-14	Delegate Permit Issued	5 Olympiad Cres, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
260	29-12-14	Delegate Permit Issued	4 Monica St, Burwood	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
281	31-12-14	Delegate Permit Issued	57 Menin Rd, Forest Hill	Springfield	Construction of a new double storey dwelling and removal of a tree	Permit Amendment
311	29-12-14	Delegate Permit Issued	1/321 Middleborough Rd, Box Hill South	Riversdale	Amendment to planning permit WH/2008/311 (issued for the use of the land for a leisure and recreation facility (gymnasium)), to amend Condition 4 of the permit to allow the gymnasium to operate 24 hours 7 days a week	Permit Amendment
322	03-12-14	Delegate Permit Issued	53 Dunlavin Rd, Mitcham	Springfield	Amendment to plans to raise floor levels	Permit Amendment
355	29-12-14	Delegate Permit Issued	8 Poole St, Burwood	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
378	08-12-14	Delegate Permit Issued	31 McCulloch St, Nunawading	Springfield	Construction of four double storey dwellings	Multiple Dwellings
380	05-12-14	Delegate Permit Issued	27 Laurel Grv, NorthBlackburn	Central	Buildings and works for a first floor extension to an existing dwelling	Special Landscape Area
388	04-12-14	Delegate Permit Issued	12 Sheehans Rd, Blackburn	Central	Buildings and works for the construction of a ground floor addition to the existing dwelling and removal of two (2) trees	Special Landscape Area



Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
423	04-12-14	Delegate Permit Issued	15 Peel St, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
427	19-12-14	Delegate Permit Issued	11 Eley Rd, Blackburn South	Riversdale	Construction of three (3) double storey dwelling	Multiple Dwellings
431	15-12-14	Delegate Permit Issued	722 Canterbury Rd, Surrey Hills	Riversdale	Construction of two (2) double storey dwellings	Permit Amendment
463	04-12-14	Delegate Permit Issued	59 O'Shannessy St, Nunawading	Springfield	Construction of four dwellings comprising two double and two single storey dwellings	Multiple Dwellings
469	15-12-14	Delegate Permit Issued	9 Judith St, Burwood	Riversdale	Development of land for three (3) double storey dwellings	Multiple Dwellings
507	31-12-14	Delegate Permit Issued	1037 Riversdale Rd, Surrey Hills	Riversdale	Construction of three double storey dwellings and alteration to access to a road in a Road Zone Category 1	Permit Amendment
509	15-12-14	Delegate Permit Issued	230 Blackburn Rd, Blackburn South	Central	Development of land for two (2) dwellings and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
511	29-12-14	Delegate Permit Issued	24 Trent Crt, Burwood East	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
522	08-12-14	Delegate Permit Issued	5 Wellesley St, Mont Albert	Elgar	Construction of two double storey dwellings	Multiple Dwellings
533	04-12-14	Delegate Permit Issued	4 Olympiad Cres, Box Hill North	Elgar	Construct two (2) double storey dwellings	Multiple Dwellings
583	04-12-14	Delegate Permit Issued	5 Charlesworth Place Mitcham	Springfield	Construction of one (1) single storey dwelling with undercroft garage and removal of six (6) trees	Special Landscape Area
587	22-12-14	Delegate Permit Issued	141-155 Burwood Hwy, Burwood	Riversdale	Buildings and works associated with the development of a Performing Arts Centre at an existing school	Education
636	18-12-14	Delegate Permit Issued	6 Queen St, Blackburn	Central	Amendment to planning permit WH/2012/636 (Constuction of four storey apartment building comprising 19 Dwellings and basement carpark) to add an additional level & internal reconfigurations.	Permit Amendment
666	08-12-14	Delegate Permit Issued	32 Eley Rd, Burwood	Riversdale	Construction of one (1) double storey dwelling to the rear of existing dwelling	Multiple Dwellings
672	29-12-14	Delegate Permit Issued	14 Lincoln Ave, Mont AlbertNorth	Elgar	Tree removal	Vegetation Protection Overlay

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
674	12-12-14	Delegate Permit Issued	5 Beaver St, Box Hill South	Riversdale	Development of a double storey dwelling at the rear of the existing dwelling	Multiple Dwellings
714	29-12-14	Delegate Permit Issued	16 Boxleigh Grv, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
717	29-12-14	Delegate Permit Issued	100 Elgar Rd, Box Hill South	Riversdale	Construction of three part four and part three storey dwellings	Multiple Dwellings
733	11-12-14	Delegate Permit Issued	1-7 Sinnott St, Burwood	Riversdale	Construction of six warehouses and reduction in car parking, generally in accordance with the endorsed plans and subject to the following conditions.	Permit Amendment
766	30-12-14	Delegate Permit Issued	1 Norway Ave, Blackburn	Central	Amendment to Planning Permit WH/2013/766 (Issued for the development of three double storey dwellings) for modifications to setbacks	Permit Amendment
767	09-12-14	Delegate Permit Issued	14-18 Banksia St, Burwood	Riversdale	Display externally illuminated signage	Advertising Sign
770	15-12-14	Delegate Permit Issued	31 Erasmus St, Surrey Hills	Riversdale	Additions and alterations to an existing educational facility	Education
781	04-12-14	Delegate Permit Issued	1 Richard St, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
792	29-12-14	Delegate Permit Issued	61 Somers St, Burwood	Riversdale	Construction of one double storey dwelling to the rear of an existing dwelling	Multiple Dwellings
813	29-12-14	Delegate Permit Issued	8 Caversham Crt, Nunawading	Springfield	Tree removal	Special Landscape Area
814	31-12-14	Delegate Permit Issued	112-124 Middleborough Rd, Blackburn South	Riversdale	Amendment to WH/2012/814 (issued for the development of land for a three (3) storey building comprising 43 dwellings, creation of access to a road in a Road Zone Category 1 and reduction of standard car parking requirement) for adjustment to basement entry ramp	Permit Amendment
817	15-12-14	Delegate Permit Issued	21-25 Mahoneys Rd, Forest Hill	Morack	use of the land for a Restricted Recreation Facility and associated display of illuminated signage	Business
855	11-12-14	Delegate Permit Issued	1/35 Lasiandra Ave, Forest Hill	Springfield	Construction of a deck and verandah roof	Single Dwelling < 300m2

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
879	05-12-14	Delegate Permit Issued	9 Little St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
894	30-12-14	Delegate Permit Issued	9 Karen St, Box Hill North	Elgar	Construction of a double storey dwelling to the rear of the existing dwelling and subdivision of land into two (2) lots	Multiple Dwellings
914	22-12-14	Delegate Permit Issued	2/12 Park Rd, Surrey Hills	Riversdale	2 lot subdivision	Subdivision
923	23-12-14	Delegate Permit Issued	65 Jolimont Rd, Forest Hill	Morack	Amendment to Planning Permit WH/2013/923 (Issued for the construction of two new single storey dwellings) for internal and external alterations to both dwellings.	Permit Amendment
949	30-12-14	Delegate Permit Issued	77 Glenburnie Rd, Vermont	Springfield	Tree removal	Vegetation Protection Overlay
953	09-12-14	Delegate Permit Issued	299-301 Elgar Rd, Surrey Hills	Riversdale	2 lot subdivision	Subdivision
956	19-12-14	Delegate Permit Issued	436 Middleborough Rd, Blackburn	Central	Construction of three (3) double storey dwellings and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
965	29-12-14	Delegate Permit Issued	14 Rosstrevor Cres, Mitcham	Springfield	Removal of two (2) trees	Vegetation Protection Overlay
994	15-12-14	Delegate Permit Issued	1/3 New St, Surrey Hills	Riversdale	Buildings and works on a lot less than 300 square metres	Residential (Other)
1003	30-12-14	Delegate Permit Issued	4-6 Jenner St, Blackburn South	Riversdale	6 Lot Subdivision	Subdivision
1008	22-12-14	Delegate Permit Issued	14 Federation St, Box Hill	Elgar	Creation of Easement	Subdivision
1025	11-12-14	Delegate Permit Issued	18 Bettina St, Burwood East	Riversdale	6 lot subdivision	Subdivision
1026	18-12-14	Delegate Permit Issued	412 Canterbury Rd, Forest Hill	Morack	3 lots subdivision	Subdivision
1031	11-12-14	Delegate Permit Issued	28 Haig St, Box Hill South	Riversdale	Two lot subdivision (Boundary re-alignment)	Subdivision
1034	11-12-14	Delegate Permit Issued	46 Haig St, Box Hill South	Riversdale	Three lot subdivision	Subdivision
1050	05-12-14	Delegate Permit Issued	46 Holland Rd, Blackburn South	Central	3 lot subdivision	Subdivision
1061	30-12-14	Delegate Permit Issued	53 Dunlavin Rd, Mitcham	Springfield	Two lot subdivision	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1064	18-12-14	Delegate Permit Issued	1 Gee Crt, Nunawading	Springfield	Four lot subdivision	Subdivision
1065	19-12-14	Delegate Permit Issued	392 Belmore Rd, Mont AlbertNorth	Elgar	Six lot subdivision	Subdivision
1080	29-12-14	Delegate Permit Issued	156-158 Canterbury Rd, Blackburn South	Central	Display of business identification signage	Advertising Sign
1093	18-12-14	Delegate Permit Issued	249 Mahoneys Rd, Forest Hill	Morack	Buildings and works to construct a pergola and louvered roof system	Single Dwelling < 300m2
1096	12-12-14	Delegate Permit Issued	2 Packham St, Box Hill North	Elgar	Two lot subdivision	Subdivision
1097	19-12-14	Delegate Permit Issued	37 Rooks Rd, Mitcham	Springfield	Three lot subdivision	Subdivision
1100	19-12-14	Delegate Permit Issued	5 Moona St, Burwood East	Riversdale	Three lot subdivision	Subdivision
1101	30-12-14	Delegate Permit Issued	40 McCubbin St, Burwood	Riversdale	Three lot subdivision	Subdivision
1103	18-12-14	Delegate Permit Issued	61 Ranfurlye Crt, Forest Hill	Morack	Three lot subdivision	Subdivision
1104	05-12-14	Delegate Permit Issued	60 Wellman St, Box Hill South	Riversdale	Two lot subdivision	Subdivision
1113	11-12-14	Delegate Permit Issued	34 Abbey Wlk, Vermont	Morack	Works within 4 metres of a protected tree	Special Landscape Area
1119	09-12-14	Delegate Permit Issued	14 Purches St, Mitcham	Springfield	4 lot subdivision	Subdivision
1130	30-12-14	Delegate Permit Issued	36 Second Ave, Box Hill North	Elgar	Two lot subdivision	Subdivision
1132	18-12-14	Delegate Permit Issued	22 Banksia St, Blackburn	Central	2 lot subdivision	Subdivision
1135	11-12-14	Delegate Permit Issued	2 Henwood St, Forest Hill	Central	2 lot subdivision	Subdivision
1140	30-12-14	Delegate Permit Issued	33 Joan Cres, Burwood East	Morack	Two lot subdivision	Subdivision
1147	01-12-14	Delegate Permit Issued	18 Balmoral Cres, Surrey Hills	Elgar	Construction of a deck in a Heritage Overlay	VicSmart - General Application
1150	31-12-14	Delegate Permit Issued	1/198 Whitehorse Rd, Blackburn	Central	Display of business identification signage	Advertising Sign
1154	18-12-14	Delegate Permit Issued	35 Nymph St, Mitcham	Springfield	2 lot subdivision	Subdivision
1155	16-12-14	Delegate Permit Issued	31-47 Joseph St, Blackburn North	Central	Alterations and additions to a building comprising the construction of a canopy to the entrance	Industrial

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1157	03-12-14	Delegate Permit Issued	1/4 Halls Pde, Mitcham	Springfield	Lopping of one tree	VicSmart - General Application
1160	22-12-14	Delegate Permit Issued	16 Summit Rd, Burwood	Riversdale	2 lot subdivision	Subdivision
1162	18-12-14	Delegate Permit Issued	975 Station St, Box Hill North	Elgar	2 lot subdivision	Subdivision
1167	29-12-14	Delegate Permit Issued	652 Canterbury Rd, Vermont	Morack	Buildings and works to extend a shed	Special Landscape Area
1176	09-12-14	Delegate Permit Issued	82 Winfield Rd, Balwyn North	Elgar	Remove a tree	VicSmart - General Application
1177	09-12-14	Delegate Permit Issued	968 Whitehorse Rd, Box Hill	Elgar	Addition Prep room at the rear of the existing shop in a C1Z	VicSmart - General Application
1186	31-12-14	Delegate Permit Issued	21 Marshall Rd, Box Hill North	Elgar	Two lot subdivision	Subdivision
1190	30-12-14	Delegate Permit Issued	20 Lyndhurst Cres, Box Hill North	Elgar	Two lot subdivision	Subdivision
1195	12-12-14	Delegate Permit Issued	14 Cottage St, Blackburn	Central	Building and works to put in a dust extraction unit within a box on one of our carparks in a IN1Zone	VicSmart - General Application
1208	17-12-14	Delegate Permit Issued	21/12 Irvine St, Mitcham	Springfield	Construction of a pergola	Residential (Other)
1213	31-12-14	Delegate Permit Issued	47 Mount Pleasant Rd, Nunawading	Springfield	2 lot subdivision	Subdivision
1214	29-12-14	Delegate Permit Issued	20 Sydenham Ln, Surrey Hills	Elgar	Demolish a building (club house and shed)	Heritage
1222	30-12-14	Delegate Permit Issued	179 Holland Rd, Burwood East	Riversdale	Buildings and works to construct a replacement deck	VicSmart - General Application
1246	31-12-14	Delegate Permit Issued	8 Fulton Rd, Blackburn South	Riversdale	2 lot subdivision	Subdivision
13657	31-12-14	Delegate Permit Issued	54 Twyford St, Box Hill North	Elgar	Amendment to WH/2002/13657 (issued for development of two dwellings, comprising one double storey dwelling to the rear of the existing dwelling and alterations and additions to existing dwelling) for the the deletion of conditions in relation to undercroft garage of Dwelling 1	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
14304	16-12-14	Delegate Permit Issued	13 Clare St, Blackburn	Central	Amendment to Planning Permit WH/2003/14304 ( Issued for: Buildings and works at 182-186 Surrey Road and 13 Clare Street pursuant to Clause 63.05 of the Whitehorse Planning Scheme - Buildings and Works at 188 Surrey Road and the laneway running between Surrey Road and Clare Street ("Laneway"), pursuant to Clause 32.01-5 of the Whitehorse Planning Scheme. - Display of advertising signs. - Use of the land at 182-186 Surrey Road for a food and drink premises (café); - Use of the land at 188 Surrey Road and the Laneway for car parking in association with place of worship, place of assembly and food and drink premises (café). - Use of the whole of the land for place of assembly. - Reduction of car parking requirements of Clause 52.06 of the Whitehorse Planning Scheme) for minor internal reconfiguration & modification to roof line.	Permit Amendment
15198	31-12-14	Delegate Permit Issued	54 Twyford St, Box Hill North	Elgar	Subdivision of land into 2 lots - amendment of conditions and plans	Permit Amendment
22	09-12-14	Delegate Refusal Issued	5 Shields Crt, Blackburn South	Central	Construction of three double storey dwellings	Multiple Dwellings
105	30-12-14	Delegate Refusal Issued	89 Thames St, Box Hill	Elgar	Construction of a four-storey building comprising 10 dwellings and basement car park	Multiple Dwellings
164	29-12-14	Delegate Refusal Issued	4 Uralla St, Vermont	Morack	Development of land for three (3) dwellings	Multiple Dwellings
224	22-12-14	Delegate Refusal Issued	7 Cumming St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
309	18-12-14	Delegate Refusal Issued	19 Rotherwood Ave, Mitcham	Springfield	Construction of three double storey dwellings	Multiple Dwellings
321	09-12-14	Delegate Refusal Issued	2 Robert St, Burwood East	Morack	Construction of one (1) double storey dwelling at the rear of the existing dwelling	Multiple Dwellings
499	23-12-14	Delegate Refusal Issued	24 Winfield Rd, Balwyn North	Elgar	Construction of three double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
505	31-12-14	Delegate Refusal Issued	52-54 Fulton Rd, Blackburn South	Riversdale	Construction of nine (9) double storey dwellings	Multiple Dwellings
623	29-12-14	Delegate Refusal Issued	11 Narallah Grv, Box Hill North	Elgar	Construction of two side-by-side dwellings	Multiple Dwellings
639	29-12-14	Delegate Refusal Issued	277 Springvale Rd, Nunawading	Springfield	Construction of three double storey dwellings	Multiple Dwellings
648	23-12-14	Delegate Refusal Issued	36 Harrow St, Box Hill	Elgar	Construction of a three storey apartment building with basement	Multiple Dwellings
670	29-12-14	Delegate Refusal Issued	344 Middleborough Rd, Blackburn	Central	Construction of two (2) dwellings	Multiple Dwellings
686	23-12-14	Delegate Refusal Issued	8 Haros Ave, Nunawading	Springfield	Construction of two (2) dwellings to the rear of the existing dwelling	Multiple Dwellings
691	16-12-14	Delegate Refusal Issued	6 Purches St, Mitcham	Springfield	Amendment to Planning Permit WH/2013/691 (originally issued for the construction of two double storey dwellings) to construct three double storey dwellings and tree removal	Permit Amendment
698	29-12-14	Delegate Refusal Issued	30 Sandy St, Nunawading	Springfield	Construction of three double storey dwellings	Multiple Dwellings
715	29-12-14	Delegate Refusal Issued	337 Blackburn Rd, Burwood East	Morack	Construction three double storey dwellings	Multiple Dwellings
729	23-12-14	Delegate Refusal Issued	18 Kintore Cres, Box Hill	Elgar	Construction of two double storey dwellings	Multiple Dwellings
906	22-12-14	Delegate Refusal Issued	19 Centre Rd, Vermont	Morack	Construction of one (1) double storey dwelling adjacent to the existing dwelling	Multiple Dwellings
907	29-12-14	Delegate Refusal Issued	12 Graeme St, Vermont	Morack	Construction of one (1) double storey at the rear of the existing dwelling	Multiple Dwellings
939	29-12-14	Delegate Refusal Issued	40 Clifton St, Blackburn	Central	Buildings and works to construct one (1) dwelling	Special Landscape Area
763	11-12-14	Failure - To Be Confirmed	836-850 Whitehorse Rd, Box Hill	Elgar	Buildings and works to construct a building comprising two towers of 36 storeys and 26 storeys plus rooftop plant and four levels of basement car parking, including a motel, 551 dwellings and commercial premises, use of land for accommodation and a restricted recreation facility (gym), and associated reduction of car parking requirements	Business

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
419	02-12-14	No Permit Required	549 Springvale Rd, Vermont South	Morack	Use and development of land for a service station, convenience shop, car wash and food and drink premises (cafe)	Permit Amendment
753	09-12-14	No Permit Required	37-55 Lucknow St, Mitcham	Springfield	Display of one (1) sign	Advertising Sign
849	15-12-14	No Permit Required	2/17 Thames St, Box Hill	Elgar	Construction of a deck	Residential (Other)
1027	16-12-14	No Permit Required	16-18 St Johns Ave, Mont Albert	Elgar	Two lot subdivision	Subdivision
1091	17-12-14	No Permit Required	1/5 Derby St, Blackburn	Central	Buildings and works for a construction of a verandah	Single Dwelling < 300m2
1116	01-12-14	No Permit Required	18 Grace St, Mont Albert	Elgar	Buildings and works to construct a swimming pool	Residential (Other)
1127	17-12-14	No Permit Required	731 Canterbury Rd, Surrey Hills	Elgar	Construction of an open sided pergola in an NRZ7 in a PAO4	Residential (Other)
1133	15-12-14	No Permit Required	2/7 Peter St, Box Hill North	Elgar	Extension to a single dwelling on a lot comprising an upper floor addition	Residential (Other)
1137	01-12-14	No Permit Required	3/15 Tyrrell Ave, Blackburn	Central	Installation of a Vergola Louvered Sun Control System	Residential (Other)
1148	11-12-14	No Permit Required	1/47 Cornfield Grv, Box Hill South	Riversdale	Extension of a dwelling on a lot less than 300sqm	Other
508	10-12-14	Withdrawn	30 Cosgrove St, Vermont	Morack	Construction of two (2) double storey dwellings	Multiple Dwellings
973	19-12-14	Withdrawn	666 Canterbury Rd, Surrey Hills	Riversdale	Buildings and works to construct additions to rear of existing building	Business



**BUILDING DISPENSATIONS/APPLICATIONS DECEMBER 2014**

Address	Date	Ward	Result
13 Meyer Close, BLACKBURN	12-12-14	Central	Amendment Approved R409
2 Sheila Street, BLACKBURN NORTH	19-12-14	Central	Amendment Approved R409
1 Peter Avenue, BLACKBURN NORTH	05-12-14	Central	Granted R409
14 Violet Court, BLACKBURN SOUTH	01-12-14	Central	Granted R409
21 Goodwin Street, BLACKBURN	16-12-14	Central	Granted R417, R409
26 Sandgate Road, BLACKBURN SOUTH	17-12-14	Central	Granted R424, R427
28 The Ridge, BLACKBURN	24-12-14	Central	Granted R419
394-398 Middleborough Road, BLACKBURN	03-12-14	Central	Granted R604
70 Canora Street, BLACKBURN SOUTH	16-12-14	Central	Granted R414
8 Deane Street, BLACKBURN NORTH	16-12-14	Central	Granted R414
27 Middlefield Drive, BLACKBURN NORTH	30-12-14	Central	Refused R409
32 South Parade, BLACKBURN	08-12-14	Central	Withdrawn R806
12 Menzies Street, BOX HILL	17-12-14	Elgar	Granted R414
15 Kangerong Road, BOX HILL	24-12-14	Elgar	Granted R409
16-18 St Johns Avenue, MONT ALBERT	03-12-14	Elgar	Granted R415, R409
20 Maude Street, BOX HILL NORTH	16-12-14	Elgar	Granted R424
20 Wolseley Close, MONT ALBERT	17-12-14	Elgar	Granted R604
37 Allison Road, MONT ALBERT NORTH	23-12-14	Elgar	Granted R409
712 Station Street, BOX HILL	05-12-14	Elgar	Granted R604
714 Station Street, BOX HILL	05-12-14	Elgar	Granted R604
8 Dane Street, BOX HILL NORTH	09-12-14	Elgar	Granted R414
35 Cherry Orchard Rise, BOX HILL NORTH	08-12-14	Elgar	Refused R409
153 Mahoneys Road, FOREST HILL	12-12-14	Morack	Granted R415
16 Livingstone Road, VERMONT SOUTH	17-12-14	Morack	Granted R415
43 Barry Road, BURWOOD EAST	02-12-14	Morack	Granted R409
8 Kalimna Street, VERMONT	05-12-14	Morack	Granted R409
9 Wilkinson Street, BURWOOD EAST	23-12-14	Morack	Granted R409
14 Harding Street, SURREY HILLS	05-12-14	Riversdale	Granted R426
17 Park Road, SURREY HILLS	05-12-14	Riversdale	Granted R409
27 Cyril Street, BOX HILL SOUTH	11-12-14	Riversdale	Granted R409
28 Hamel Street, BOX HILL SOUTH	23-12-14	Riversdale	Granted R409, R415
39 Broughton Road, SURREY HILLS	23-12-14	Riversdale	Granted R409
5 Rothsay Avenue, BURWOOD	05-12-14	Riversdale	Granted R409
50 Hamel Street, BOX HILL SOUTH	10-12-14	Riversdale	Granted R604
4 Harding Street, SURREY HILLS	05-12-14	Riversdale	40 Granted R426
17 Park Road, SURREY HILLS	05-12-14	Riversdale	Granted R409
27 Cyril Street, BOX HILL SOUTH	11-12-14	Riversdale	Refused R409
28 Hamel Street, BOX HILL SOUTH	23-12-14	Springfield	Granted R415, R409
39 Broughton Road, SURREY HILLS	23-12-14	Springfield	Granted R409
5 Rothsay Avenue, BURWOOD	05-12-14	Springfield	Granted R409
50 Hamel Street, BOX HILL SOUTH	10-12-14	Springfield	Granted R604
27 Cyril Street, BOX HILL SOUTH	08-12-14	Springfield	Granted R418
1 Burdon Court, FOREST HILL	23-12-14	Springfield	Granted R409
1/30 Jubilee Street, NUNAWADING	19-12-14	Springfield	Granted R414
18 Glen Road, MITCHAM	11-12-2014	Springfield	Granted R409
3 Nara Road, MITCHAM	05-12-2014	Springfield	Granted R409
33 Crest Grove, NUNAWADING	08-12-2014	Springfield	Granted R409
429 Springfield Road, MITCHAM	16-12-2014	Springfield	Granted R420
5 O'Shannessy Street, NUNAWADING	16-12-2014	Springfield	Granted R417
73 Lasiandra Avenue, FOREST HILL	16-12-14	Springfield	Granted R424, R427, R409

**DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – DECEMBER 2014**

*Under the Planning and Environment Act 1987*

Decision Date	Act Section	Decision	Street Address	Ward	Proposal	Reference
29/12/14	8A(3)	Delegate Approval	Municipality	Springfield	Request the Minister for Planning to exercise his powers under Section 20(4) of the Act to consider and approve Amendment C173, without exhibition, to extend the expiry date of the policy statement and reference in Clause 22.06 relating to the adopted strategic plan for the Nunawading/Megamile and Mitcham Activity Centre to 31 January 2017.	Amendment C173

**REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION DECEMBER 2014**

Contract	Service
Contract 13019	Cleaning and Maintenance of Automated Public Toilets
Contract 14008	Provision of Traffic Management Services
Contract 14025	Eley Road Reserve Shared Path Construction, Box Hill South

**REGISTER OF PROPERTY DOCUMENTS EXECUTED DECEMBER 2014**

Property Address	Document Type	Document Detail
<b>Leases</b>		
Part 470 Station Street, Box Hill - Ceramics Victoria	Surrender of Lease	Surrendered 31/12/14
Room 5, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/05/2015)
Room 4, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/05/2015)
Room 6, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/05/2015)
Room 8, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/05/2015)
<b>Land Transfers</b>		
Rear 68 McCulloch Street, Nunawading	Road Discontinuance	Transfer of Land Section 207D Local Government Act 1989
Rear 68 McCulloch Street, Nunawading	Creation of Easement Deed	Section 45 (1) of Transfer of Land Act 1958
76 Dorking Road, Box Hill North	Plan of Subdivision	Transfer of Land Section 35 Subdivision Act 1988
<b>Fire Services Property Levy (FSPL)</b>		
Remittance return (Oct - Dec 2014)	Vendor payment authorisation form	Remittance to State Revenue Office

**REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – DECEMBER 2014**

Nil

**PARKING RESTRICTIONS APPROVED BY DELEGATION DECEMBER 2014**

**Address:** McIntyre Street, Burwood: From 53 McIntyre 55 McIntyre Street,  
**Previously:** Unrestricted  
**Now:** 2P 8am to 6pm, Mon - Fri  
**Spaces:** 2

**Address:** Haines Street Mitcham: From Victoria Avenue to 21 Haines Street,  
Mitcham  
**Previously:** Unrestricted  
**Now:** 2Hour 8am to 6pm, Mon to Fri  
**Spaces:** 16

**Address:** Middleborough Road Box Hill South: From 2 space adjacent to Shop  
Frontage on the West Side  
**Previously:** 1P, 8am – 6pm Mon - Sat  
**Now:** ¼- Hour 8am -9pm Mon - Sat  
**Spaces:** 2

**VENDOR PAYMENT SUMMARY – SUMS PAID DURING DECEMBER 2014**

<b>Date</b>	<b>Total Issued</b>	<b>Payments (direct debit, cheques or electronic funds transfer)</b>	<b>Transaction Type EFT/CHQ/DD</b>
04.12.14	5,276.28	21	<b>EFC</b>
04.12.14	20,004.65	41	<b>CHQ</b>
04.12.14	36.40	1	<b>CHQ</b>
04.12.14	722,109.70	51	<b>EFT</b>
08.12.14	336.60	1	<b>EFT</b>
09.12.14	69,238.55	37	<b>EFT</b>
10.12.14	24,879.16	1	<b>EFT</b>
11.12.14	4,805.54	6	<b>EFC</b>
11.12.14	98,476.92	35	<b>CHQ</b>
11.12.14	1,692,427.40	300	<b>EFT</b>
18.12.14	10,685.76	19	<b>EFC</b>
18.12.14	105,175.42	79	<b>CHQ</b>
18.12.14	33,100.40	1	<b>EFT</b>
18.12.14	490,972.75	54	<b>EFT</b>
22.12.14	509.60	1	<b>EFC</b>
23.12.14	67,042.82	36	<b>EFT</b>
23.12.14	2,139,004.26	1	<b>EFT</b>
24.12.14	3,958.36	9	<b>EFC</b>
24.12.14	10,884.42	27	<b>CCK</b>
24.12.14	3,781,511.05	436	<b>EFT</b>
31.12.14	1,607.87	17	<b>EFC</b>
31.12.14	330,929.69	43	<b>CCK</b>
31.12.14	1,510,251.78	30	<b>EFT</b>
Monthly Leases	30,000.00		<b>DD</b>
<b>GROSS</b>	11,153,225.38	1247	
<b>CANCELLED PAYMENTS</b>	18,755.89	11	
<b>NETT</b>	11,134,469.49	1236	

## **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 Metropolitan Transport Forum**

Cr Daw attended a recent meeting of the Metropolitan Transport Forum on behalf of Cr Davenport held on 4 February 2015.

#### **10.1.2 Municipal Early Years Plan**

Cr Chong attended the Municipal Early Years Plan meeting held on 9 February 2015

#### **10.1.3 Metropolitan Waste Forum**

Cr Harris attended the Metropolitan Waste Forum on 12 February 2015 on behalf of Cr Bennett. Presentations showcased issues Councils face in response to reviewing the National television and computer recycling scheme and the recycling of mattress and outlined impacts, efficiency, future implications and associated costs.

#### **10.1.4 Municipal Early Years Plan**

Cr Massoud attended the Municipal Early Years Plan meeting held on 9 February 2015.

#### **10.1.5 Whitehorse Disability Advisory Committee**

Cr Massoud attended a recent meeting of the Whitehorse Disability Advisory Committee held on 11 February 2015.

#### **10.1.6 Councillor Budget Committee**

Cr Munroe reported on his attendance at the Councillor Budget Committee earlier this evening.

#### **10.1.7 Box Hill First Group**

Cr Munroe reported on his attendance at a meeting of the Box Hill First Group held on 9 February 2015.

#### **10.1.8 Whitehorse Matsudo Sister City Friendship Group**

Cr Stennett reported on his attendance as Chair on behalf of the Mayor at the Whitehorse Matsudo Sister City Friendship Group meeting held on 4 February 2015.

### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Harris

*That the reports from delegates be received and noted.*

**CARRIED UNANIMOUSLY**

### **10.2 Recommendations from the Special Committee of Council Meeting of 9 February 2015**

Nil

### 10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
8 -12-14	<b>Budget Committee</b> <ul style="list-style-type: none"> <li>Budget 2015/16</li> </ul>	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Daw Cr Ellis Cr Harris OAM Cr Massoud	N Duff P Smith P Warner M Giglio D Logan	Nil	Nil
27-01-15	<b>Budget Committee</b> <ul style="list-style-type: none"> <li>Budget 2015/16</li> </ul>	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Daw Cr Ellis Cr Harris OAM Cr Massoud Cr Stennett	N Duff P Smith P Warner M Giglio D Logan	Nil	Nil
27-01-15	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>9.1.3 Consideration of Submissions to Amendment C157 to Introduce 32 New Heritage Overlays</li> <li>Council Agenda 27 January 2015</li> </ul>	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Daw Cr Ellis Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Green T Wilkinson P Warner P Smith T De Fazio J Russell S Freud	Nil	Nil
2-02-2015	<b>Strategic Planning Session</b> <ul style="list-style-type: none"> <li>Whitehorse Centre Redevelopment</li> <li>GIS Upgrade &amp; Implementation</li> <li>Capital Works Update</li> <li>Quarterly Report Redesign</li> <li>Finance Report – December 2014</li> <li>Service Delivery Review 1</li> <li>Service Delivery Review 2</li> <li>Service Review Implementation</li> </ul>	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Daw Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Green T Wilkinson P Warner P Smith T De Fazio B Morrison S Price J Paoletti D Logan M Giglio D Seddon M Hassan T Johnson T Peak S Adamson		

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
09-02- 15	<b>Whitehorse Early Years Plan</b>	Cr Chong AM Cr Massoud	T Johnson N Rogers P Heselev S Smith M Block	Nil	Nil
09-02-15	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>- Special Committee Agenda &amp; Other Business Motions</li> <li>- 2014 Nexus Community Survey</li> <li>- Draft Council Agenda 16 February 2015</li> </ul>	Cr Munroe (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Daw Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Green T Wilkinson P Warner P Smith T De Fazio J Russell S Freud P McAleer C Sherwin W Gerhard I Goodes T Peak A Skraba V Mogg P Neivandt	Cr Chong Declared a conflict of interest (prior association) 9.1.4 Consideration of Panel Report in relation to combined Amendment C153 and planning permit application WH/2012/87 for 15 -31 Hay Street, Box Hill South	Cr Chong left the meeting at 8.20pm prior to the discussion and returned at 8.50pm.

**COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Davenport

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

**CARRIED UNANIMOUSLY**

**11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

**11.1 Media and Dispute Resolution Training**

Cr Davenport reported that he has been attending training sessions on media and dispute resolution with four of six sessions completed so far.

**RECOMMENDATION**

Moved by Cr Daw, Seconded by Cr Chong

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

**CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION**

Moved by Cr Harris, Seconded by Cr Carr

*That in accordance with Section 89(2) (d) and (h) of the Local Government Act 1989 the Council should resolve to go into camera and close the meeting to the public as the matters to be discussed relate to contractual matters and matters Council considers would prejudice Council or any person.*

**CARRIED UNANIMOUSLY**

The meeting closed to the public at 8.39pm.

**12 CONFIDENTIAL REPORTS**

**12.1 Extension of MWMG Landfill (Contract 2010/1)**

**12.2 Contractual Matter**

**COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Massoud

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

**CARRIED UNANIMOUSLY**

The meeting reopened to public at 8.48pm.

**13 CLOSE MEETING**

Meeting closed at 8.50pm.

**Confirmed this 16<sup>th</sup> day of March 2015**

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**CHAIRPERSON**