



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

Monday 15 April 2019

at 7:00pm

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

Ms Noelene Duff
Chief Executive Officer

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Meeting opened at 7.00pm

Present: Cr Bennett (Mayor), Cr Barker, Cr Carr, Cr Cutts, Cr Davenport
Cr Ellis, Cr Liu, Cr Massoud, Cr Munroe, Cr Stennett

1 PRAYER

1a Prayer for Council

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

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

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

Amen.

1b Aboriginal Reconciliation Statement

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

2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

Cr Davenport declared a direct conflict in Item 9.3.3 Contract Extension (Contract 20035): Provision of Parking Services, as Tenix is an employer of Cr Davenport.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 18 March 2019.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Ellis

That the minutes of the Ordinary Council Meeting 18 March 2019 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

- 5.1 Ms A Salmon, from Mitcham asked a question relating to rezoning for Mc Clone Street.

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

- 5.2 Mr K Earl, from Box Hill submitted two questions relating to the development at 820 Whitehorse Road Box Hill.

The Chief Executive Officer Ms Noelene Duff advised Mr Earl that the questions would be referred to the General Manager City Development Mr Jeff Green for investigation and written response.

6 NOTICES OF MOTION

Nil

7 PETITIONS

Nil

8 URGENT BUSINESS

PROCEDURAL MOTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council allow consideration of matter of Urgent Business relating to comments made by a submitter at the Special Committee Meeting of Council 8 April 2019 relating to gambling and the RSL.

LOST

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 27 Barcelona Street, BOX HILL (CP 105138 25B): Development of the land for eight (8) dwellings, including associated tree removal.

FILE NUMBER: WH/2017/1049
ATTACHMENT

SUMMARY

This application was advertised, and a total of six objections were received. The objections raised issues with the design not responding to the existing neighbourhood character; overdevelopment of the site; overshadowing; visual bulk; loss of open space from the subject site; loss of trees; traffic and car parking issues and construction issues/impacts.

A Consultation Forum was held on 28th November, 2018 chaired by Councillor Barker at which the issues were explored and revised plans were tabled for discussion purposes, however no resolution was reached between the parties.

Amended plans were formally introduced to the application after the forum meeting which included a number of changes to the design of the building. These changes reduced the height of the building presented to Barcelona Street and sensitive interfaces with adjoining lots, including deletion of second floor rumpus rooms from dwellings 1, 4, 5, 6, 7 and 8.

The application was called in to Council for a decision by Councillor Barker on the 29th of January, 2019.

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/2017/1049 for 27 Barcelona Street, BOX HILL (CP 105138 25B) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Development of the land for eight (8) dwellings, including associated tree removal 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 27 Barcelona Street, BOX HILL (CP 105138 25B) for the Development of the land for eight (8) dwellings, including associated tree removal, subject to the following conditions:*
- 1.** *Before the development starts, or vegetation removed, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and be generally in accordance with the plans submitted with the application but modified to show:*
 - a)** *No part of the front fencing to Barcelona Street to exceed a maximum of 1.5m;*
 - b)** *The solar panel arrangement associated with dwellings 5 to 8 shown in section to be obscured from views from secluded private open space associated with No.38 Victoria Street;*
 - c)** *The northern balustrade to the rooftop terrace for Dwelling 1 being frosted glazing (or similar) to a height of no less than 1.7m above FFL on both floor plans and elevation;*

9.1.1
(cont)

- d) *Fencing to the western boundary being 1.8m high, timber paling;*
 - e) *The first floor, west-facing bedroom and study windows being treated/designed to demonstrate no unreasonable loss of privacy in line with the objective under Standard B22 – Overlooking under clause 55 of the Whitehorse Planning Scheme;*
 - f) *The north, west and southern perimeter to rooftop terraces for dwellings 5 to 8 treated with 1.7m high above terrace floor level, fixed balustrading that provides no more than 25% visual transparency;*
 - g) *Limited loss of privacy between internally facing terraces and windows within the development, generally in line with the objective under Standard B23 – Internal views under clause 55 of the Whitehorse Planning Scheme.*
 - h) *The Tree Protection Zones and protection measures listed under conditions 8 and 9 of this permit;*
 - i) *The landscaping plan revised to specify that all canopy plantings will be no less than 1.5m high at the time of planting.*
2. *The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
 3. *The development must be undertaken in accordance with the endorsed Sustainability Design Assessment to the satisfaction of the Responsible Authority, and the approved dwellings must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the Reports may occur without the written consent of the Responsible Authority.*
 4. *Before development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 15 November, 2017, but modified to include:*
 - a) *Waste generation rates and associated storage areas to the satisfaction of the Responsible Authority.*
 5. *The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*
 6. *Unless with the prior written consent, all tree planting and landscaping works as shown on the endorsed plans must be completed prior to the occupation of the development to the satisfaction of the Responsible Authority.*
 7. *Landscaping in accordance with the approved Landscape Plan must be completed before the building is occupied. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*

9.1.1
(cont)

- 8. 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 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 3 – 7.8 metre radius from centre of the tree base;**
 - ii. Tree 4 – 3.3 metre radius from centre of the tree base;**
 - iii. Tree 17 – 3.3 metre radius from the centre of the tree base.**
 - 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 to 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.**
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.**
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.**
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.**
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.**
- 9. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
- a) A project arborist must be appointed by the applicant or builder. Project arborist qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture).**
 - b) The Project Arborist must supervise all approved works within the TPZs of Trees 3, 4 and 17. The Project Arborist must ensure that all buildings and works (including site demolition) within the TPZs do not adversely impact the health or stability of the trees now or into the future.**
 - c) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level topography of the land within greater than 10% of the TPZs of Trees 4 and 17.**

9.1.1

(cont)

- d) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing topography of the land within 5.7m of the west boundary fence where within the 7.8m TPZ of Tree 3. This includes changes to all garden levels within 5.7m of the tree where within the TPZ.*
- 10. The development must be provided with external lighting capable of illuminating access to the basement entrance and car parking areas. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
 - 11. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.*
 - 12. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.*
 - 13. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
 - 14. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.*
 - 15. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to the Council's infrastructure prior to works commencing and during the construction process.*
 - 16. When undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.*
 - 17. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*
 - 18. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:*
 - a) Pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;*
 - b) Works necessary to protect road and other infrastructure;*
 - c) Remediation of any damage to road and other infrastructure;*
 - d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;*

9.1.1

(cont)

- e) *Facilities for vehicle washing, which must be located on the land;*
 - f) *The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;*
 - g) *Site security;*
 - h) *Management of any environmental hazards including, but not limited to,:*
 - i. *Contaminated soil;*
 - ii. *Materials and waste;*
 - iii. *Dust;*
 - iv. *Stormwater contamination from run-off and wash-waters;*
 - v. *Sediment from the land on roads;*
 - vi. *Washing of concrete trucks and other vehicles and machinery; and*
 - vii. *Spillage from refuelling cranes and other vehicles and machinery;*
 - i) *The construction program;*
 - j) *Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;*
 - k) *Parking facilities for construction workers;*
 - l) *Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;*
 - m) *An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;*
 - n) *An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;*
 - o) *The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;*
19. *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.

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

9.1.1
(cont)

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2017/1049 for 27 Barcelona Street, BOX HILL (CP 105138 25B) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Development of the land for eight (8) dwellings, including associated tree removal fails to achieve an acceptable design response.*
- B** *Issue a Notice of Refusal to Grant a Permit under the Whitehorse Planning Scheme to the land described as 27 Barcelona Street, BOX HILL (CP 105138 25B) for the Development of the land for eight (8) dwellings, including associated tree removal, on the following grounds:*
- 1. The proposed development would result in an overdevelopment of the subject site, failing to adequately respond to the existing character of the streetscape and sensitive interfaces with adjoining lots;*
 - 2. The building footprint would not provide for appropriate secluded open space areas for the amenity of residents within the dwellings;*

CARRIED

A Division was called.

Division

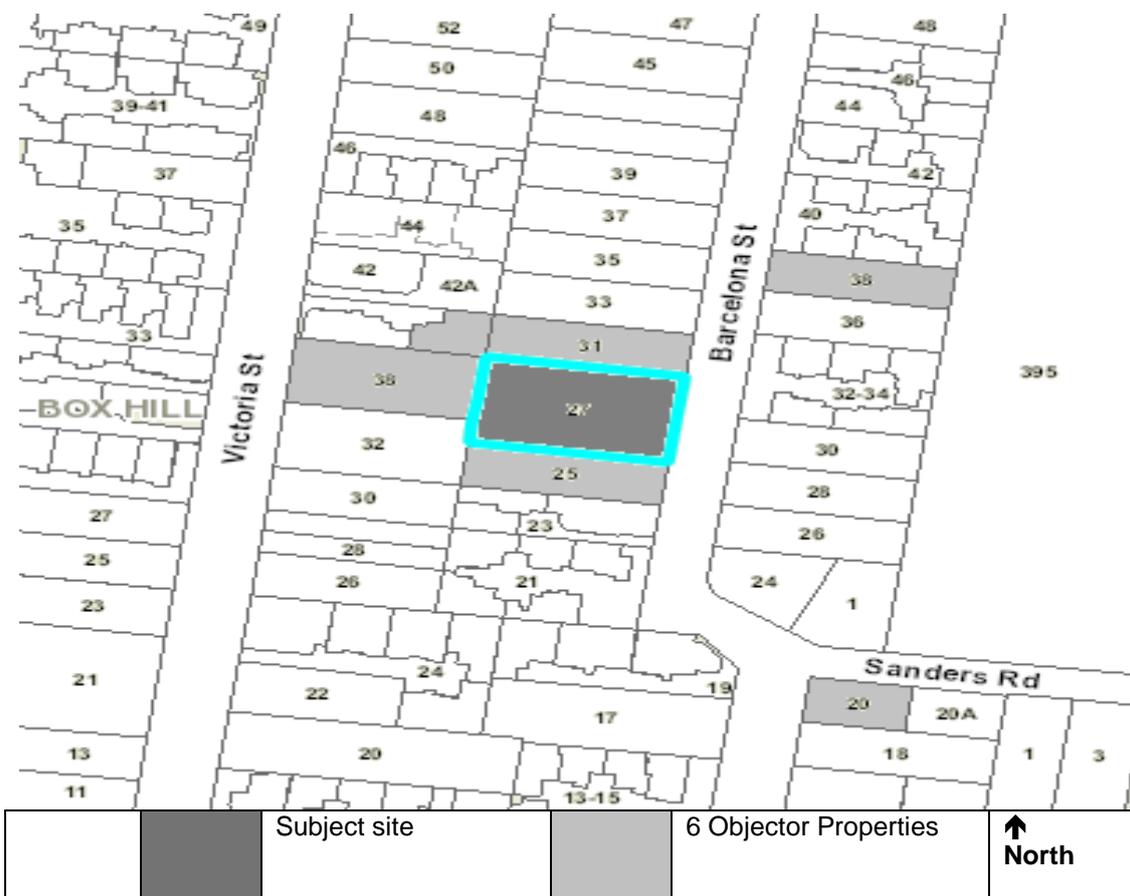
For	Against
Cr Barker	Cr Davenport
Cr Bennett	
Cr Carr	
Cr Cutts	
Cr Ellis	
Cr Liu	
Cr Massoud	
Cr Munroe	
Cr Stennett	

On the results of the Division the motion was declared CARRIED

9.1.1
 (cont)

MELWAYS REFERENCE 47 F10

Applicant:	Ratio Consultants Pty Ltd
Zoning:	General Residential Zone – Schedule 1
Overlays:	Significant Landscape Overlay – Schedule 9
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 32.08	General Residential Zone
Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Elgar



9.1.1 (cont)

BACKGROUND

History

Planning permit WH/1980/901440 approved the existing units on the subject site.

There are no other previous planning permits for the subject site which are relevant to the current application.

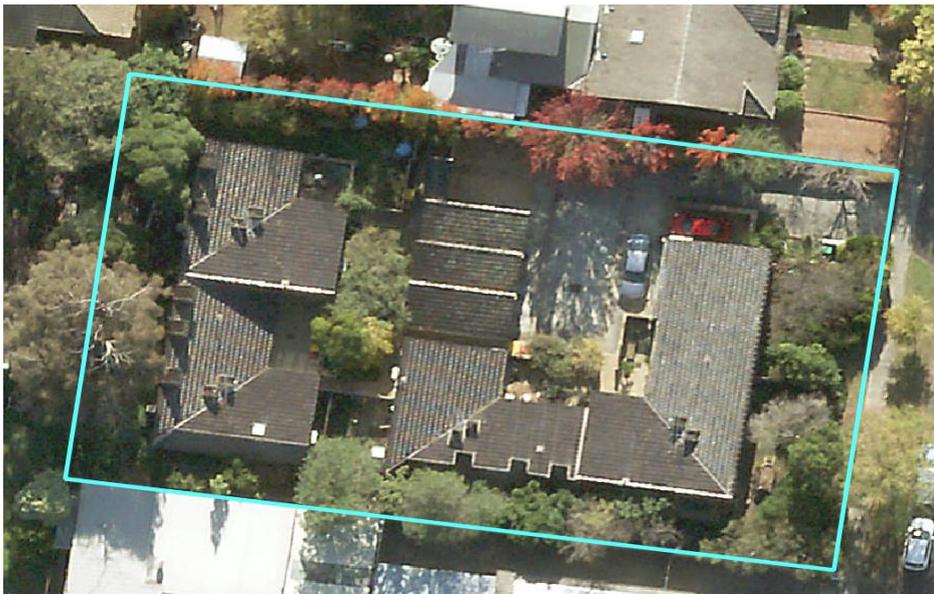
The Site and Surrounds

Subject site

The subject site is located on the western side of Barcelona Street, approximately 170m south of the intersection with Rutland Road in Box Hill. The lot itself is rectangular in shape, with a frontage to Barcelona Street of 30.48m, a depth of 51.05m and covering a total area of approximately 1,556sqm.

The lot currently contains four (4), single-storey dwellings. Two dwellings are located towards the rear of the site, with the front two dwellings arranged around a car parking apron in a 'U' configuration closer to Barcelona Street as shown in figure 1 below:

Figure 1 – Aerial photograph of subject site:



Landscaping areas are located around the perimeters to these buildings, with the existing buildings being largely obscured from view from Barcelona Street.

Surrounding area

The surrounding area is generally residential, developed with a mix of single dwellings and multi-unit developments from a range of eras. Dwellings are typically set back from the street behind landscaped front setbacks with low level fencing (between 1m to 1.5m high).

Street tree plantings, in conjunction with the landscaped front setbacks provide a 'leafy' streetscape in views along Barcelona Street.

Built form and building footprints vary from site to site with many dwellings having pitched/gabled roofing but with some examples of flat roof forms already evident within the street (at No's 35 & 19 Barcelona Street).

9.1.1

(cont)

The extent of built form footprints varies significantly from lot to lot, with no definite pattern of rear setbacks or open space layout. Lots on both sides of Barcelona Street have already been developed with additions or new dwellings in close proximity to the side and rear boundaries.

The immediately adjoining lots can be described as follows:

North – No.31 Barcelona Street

This property contains a single-storey, weatherboard dwelling which is orientated east towards Barcelona Street. This property has vehicle access located adjacent to the southern boundary, leading to a garage set behind the dwelling itself and areas of secluded private open space (SPOS) further to the rear.

South – No.25 Barcelona Street

This property contains a single-storey, brick dwelling which is orientated east towards Barcelona Street. Car parking areas are located adjacent to the northern boundary and a parking/turning area also occupies a portion of the front setback.

Built form occupies the majority of this property with additions extending from the rear of the dwelling to almost the rear (western) boundary, minus a 1m (approx.) setback. These additions are constructed to the northern boundary shared with the subject site and with areas of south-facing SPOS abutting the southern boundary.

West – No's 40 Victoria Street

No.40 Victoria Street contains two, single-storey dwellings with Unit 2 located at the rear of the lot. Unit 2 is set approximately 1m from the rear (eastern) boundary with pockets of SPOS in the north-east and south-eastern corners. The area in the southern corner is the smaller of the two areas and presents as a service space in comparison with the main open space to the north.

West – No.38 Victoria Street

No.38 Victoria Street contains a single-storey, weatherboard dwelling which is orientated west towards Victoria Street with areas of SPOS to the rear of the dwelling. A driveway/parking area is located in the north-western corner of the lot.

A single-storey outbuilding is located in the south-eastern corner of the lot, abutting the southern boundary. Areas immediately adjoining the rear (eastern) boundary contain several canopy trees in a space delineated from the central lawn areas.

West – No.32 Victoria Street

No.32 Victoria Street contains a single-storey, brick dwelling which is orientated west towards Victoria Street. This property shares an 8m length of its rear (eastern) boundary with the subject site, with the remaining 15m length of this boundary being located to the south of the subject site.

Areas to the rear of the dwelling contain SPOS.

Planning Controls

General Residential Zone – Schedule 1

In accordance with Clause 32.08-6 - General Residential Zone (Schedule 1) of the Whitehorse Planning Scheme (the Scheme), a Planning Permit is required for the construction of two or more dwellings on a lot.

A development must meet the requirements of clause 55.

9.1.1

(cont)

Significant Landscape Overlay – Schedule 9

Pursuant to clause 42.03-2 of the Scheme, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Section 3 under Schedule 9 to the SLO states:

A permit is not required to construct a building or carry out works provided the building or works are set back at least 4 metres from the base of any tree protected under the provisions of this schedule.

A permit is required to remove, destroy or lop a tree.

This does not apply to:

- *A tree less than 5m in height and having a single trunk circumference of 1.0 metre or less at a height of one metre above ground level; or*
- *The pruning of a tree for regeneration or ornamental shaping; or*
- *A tree which is dead or dying or has become dangerous to the satisfaction of the responsible authority; or*
- *A tree outside the Minimum Street Setback in the Residential Growth Zone.*

Clause 52.06 – Car parking

Under the requirements of clause 52.06, the application must be provided with sixteen (16) resident car parking spaces and one (1) visitor car parking space.

The application meets these requirements and therefore no permit is triggered under this clause.

PROPOSAL

The application proposes the development of the land for eight (8) new (6 x two and 2 x three storey) dwellings, including associated tree removal. The development can be summarised as follows:

Basement

The basement level would provide each dwelling with two (2) car parking spaces each and six (6) of the dwellings with a storage/workshop area. Internal stair access is provided from car parking areas for each dwelling to the level above.

A visitor car parking space is provided on the southern end of the basement and a bin/waste storage area adjacent to the access ramp.

Ground floor

Ground floor for each dwelling would contain an open plan living/dining/kitchen area, one (1) bedroom and a bathroom.

For the rear (western row) of dwellings, areas of secluded private open space (SPOS) ranging between 40sqm and 79sqm would be located adjacent to the western boundary.

First floor

First floor for each proposed dwelling would contain a centrally located lounge area, two (2) bedrooms and two bathrooms. Dwellings 6, 7 & 8 would each contain a third bedroom/study.

9.1.1

(cont)

Second floor

Dwellings 2 and 3 would contain a study and rumpus area while the remaining dwellings would only provide access space to rooftop terraces at this level. The terraces associated with the front (eastern) dwellings would range in size between 26sqm and 48sqm while those associated with the rear dwellings range in size between 32sqm and 42sqm.

Building form

The proposed dwellings would be constructed in a townhouse arrangement, in two rows running north-to-south through the site above a basement level.

The east-facing walls would be set back 9.0m from the Barcelona Street frontage with vehicle access adjacent to the southern lot boundary providing access to a basement car parking level.

The building envelopes would be set back between 1m (ground floor) and 5.6m (second floor) from the northern boundary, with maximum wall heights of 2.8m and 8.8m respectively.

The south-facing walls would be set back between 2.0m and 6.6m (ground and first floors) and between 6.55m and 10.1m at second floor, with maximum wall heights of 6.5m and 10.2m respectively.

The maximum height of the proposed development would be 10.5m above ground level where associated with the second floor areas for Dwelling 3.

Front fencing would have a 'staggered' height with its height increasing from 1.0m as it follows the natural fall of the land from north to south. A 500mm deep landscaping setback would be provided in front of the fencing in addition to the planter areas provided within the fence itself.

Materials

External walls would be constructed/treated with painted finish (off white), metal cladding (light grey), charcoal cladding.

Landscaping

The landscaping plan provided with the application contains a variety of low level plantings and mid-height canopy trees including (but not limited to): 4 x Biloxi Crepe Myrtle, 3 x Jerilderie Red Brachychiton and 1 x Exmouth Bull Bay Magnolia within the rear (eastern) setback.

Landscaping areas within the front setback to Barcelona Street would contain 4 x Kanooka/Water gums & 4 x Exmouth Bull Bay Magnolias in addition to other lower level plantings.

9.1.1

(cont)

Tree removal and buildings and works

The application proposes the removal of the following trees or which trigger a permit for buildings and works under SLO controls:

Tree No.	Name	Species	Height (m)	DBH (cm)	Arborist rating
1	Saw-tooth Banksia	<i>Banksia serrata</i>	6	10	Moderate
3	Narrow-leaved Peppermint	<i>Eucalyptus nicholii</i>	15	65	Moderate
5	Sweet Pittosporum	<i>Pittosporum undulatum</i>	9	Multi-stem	Low (weed)
6	Willow bottlebrush	<i>Callistemon salignus</i>	8	26	Low
7	Willow bottlebrush	<i>Callistemon salignus</i>	8	24	Moderate
8	Shining privet	<i>Ligustrum lucidum</i>	5	Multi-stem	Low (weed)
9	River bottlebrush	<i>Callistemon sieberi</i>	6	Multi-stem	Low
10	Loquat	<i>Eriobotrya japonica</i>	5	10	Low
11	Box Elder	<i>Acer negundo</i>	8	16	Moderate
12	Coast banksia	<i>Banksia intergrifolia</i>	14	44	Moderate
13	Saw tooth banksia	<i>Banksia serrata</i>	8	24	Moderate
14	Coast banksia	<i>Banksia intergrifolia</i>	14	44	Moderate
15	Sweet pittosporum	<i>Pittosporum undulatum</i>	5	10	Low (weed)
16	Sweet pittosporum	<i>Pittosporum undulatum</i>	5	7	Low (weed)
17	Snow in summer	<i>Melaleuca linariifolia</i>	6	25	Moderate
18	Chinese elm	<i>Ulmus parvifolia</i>	7	22	Street tree
19	Almond	<i>Prunus</i>	5	21	Low
20	Cotoneaster	<i>Cotoneaster</i>	5	Multi-stem	Low
21	Pear	<i>Prunus</i>	6	22	Moderate
22	Pear	<i>Prunus</i>	5	15	Low

Trees 3, 17 and 18 are located within adjoining lots and trigger a planning permit for buildings and works within 4 metres of their trunk while the remaining trees are proposed to be removed from the subject site.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Barcelona Street frontage. Following the advertising period six (6) objections were received.

9.1.1

(cont)

The issues raised are summarised as follows:

- The design does not respond to the existing neighbourhood character;
- The existing four dwellings is (already) an overdevelopment of the site;
- Amenity impacts
 - Overshadowing;
 - Visual bulk;
 - Loss of open space;
 - Loss of trees;
- Traffic and car parking issues;
- Construction issues/impacts.

Consultation Forum

A Consultation Forum was held on 28th November, 2018. Four (4) objectors attended the meeting in addition to planning officers and the applicants' representatives.

A set of 'discussion' plans were tabled by the applicant at the forum meeting, these plans were the basis for a Section 57(a) amendment which will be described under the points below.

Section 57A amendment

Subsequent to the advertising period and Consultation Forum a Section 57A amendment was lodged on 27 December, 2018 to address issues raised by planning officers and objections raised from the initial advertising period. The proposed changes can be summarised as follows:

- Deletion of second floor, rumpus rooms from the western dwellings (replaced with terraces);
- Deletion of second floor rumpus rooms from eastern dwellings 1 and 4;
- Reduced overall height and raked ceilings to stairs to western dwellings;
- Reduced floor to ceiling heights throughout the development;
- Alterations to façade details to Barcelona Street;

These plans were not readvertised as the changes made resulted in a reduction in the scope of proposed works and therefore would not result in any additional detriment beyond the previously advertised plans.

Referrals

External

The application does not trigger any external referral under the requirements of the Whitehorse Planning Scheme.

Internal

Engineering and Environmental Services Department

- Transport Engineer

The application has been referred to council's Transport Engineering Unit who have supported the proposed car parking and vehicle access arrangements without further conditions or changes.

- Waste Engineer

The comments from council's Engineering and Environmental Services unit have suggested revised calculations for waste generation within the development and the associated storage areas triggered by these rates.

9.1.1

(cont)

This issue will be addressed through conditions to be discussed in more detail in the body of this report.

- Assets Engineer

The application has been reviewed by council's Engineering Assets Unit who are satisfied with the proposed development subject to inclusion of standard conditions/notes.

Planning Arborist

Council's arborist has reviewed the applicant's arborist report and inspected the subject site, commenting that the proposed tree removal is supported subject to appropriate replacement planting and tree protection measures to be included as conditions to any permit issued.

Parkswide

Council's Parkswide department have reviewed the proposed development and are satisfied that the proposed development will not have any unreasonable impact on trees within the road reserve subject to Tree Protection Zone conditions being included within any permit issued.

DISCUSSION

Policy direction

State and local policies at clauses 11.03-1S – Activity Centres, 15.01-1S – Urban Design 16.01 – Residential Development, 16.01-2S– Location of residential development and 21.06 - Housing all encourage well designed residential development that provides for a diversity of housing stock in appropriate locations and with an appropriate response to sensitive interfaces with adjoining lots.

The site is located in the General Residential Zone where objectives include to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport. The conversion of the site from one dwelling to eight achieves this objective.

The proposed development is considered to be afforded a general level of policy support under the points above, with the dwellings being well designed with regards to sensitive interfaces with adjoining lots and having a reasonable proximity to a range of services within the Box Hill Activity Centre which is located 1000m walking distance from the subject site.

With regard to the remaining purposes of the General Residential Zone, the proposed development must also be able to demonstrate an appropriate design response with regards to neighbourhood character, amenity impacts, and council's policies for built form and landscape considerations. These areas will be assessed in detail in the following sections of this report.

Design and Built Form

Neighbourhood character

The existing built form character within Barcelona Street includes a mix of single-storey detached dwellings and multi-dwelling developments of either one or two-storeys. It is anticipated that development of sites within this precinct will continue to intensify given its location within proximity to the Box Hill Activity Centre, however development will be tempered to respond to the existing character as discussed above.

The Whitehorse Neighbourhood Character Study (2014) cites a preferred character for this area being achieved through the provision of well-articulated dwelling styles within garden settings (Garden Suburban Precinct 10). The subject site is nominated as being within a 'Natural Change' area which corresponds within policy direction under clause 21.06-3 – Housing location of the Scheme.

9.1.1 (cont)

The Neighbourhood Character Guidelines (the Guidelines) suggest that upper levels to a development should be recessed to minimise their dominance in the streetscape. The Guidelines also specify that buildings which appear to exceed the predominate height of buildings in the street by more than one storey be avoided.

It is considered that the proposed built form has been massed to ensure the development does not present inappropriate building height to the streetscape with the dwellings presenting as double-storey townhouses as shown in the 3D images submitted under the December amended plans below:

Figure 2: Perspective view of proposed development from Barcelona Street from S.E.



Figure 3: Perspective view of proposed development from N.E.



Figures 2 and 3 above demonstrate that the scale of the building is consistent with the guidance under the Character Study in that the buildings are not overbearing with regards to the rhythm and/or scale of built form and the single-storey dwellings within the adjoining lots.

The proposed development has opted for a 'flat' roof form, this is considered to be an appropriate design response given the additional bulk which a pitched roof form would add to the development.

While the proposed building would contain three storeys in part, the building would present as double storey in the relevant views along Barcelona Street and would therefore be consistent with the graduation in heights envisaged under the Neighbourhood Character Study by limiting the perceived height difference to only one storey.

9.1.1

(cont)

Acknowledging that the building is a new typology for the streetscape, appropriate 'character' responses should not be limited to a replication but with consideration also given to the role played by a building's siting within the allotment, setbacks from boundaries and landscaping opportunities. These facets also play a defining role in whether a design concept as a whole can achieve an appropriate character outcome in conjunction with policy direction under the Scheme.

The 'townhouse' arrangement for the proposed dwellings are specifically supported under clause 22.03-4 – *Categories of Housing Changes* which includes the following strategies for development in Natural Change areas:

- *Encourage low and medium density housing in the following forms:*
 - *Detached houses;*
 - *Semi-detached dwellings, townhouses, row or terrace houses;*
 - *Units or townhouses.*
- *Support new medium density development in Natural Change Areas that:*
 - *Contribute to the preferred neighbourhood character for the location;*
 - *Provide a sensitive and appropriate interface with adjoining streetscapes, buildings and residential areas.*

While proposing an intensification of built form through the centre of the subject site, the building's footprint would retain extensive landscaping areas to the front and rear boundaries to deliver the garden character setting as envisaged under the Guidelines. The provision of mid-height canopy plantings (capable of reaching heights of 8m) meets the varied landscaping objectives under Schedule 1 to the General Residential Zone which suggests the planting of at least two (2) canopy trees per dwelling.

The location of the canopy plantings within the front or rear open space is generally acceptable with the dimensions to these areas providing no less than 40sqm with no encroachment from buildings (other than fencing) within a 3 metre radius from the trees. This is generally in line with the tree regeneration policies under clause 22.04-4 of the Scheme.

The height of the proposed canopy plantings at 8m has been chosen by the applicant to maximise the level of 'softening' at a height corresponding with the proposed built form whereas taller trees would grow above the roof level.

The ability to provide canopy landscaping within both the front and rear setbacks is considered to be a positive outcome in a street where existing built form often occupies areas in close proximity to the rear boundaries and has the added benefit of softening the proposed built form as viewed from adjoining, rear yards.

A condition will require that all canopy plantings be no less than 1.5m in height at the time of planting as per the policy guidance under clause 22.04 to ensure appropriate uptake for these plantings and reduced timeframes to reach maturity.

With council's arborist stating that no significant vegetation would be lost from the subject site as a result of the proposed development, the objectives under the Significant Landscape Overlay *to conserve and enhance the character of significant landscapes* would be met through the provision of these landscaping areas. This replanting is also generally in line with the policy objectives under clause 22.04 – *Tree conservation*.

The proposed buildings would be set back at least 1.0m from all boundaries, with the majority of areas set well back beyond the distances suggested under both the *Neighbourhood Character Study* (walls constructed to one boundary only) and Standard B17 – *Side and rear setbacks* under clause 55 of the Scheme.

9.1.1

(cont)

While this building does present a level of 'change' to the subject site, this change has been appropriately managed through provision of landscaped setbacks and tempering of building heights away from side boundaries to ensure the building would not become overbearing in the streetscape.

These outcomes are generally in line with the objective under Standard B1- *Neighbourhood Character* and built form and character policies under clause 21.06 – *Housing* and 22.03 – *Residential Development* of the Scheme.

Front fencing

As detailed earlier in this report, front fencing heights have not included all relevant maximum heights, with only the 1.0m 'starting' height shown for each section. While it is considered to be acceptable for some increase above the 1.2m height suggested under the Neighbourhood Character Study to accommodate the falling topography, this should not extend above 1.5m.

This issue will be addressed through a condition of permit.

Amenity

Visual bulk

As discussed earlier in this report, the proposed built form would be located through the centre of the site, with setbacks provided to the rear boundary (6m) and Barcelona Street (9m). Including the additional setbacks from side boundaries and between the building itself, the extent of built form would not exceed 50% of the total site area.

In addition to the points above, the proposed development is fully compliant with Standard B17 – *Side and rear setbacks* under clause 55 of the Scheme, indicating that the presentation of walls would not result in any unreasonable visual bulk impacts to the adjoining lot to the north at No.31 Barcelona Street or properties to the west fronting onto Victoria Street.

While this may be the case, the presentation of the proposed solar PV systems atop the western dwellings require some clarification. The section diagrams provided with the application do not show these structures and given the interface with rear yards associated with Victoria Street properties to the west, were these solar systems associated with additional structures such as hot water tanks, this may result in a poor interface.

Figure 3: Perspective view of proposed development from rear of No.38 Victoria Street



9.1.1

(cont)

This issue would be addressed through a condition for the solar panel arrangement associated with dwellings 5 to 8 to be shown in section and demonstrating that these structures would be obscured from views from the west.

Overshadowing

The proposed development would cast some additional shadow to secluded private open space areas (SPOS) associated with the lots at No's 38 and 32 Victoria Street at 9am on the September equinox.

The areas of SPOS for each of these neighbouring properties would retain well in excess of the 40sqm required with access to direct sunlight recommended under Standard B20 – *Overshadowing* which indicates that these impacts would not be unreasonable.

These shadows would extend marginally beyond shadows already cast by existing buildings and fencing and are a modest departure from the existing conditions, meeting Standard B20 – *Overshadowing*.

Overlooking

Views to the north and south would be limited with windows at ground and first floor being treated with minimum sill heights of no less than 1.8m above FFL, exceeding the 1.7m minimum sill height suggested under Standard B22 - *Overlooking*.

The northern perimeter to the rooftop terrace for dwelling 1 is shown in elevation as being treated with 1.7m high balustrading. To ensure no unreasonable loss of privacy from this area to south-facing windows associated with No.31 Barcelona Street, a condition would specify that this balustrading be nominated as 'frosted glazing or similar to a height of no less than 1.7m above FFL' on both floor plans and elevation.

Views to the east would fall onto Barcelona Street and/or the front setback of adjoining properties and would therefore not result in any unreasonable loss of privacy.

Views to the west would be addressed at ground floor by the proposed 1.8m high fencing to the western boundary. A condition would require this fence to be nominated as '1.8m high, timber paling' to reflect the controls under Standard B22 – *Overlooking* to ensure no unreasonable loss of privacy.

At first floor, the west-facing bedroom windows are shown as being treated with 'controlled view achieved with deep vertical frame'. No detail has been provided in elevation and these details have also not been applied to the west-facing 'study' rooms. These rooms would provide opportunity for views into SPOS areas associated with lots to the west and therefore must be addressed.

A condition would require these windows to be treated to demonstrate no unreasonable loss of privacy in line with the requirements of Standard B22 – *Overlooking*.

At rooftop level, the western dwellings 5 to 8 would provide for views into SPOS areas to the north, west and south-west and therefore must be addressed. A condition will require these rooftop perimeters to be treated with '1.7m high, fixed balustrading that provides no more than 25% visual transparency'.

The 1.7m high balustrading as opposed to other treatments limiting a 'downwards' view is considered necessary in light of the longer views (ie outside of 9m) which would be available from these rooftops to SPOS of neighbouring dwellings. In this particular instance, this loss of privacy, albeit outside of a 9m radius is considered to be unreasonable and therefore at odds with the objective of the Standard.

9.1.1

(cont)

Internal views

The application has not demonstrated that the planter areas and/or frames attached to bedroom windows would avoid direct views between the proposed dwellings within the development itself. This issue would be addressed through a condition.

Subject to the conditions outlined above, the proposed development is considered to avoid any unreasonable loss of privacy to adjoining dwellings.

Car Parking & Access

The proposed development meets the car parking requirements under clause 52.06 – Car parking of the Whitehorse Planning Scheme.

As outlined earlier in this report, council's Transport Engineering Unit support the proposed vehicle access arrangements and car parking layouts.

Rubbish/waste and collection

As outlined earlier in this report, council's Engineering and Environmental Services Unit have stated that they do not agree with the waste generation rates contained within the Waste Management Plan (WMP) submitted with the application.

A condition will require a revised WMP to be provided with accurate waste generation rates and associated storage areas to be provided within the basement.

Objectors Concerns not Previously Addressed

The objector's issues have mostly been addressed within the earlier sections of this report. The following section will address any outstanding concerns not specifically assessed above.

Construction issues/impacts.

While noise and disruption arising during the construction phase is not an issue which can be addressed through the requirements of the Whitehorse Planning Scheme, a condition which requires a Construction Management Plan will be included within any permit issued to assist with minimizing disruption.

CONCLUSION

The proposal for construction of Development of the land for eight (8) dwellings, including associated tree removal is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone – Schedule 1 and Clause 55.

The proposed development provides an appropriate level of housing growth in an area which is well serviced by public transport, shops and community services while providing a design responsive outcome which responds well to sensitive interfaces with adjoining lots.

A total of six (6) objections were received as a result of public notice and all of the issues raised have been discussed as required.

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

ATTACHMENT

- 1 Plans 
- 2 Landscaping plan 

Strategic Planning

9.1.2 Development Plan for 16-18 Spring Street, Box Hill

FILE NUMBER: SF18/3586
ATTACHMENT

SUMMARY

A Development Plan has been submitted by BMDA Development Advisory for the site at 16-18 Spring Street, Box Hill. This is required under the Development Plan Overlay that applies to the land.

The Development Plan Overlay was approved by the Minister for Planning as part of Amendment C197, which implemented the recommendations of the Government Land Standing Advisory Committee. If approved, the Development Plan will be used to guide planning permit applications for the site.

The purpose of this report is to assess the Development Plan. This report recommends that the Development Plan be approved subject to changes.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Barker

That Council:

1. **Support the Development Plan (January 2019) for 16-18 Spring Street, Box Hill as shown at Attachments 1-5, once the following matters have been addressed to the satisfaction of the Responsible Authority:**
 - a) **An updated Transport Impact Assessment Report is submitted to:**
 - i. **Provide the statutory car parking rates for the Medical Centre.**
 - ii. **Clarify the shared visitor car parking and review the tandem car parking arrangements within the car park.**
 - iii. **Demonstrate to Council and VicRoads mitigating measures to address the impacts of additional traffic at the intersection of Whitehorse Road and Nelson Road.**
 - iv. **Include an assessment of the queue length at the boom gate at the entrance to the car park along the northern boundary of the site.**
 - v. **Provide further justification, including amended plans, to demonstrate the road design associated with the 'shared zone'.**
 - b) **An updated Landscape and Public Realm Concept Plan is submitted that responds to the Box Hill Urban Realm Treatment Guidelines, making a distinction between the treatment of the public realm and the private realm.**
 - c) **An updated Community Infrastructure Assessment is submitted that provides further analysis of active sporting needs as a result of the development.**
2. **Subject to the outcome of the updated Community Infrastructure Assessment, the proponent must enter into an agreement with Council under Section 173 of the Planning and Environment Act 1987 to implement the recommendations of the assessment. The cost of the preparation of the agreement is to be borne by the proponent.**
3. **Request the proponent make consequential updates to the Development Plan to ensure consistency between the Development Plan documents.**
4. **Delegate authority to the Manager of Planning and Building to negotiate an outcome with the applicant which is generally consistent with the above recommendation.**

9.1.2

(cont)

5. Advise the proponent of its decision.

CARRIED

A Division was called.

Division

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

On the results of the Division the motion was declared CARRIED

BACKGROUND

BMDA Development Advisory lodged a Development Plan for 16-18 Spring Street, Box Hill as required under the Development Plan Overlay – Schedule 8 (DPO8) at Clause 43.04 of the Whitehorse Planning Scheme (Planning Scheme). The Development Plan can be viewed at Attachments 1-5.

Existing site

The site is located at 16-18 Spring Street, Box Hill and is 2,624m². The site forms part of the Nelson campus of the Box Hill Institute and is currently used as an at-grade car park. The site is covered by the Mixed Use Zone (MUZ) and DPO8. The site is within the Box Hill Metropolitan Activity Centre (MAC) and is within a Health and Education Precinct under *Plan Melbourne*.

Surrounding Development

The surrounding area includes Box Hill Institute, Epworth Eastern, Box Hill Hospital, dwellings and medical consulting rooms. Land directly abutting the western boundary is included in the Residential Growth Zone (RGZ) and is currently occupied by single storey detached dwellings. Land directly abutting to the north is also in the RGZ and is currently occupied by a 3 storey apartment building.

Land to the south-east is included in the Public Use Zone (PUZ) and is currently occupied by the Nelson campus of the Box Hill Institute. Finally, land to the northeast is included in the RGZ and is currently occupied by the Salvation Army.

Strategic context

Box Hill Transit City Activity Centre Structure Plan

The site and surrounding area is covered by the *Box Hill Transit City Activity Centre Structure Plan* (the Structure Plan) adopted in 2007, which is the current guiding document for Council, stakeholders and the community. The site is included in Activity Precinct D – Hospital and Western TAFE precinct which encourages growth and enhancement of educational and medical institutions and support for related businesses and services, plus high density residential (including student housing). The site is located in Built Form Precinct F – Major Development Precinct. This precinct permits taller buildings, enabling increased density. Heights should not cause overshadowing of key open spaces, residential precincts A or B or residential areas beyond the study area.

9.1.2

(cont)

Amendment C197

Amendment C197 was the result of the Fast Track Government Land Service (FTGLS), which is an initiative by the State Government that aims to facilitate changes to planning provisions for government land that has been declared surplus to requirements.

The Box Hill Institute sought to consolidate the campus footprint within Box Hill to centralise their facilities and provide opportunity for the development of future facilities. The Institute determined that two sites within the campus were surplus to requirements and sought to use the FTGLS to amend the planning scheme provisions that apply to the sites to facilitate their future sale. The following sites were the subject of the FTGLS:

- 16-18 Spring Street, Box Hill (and an adjoining part of the Nelson Road campus). Although Box Hill Institute will retain ownership of this site, it is understood that air rights for development are to be sold
- 1000 Whitehorse Road, Box Hill.

Public consultation about the two sites was undertaken from 25 September until 3 November 2017. A public hearing was convened by the Government Land Standing Advisory Committee (GLSAC) on 28 November 2017 where Council presented a submission.

The Minister for Planning wrote to Council in late April 2018 to advise that he decided to exercise the power under section 20(4) of the *Planning and Environment Act 1987* to exempt himself from notice, and to prepare, adopt and approve Amendment C197 to the Planning Scheme. The Amendment was gazetted and came into effect on 24 May 2018.

As a result of the FTGLS, the amendment rezoned 16-18 Spring Street, Box Hill from the Public Use Zone (Schedule 2) and Residential Growth Zone (Schedule 3) to the Mixed Use Zone and applied the DPO8. It also rezoned 1000 Whitehorse Road, Box Hill from the Public Use Zone (Schedule 2) to the Commercial 1 Zone.

The Development Plan Overlay (DPO)

DPO8 was introduced as a site-specific planning control. The DPO requires that a 'development plan' is prepared to the satisfaction of the responsible authority before a permit can generally be granted to construct a building or construct or carry out works. DPO8 specifies the requirements for a development plan, including:

- A site analysis that identifies existing conditions plan
- Concept plans for the layout and development of the site
- Design Guidelines for the site
- An indicative development schedule
- A transport and car parking plan
- A landscape and public realm concept plan for the site
- A community infrastructure assessment to determine the impact of development on the demand for such facilities.

Planning permits must be generally in accordance with an approved development plan. The Development Plan will therefore guide future planning permit applications for each stage of the development and needs to contain sufficient information for Council to assess these applications. Planning permit applications that are generally in accordance with an approved development plan will be exempt from the usual notice and review processes under the *Planning and Environment Act 1987*. Hence the Development Plan needs to be carefully considered by Council before a decision is made whether to approve the Development Plan or not.

9.1.2

(cont)

During the FTGLS process, Council had requested that the DPO8 include a requirement to display a Development Plan for community comment, however this was not supported by the GLSAC nor by the Minister in gazetting Amendment C197. The DPO8 therefore does not require that a development plan is placed on public display.

The request to approve a Development Plan

A Development Plan was lodged on 25 September 2018 by BMDA Development Advisory for consideration by Council.

The Development Plan was lodged concurrently with a planning permit application for the use and development of the land for the purposes of a tertiary institution (education centre), medical centre, office over 250m², shop/food and drink premises over 150m², works within 4m of a tree in the significant landscape overlay and a reduction in the statutory car parking requirement. It is intended that the site will ultimately contain a 29 storey residential building that contains a nurse training facility and consulting rooms within a four-level podium.

The planning permit application cannot be determined until the development plan is endorsed by Council.

Council officers reviewed the development plan that was lodged in September 2018 and identified a number of concerns with the development plan, particularly relating to the Transport Impact Assessment Report. There was concern about the provision of car parking and the impact of the proposed development on the surrounding area. The outstanding matters were conveyed to the proponent and a request for further information was issued on 18 October 2018. In January 2019, the applicant lodged revised documents for the Development Plan.

The Development Plan seeks to respond to DPO8 and proposes the following:

- A four storey podium occupied by a nurse training facility for the Box Hill Institute, medical consulting rooms, shops and food and drink premises
- A 25 storey tower above the podium occupied by 287 residential apartments and 12 short/medium stay apartments
- Five levels of basement car parking
- A new, privately managed, east-west road connection from Spring Street to Nelson Road with footpaths and car parking.

The Development Plan can be viewed at Attachments 1-5 and is comprised of the following documents:

- Attachment 1: Urban Context Report and Development Plan – Elenberg Fraser Architects
- Attachment 2: Transport Impact Assessment – One Mile Grid Traffic Engineering
- Attachment 3: Sustainability Management Plan – Wood and Grieve Engineers
- Attachment 4: Landscape and Public Realm Context Plan – Tract Consultants
- Attachment 5: Community Infrastructure Assessment – ASR Research.

DISCUSSION

The Development Plan has been reviewed by officers against the requirements of the DPO8 and the relevant requirements of the Planning Scheme.

Overall, the Development Plan's design response is considered to be generally in accordance with the DPO8. However, there remain some concerns that officers consider that the proponent ought to address for approval of the Development Plan.

9.1.2 (cont)

Internal Referrals

Transport

The Development Plan has been reviewed by Council's Transport Team. They have reviewed the Traffic Impact Assessment (the Assessment) prepared by One Mile Grid and recommend that conditions are placed on the Development Plan to ensure it is to Council's satisfaction before being endorsed.

1. Statutory Car Parking Rates

The site is located within the Box Hill MAC and is therefore subject to the Box Hill Activity Centre Parking Overlay (Clause 45.09 of the Planning Scheme). Clause 45.09 is based on the work undertaken for the *Box Hill Central Activities Area Car Parking Strategy* and came into effect on 3 December 2015 when Amendment C158 to the Planning Scheme was approved by the Minister for Planning.

The Development Plan proposes the following uses:

- Dwellings - residential apartments and short/medium stay apartments
- Education centre
- Medical centre
- Food and drink premises

Accordingly, the table below specifies the applicable car parking rates associated with residential dwellings and visitor parking as contained in Clause 45.09. For the other uses, the number of car parking spaces required is calculated by using the rate in Column B of Table 1 to Clause 52.06-5 (Car Parking), representing a minimum rate, however this rate can be varied. Column B is applicable because the site is within the Principal Public Transport Network Area.

9.1.2
(cont)

The statutory car parking rates that apply and the number of spaces proposed in the Development Plan are shown in the table below:

Use	Number/Area	Planning Scheme Statutory Parking Rates	Required Statutory Parking Spaces	Spaces proposed by proponent
Dwellings				
1 bedroom	117 dwellings	0.5 spaces per dwelling	58	36 tandem + 196 single spaces
2 bedroom	151 dwellings	0.75 spaces per dwelling	113	
3 bedroom	31 dwellings	1 space per dwelling	31	
Dwellings total	299 dwellings		202	268
Visitor parking	299 dwellings	0.2 spaces for the first 5 dwellings plus 0.1 spaces to each subsequent dwelling	30	46
Education centre	360 students	0.3 spaces per student	108	34 staff only
Food & drink premises	398m ²	3.5 spaces per 100m ² of Leasable Floor Area	13	5 staff only
Medical centre	2,010m ²	3.5 spaces per 100m ² of Leasable Floor Area	70	16 staff only
Total Statutory Parking Spaces			423	369

2. Assessment of Proposed Car Parking

Car parking is proposed to be located within five levels of basement. The car park will be accessed in the north-eastern corner of the site. The development plan also proposes a new, privately managed, east-west road connection from Spring Street to Nelson Road with footpaths and car parking.

Residential

While the statutory parking rates are being provided for the residential component, there are concerns relating to the function of the proposed tandem parking spaces. The Assessment states that of the total car parking spaces to be provided for the residential use, it is proposed to provide 36 tandem spaces (i.e. 72 spaces) and 196 single spaces (that are not tandem) for residential use.

9.1.2

(cont)

The tandem parking spaces are not independently accessible, and therefore, are not supported for a residential context. The provision of tandem parking spaces in a residential use can be problematic when residents arrive and depart at different times. Tandem car spaces operate better, for example, in a workplace or organisation context when employees / occupants may arrive or depart at the same or similar times, and/or be known to each other and the parking arrangements can be appropriately managed.

The use of tandem spaces is therefore of concern and requires further review.

Visitor Parking

There are 46 visitor parking spaces proposed in the Development Plan that are described as "shared spaces". It is unclear whether the Plan contemplates sharing the visitor spaces with other uses in the development or if the spaces will be shared across the residential use and not allocated to specific dwellings. This reference to shared visitor car parking spaces requires clarification.

The proponent noted that Amendment VC148 to the Victoria Planning Provisions was gazetted in July 2018 which made revisions to the car parking requirements for land within the Principal Public Transport Network. The proponent had argued that it would be appropriate to reduce the car parking requirements for residential visitors as a result of this amendment and as per Column B of Clause 52.06-5 (Car Parking) given its location within the Box Hill MAC, despite the site being within a Parking Overlay which was recently adopted by Council. However, given that Council has adopted a Car Parking Overlay for the Box Hill MAC through extensive research and studies, Council officers do not support a reduction in visitor car parking and the requirement to provide visitor parking as indicated in Clause 45.09 should remain. The proponent has ultimately proposed the statutory requirement in the Development Plan.

Medical Centre

There are 16 car spaces allocated to the medical centre for staff parking only. The statutory parking provision rate for a Medical Centre of 3.5 spaces per 100 m² Leasable Floor Area, as specified in column B of Clause 52.06-5 of the Planning Scheme would equate to 70 car spaces.

A parking rate for a Medical Centre was not considered within the *Box Hill Central Activities Area Car Parking Strategy* and as such the proponent's suggestion to adopt a car parking rate of 2.0 spaces per 100 m² for the Medical Centre is not supported by Council officers.

Council's Transport Engineers believe that the proposed provision of car spaces to accommodate staff only, does not reflect the expected parking demand for the Medical Centre and that the statutory parking provision rate should be adopted.

Education Centre

Clause 45.09 of the Planning Scheme does not set out any parking requirements for education centres, contrary to the proponent's Transport Impact Assessment. Therefore, the rate specified in Column B in Clause 52.06 (0.3 spaces / student) would normally apply in this instance as the site is within the Principal Public Transport Network. Applying this statutory rate would result in a requirement for 108 spaces, however the proponent is proposing 34 spaces for staff parking only.

Council's Transport Engineers consider it reasonable to provide only for staff parking, while the students associated with this use will have no on-site car parking provision. Students will need to rely on on-street and off-street car parking in the area. The Transport Impact Assessment notes that there is approximately 700 car spaces available in the immediate area which are accessible to students. The Development Plan does not specify whether these existing spaces are on-campus or include on-street parking.

9.1.2

(cont)

However students, as well as some staff, are more likely to use public transport available in the area and be less reliant on private vehicles to access the site. The site is within walking distance to the Box Hill train station, bus interchange and tram terminus which provide transport options for students and staff as required. Additionally, the site is accessible by walking or cycling with bicycle parking to be provided on site. The proposal to have no on-site car parking provision for students is therefore considered acceptable in this location.

Food & drink premises

An empirical parking rate of 1 parking space per 100m² of food and drink premises is considered appropriate rather than 3.5 spaces per 100m² which is considered to cater for the staff component of this use. Customers associated with this use will rely on car parking and other transport options available in the area as discussed above. Additionally, students accessing the education centre are also likely to use the food and drink premises, meaning they will be making one trip to the site for multiple purposes. This will be case for other customers accessing the food and drink premises, who may be attending other health facilities or be staff or visitors to Box Hill Institute.

The proposed car parking provided by the proponent for the food and drink premises (staff parking only) is supported.

3. Summary of Car Parking Provision

Using the statutory car parking rates as indicated in the above assessment of the Development Plan, the development should be providing a total of 423 on-site car spaces including 202 residential spaces, 30 residential visitor spaces, 108 education centre spaces, 13 food and drink spaces and 70 medical centre spaces.

The Development Plan has proposed a total of 369 car spaces, including 268 residential spaces (196 single spaces and 36 tandem spaces) and 46 visitor spaces, plus 34 education centre spaces, 5 food and drink spaces, and 16 medical centre spaces for staff only.

This equates to a shortfall of 54 spaces between the statutory rate and the proposed car parking. As discussed above, this is considered appropriate for most uses because of the location within the Box Hill MAC, which is close to public transport and active transport. However, a shortfall for the medical centre is not considered appropriate and needs to be addressed by the proponent. Officers note that the difference in the medical centre shortfall equates to 54 spaces, which if provided would mean that the overall statutory requirement of the development would be met.

Recommendation: An updated Transport Impact Assessment is required that provides the statutory car parking rate for the Medical Centre, clarifies the shared visitor car parking and reviews the tandem car parking arrangement within the car park.

4. Traffic Generation

Typically, residential developments generate 6 to 8 traffic movements per day, however given the lower car parking provision requirement under the Parking Overlay in Clause 45.09, the suggestion to adopt two (2) daily traffic movements per dwelling is acceptable.

In relation to traffic volumes associated with the education centre land use, the assessment has only addressed the number of trips for staff only, which is acceptable. As above, students, as well as some staff, are more likely to use public transport available in the area and be less reliant on private vehicles to access the site. This will reduce the demand for parking associated with the education centre.

9.1.2

(cont)

Despite the above, the traffic analysis in the Traffic Impact Report for the intersection of Whitehorse Road and Nelson Road has altered the functionality of the intersection from fair to poor in the peak PM period. Whilst the intersection is under VicRoads management, there is no statutory requirement under the DPO to refer the Development Plan to VicRoads. However, the anticipated detriment to the intersection of Whitehorse Road and Nelson Road is of concern, and therefore, it is recommended that the proponent seek comment on the Assessment from VicRoads to determine whether any mitigating measures are warranted.

Recommendation: The proponent needs to demonstrate to Council and VicRoads mitigating measures to address the impacts of additional traffic at the intersection of Whitehorse Road and Nelson Road.

5. Bicycle Facilities

The proposed provision of 120 bicycle spaces provides more than the statutory requirement for bicycle parking of 115 spaces and is considered satisfactory.

6. Building Layout Comments

An assessment of the queue length at the boom gate entry has not been undertaken in the Assessment as per Australian Standard 2890.1 (Parking facilities – Off-street car parking). This needs to be undertaken to assess the impacts of queuing on the development and also the surrounding road network.

Recommendation: The Transport Impact Assessment is updated to include an assessment of the queue length at the boom gate entry to the basement car park.

7. Traffic Management

The provisions of DPO8 require a new road to be constructed to connect Spring Street to Nelson Road through land owned by the Box Hill Institute. There will be future cost implications to Council if it assumes ownership and / or responsibility for future maintenance and management of any public infrastructure, however at this stage it is noted that Council will not be responsible for the new road which is proposed to remain in private ownership.

In relation to the new road linking the proposed Spring Street extension to Nelson Road, page 23 of the Assessment states that:

In addition, it is anticipated that the road will operate with characteristics similar to that of a pedestrian shared area with alternate roadway treatments and a speed limit of 10km/hr. The specific function of the road and relevant treatments will be incorporated in the detailed design of the road.

The use of a term 'shared area' implies that there will be supporting traffic management to encourage slower speeds to encourage pedestrian use and safety. While the principle of a shared zone is supported, the proponent has not demonstrated sufficient justification (relating to traffic calming/control measures) to support a lower speed environment associated with a shared zone space. Hence, further justification, including amended plans, to demonstrate the road design need to be provided. Any notation of plans to be endorsed needs to satisfy the performance measures associated with the design of a 'shared zone'.

Recommendation: Update the Transport Impact Assessment to provide further justification, including amended plans, to demonstrate the road design associated with the 'shared zone'.

9.1.2

(cont)

Environmentally Sustainable Development (ESD)

The Development Plan has been reviewed by Council's ESD Officer who found that the information provided satisfies the requirements of the DPO. Council's ESD Officer will also assess any future planning permits against Council's ESD policy at Clause 22.10 of the Planning Scheme.

Urban Design / Landscape Architecture

The proposal has been reviewed by Council's Landscape Architect. It is generally considered that the proposed development plan is well considered and acceptable. The proponent has provided a number of recommendations and comments, including reference to the *Box Hill Urban Realm Treatment Guidelines* (BHURT).

While BHURT has been referenced it should be noted that all public realm treatment and tree planting *must be consistent* with BHURT. The site is somewhat of a unique case, being located away from the main activity areas of Box Hill (generally meaning a lower level of treatment), but it will generate a high level of pedestrian activity in its own right (generally meaning a higher level of treatment). Based on this it is recommended that the urban realm be treated in a similar way to the BHURT 'Urban Core' area.

All private urban realm *should be guided* by BHURT and be well integrated but have treatments suitable for the more 'public plaza' function. This advice is given on the assumption that the private urban realm will not be maintained by Council. While bespoke materials and furniture can be used as part of the private urban realm it is preferable to see a greater connection to the BHURT palette. This is important to make the whole site cohesive with the surrounding area.

The Landscape and Public Realm Concept Plan includes different road treatment delineating a shared area along the eastern frontage of the site. This is supported by Council's Landscape Architect. There is also strong officer support for the idea of the University Green and the associated connectivity it provides to the wider surrounds. As Box Hill develops it is important that more diverse types of open space are provided in association with the built form.

Recommendation: The proponent is to submit an updated Landscape and Public Realm Concept Plan that responds to the Box Hill Urban Realm Treatment Guidelines, making a distinction between the treatment of the public realm and the private realm.

Community Development

The Development Plan has been reviewed by Council's Community Development Department. Although overall projected growth for the entire Box Hill MAC is significant, the proposed dwelling yield for the subject site will generate very moderate additional demands on existing community infrastructure such as meeting halls and facilities. Without a Development Contributions Plan Overlay or similar precedent involving the collection of developer contributions towards community infrastructure in the Box Hill area, it would be difficult to request additional contributions.

As a result of the Community Infrastructure Assessment, the Development Plan does include some community facilities, including meeting rooms to service the needs of its residents, a new high quality nursing training facility, a medical centre, a gym and a pool.

9.1.2 (cont)

Leisure and Recreation

Council's Leisure and Recreation Department (L&RD) reviewed the Community Infrastructure Assessment where it relates to public open space / recreation. They have assessed the Development Plan using the Whitehorse Open Space Strategy (the WOSS) and overall they conclude that the increase in population may have an impact on the use of existing sporting reserves.

The schedule to Clause 53.01 in the Planning Scheme (Public Open Space Contribution and Subdivision) allows Council to seek a public open space (POS) contribution for subdivision of land. Council's L&RD agrees with the statutory 4% POS cash contribution offered by the proponent in a passive open space context.

Regarding active open space, Council's L&RD has concerns with the proponent's position that the increase in population will not have an impact on the use of existing sporting reserves. More information is required from the proponent regarding participation rates in specific sports to determine the demand for active sport as a result of the development.

It is therefore recommended that the Community Infrastructure Assessment Report is revised to more accurately understand the nexus between additional participants from the development in local active sports and possible improvement projects.

Recommendation: The proponent is to submit an updated Community Infrastructure Assessment that provides further analysis of active sporting needs as a result of the development.

Subject to the outcome of the updated Community Infrastructure Assessment, the proponent must enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987* to implement the recommendations of the assessment. The cost of the preparation of the agreement is to be borne by the proponent.

9.1.2
 (cont)

Assessment against the Requirements of the DPO8

The Development Plan has been assessed against the requirements of the DPO8 and the relevant requirements of the Planning Scheme, and also takes into account internal referrals. In addition, the Decision Guidelines in Clause 65.01 have been considered.

To be approved, the Development Plan needs to be Council's satisfaction. The following table provides an assessment of the Development Plan against the requirements specified in DPO8:

DPO8 requirement	Response
A site analysis that identifies [an] existing conditions plan, showing surrounding land uses and development, adjoining roads and pedestrian links, public transport routes and social infrastructure.	<i>Complies.</i> The site analysis provided identifies existing conditions and adequately shows surrounding land uses and development, adjoining roads, public transport routes and social infrastructure. There is information about adjoining pedestrian links contained in the Landscape and Public Realm Concept Development Plan Report. There is information about public transport routes in the Transport Impact Assessment and social infrastructure in the Community Infrastructure Assessment.
Concept plans for the layout and development of the site, which show:	
The siting and orientation of built form.	<i>Complies.</i> The concept plans provided show the siting and orientation of built form as well as three dimensional building envelopes. The building envelopes show indicative building heights, the distances between buildings and the setback from street frontages and adjoining properties. The podium presents an attractive interface with landscaped terraces at each level, however this will require ongoing maintenance of the planting within the podium.
The proposed uses of each building.	<i>Complies.</i> The massing diagram illustrates the proposed uses of the development within the podium and tower. The site is located within the Hospital and Western TAFE precinct within the Structure Plan, which seeks the growth and enhancement of educational and medical institutions and related businesses and services, plus high density residential. Therefore the proposed land uses within the podium and tower support the precinct and the further development of the Health and Education Precinct.
Three dimensional building envelopes for new buildings, including indicative building heights, the separation distances between buildings and the setback from street frontages and adjoining properties.	<i>Complies.</i> See response under 'siting and orientation of built form' above.
Shadow diagrams for the equinox (22 September / 22 March) based on the building envelopes and arrangements.	<i>Complies.</i> Built Form Precinct F in the Structure Plan permits taller buildings but they must not cause overshadowing of Key Open Spaces or residential areas. The Development Plan Urban Context Report provides shadow diagrams for 10am, 11am, 12pm, 1pm, 2pm and 3pm on 22 September. Shadowing of adjoining buildings is present at these times, however no shadowing of open space occurs. It is therefore reasonable to expect some shadowing of adjacent buildings, however it is satisfactory where it applies to open spaces.
Design Guidelines for the site, which reflect the following requirements:	
The building heights should not exceed 29 storeys in height and provide an	<i>Complies.</i> The building does not exceed 29 storeys which satisfies DPO8.

9.1.2
(cont)

DPO8 requirement	Response
Appropriate graduation in height.	Council objected to the proposed heights at the GLSAC hearing, however appreciates that the site is located within Built Form Precinct F of the Structure Plan which permits taller building forms. Permits have been issued on adjacent sites to the south for taller buildings. Officers previously advised that the building form, being stepped, was not an appropriate graduation in height. However, the proponent has revised the built form and it now provides a more appropriate graduation in height to the surrounding sites than the original concept.
A street wall of 4 storeys should be established with upper levels setback a minimum of 3 metres from Spring Street.	<i>Complies.</i> The development includes a 4 storey podium which is proposed to include a nurse training facility operated by the Box Hill Institute, consulting suites and food / drink premises. The podium is shown as being 3 metres from Spring Street.
A setback of at least 6 metres from the northern boundary should be provided to incorporate vehicle access to the site off Spring Street.	<i>Complies.</i> The podium is shown as being set back 6m from the north boundary, with the tower setback at least 10m from the northern boundary. The Structure Plan states that any height above 4 storeys should be set back above a podium and ample spacing should be provided between the upper levels of high-rise buildings to ensure private amenity including access to sunlight and outlook. Therefore the setback is consistent with the Structure Plan and will allow for vehicle access to be provided along the northern boundary and separation of buildings at the upper levels.
The development should include a mixed use podium of 4 storeys, incorporating commercial and retail and other active uses at ground floor level and three levels of education facilities.	<i>Complies.</i> The development proposes a 4 storey podium incorporating a nurse training facility, medical centre and food and drink premises. Therefore the development provides a mixed use podium with active uses at ground floor level.
All levels above the podium should provide for residential development.	<i>Complies.</i> At the GLSAC hearing Council argued that the proposed DPO should reflect a broader range of uses for educational and medical institutions and remove the specific requirement for residential development. This was not supported by the GLSAC or the Minister for Planning and therefore all levels of the development above the podium are proposed to be used for residential development and associated facilities.
Car parking should be obscured from the public realm.	<i>Complies.</i> The car parking is proposed to be provided in a five storey basement and therefore will be obscured from view from the public realm.
Building services, including roof top services/elements should be screened or relocated away from the public realm.	<i>Complies.</i> The building services are proposed to be located away from the public realm which is an appropriate outcome.
Sustainable design principles should be applied to address water management, solar access and energy conservation.	<i>Complies.</i> Council's ESD officer has concluded that the information in the documentation satisfies the ESD requirements in the DPO. The ESD officer will also assess any future planning permit against the requirements at Clause 22.10 of the Planning Scheme.
An indicative development schedule including the number, type and density of dwellings and the floor area	<i>Complies.</i> The applicant provided an indicative development schedule which shows the number of apartments. It also shows the floor area of the

9.1.2
(cont)

DPO8 requirement	Response
of any proposed non-residential uses.	<p>Box Hill Institute space, the retail tenancies, consulting suites, terrace area and car park spaces.</p> <p>The site is located within the Hospital and Western TAFE precinct within the Structure Plan, which seeks the growth and enhancement of educational and medical institutions and related businesses and services, plus high density residential. Therefore the proposed land uses and development within the podium and tower support the precinct and the further development of the Health and Education Precinct.</p>
A transport plan and car parking plan, which provides:	
The existing capacity of the surrounding road network.	<p><i>Condition proposed.</i></p> <p>Council's Transport team have reviewed the proponent's Transport Impact Assessment and have a number of concerns regarding the existing capacity on local roads and intersections due to the existing development in the area and the further potential impact of this development (refer to the main discussion above).</p>
An indication of roads, pedestrian, cyclist and vehicle access locations, including parking areas both internal and external to the site.	<p><i>Complies.</i></p> <p>The Transport Impact Assessment notes that the development is within easy walking distance of amenities, including shops, education, entertainment and recreational. The Development Plan indicates the location of pedestrian routes.</p> <p>The Transport Impact Assessment also shows the location of roads and cyclist and vehicle access locations including parking areas. Vehicle access to the basement car park is proposed via a creation of a laneway on the sites northern boundary which is considered acceptable as it is located away from the pedestrian areas and shared zone which will reduce potential pedestrian and vehicle conflict points. Bicycle parking is proposed within a secure compound in the basement.</p>
An assessment of the impact of traffic and car parking generated by the use and development upon the surround road network.	<p><i>Condition proposed.</i></p> <p>Council's Transport team have reviewed the proponent's Transport Impact Assessment and have a number of concerns regarding the impact of traffic and parking generated by the proposed development on local roads and intersections (refer to main discussion above).</p>
Car parking rates for all uses, including visitor car parking.	<p><i>Condition proposed.</i></p> <p>Council's Transport team have reviewed the Assessment and have a number of concerns regarding the car parking rates and provision of car parking (refer to main discussion above).</p>
The layout of access ways, car parking and loading areas.	<p><i>Condition proposed.</i></p> <p>The Transport Impact Assessment and Development Plan shows the layout and location of access ways and loading areas. A dedicated loading bay has been provided. There is limited information about the layout of car parking beyond depictions of typical levels.</p>
Separated areas for pedestrian movement throughout the site and linkages to the pedestrian network.	<p><i>Complies.</i></p> <p>The Transport Impact Assessment shows the linkages to the wider pedestrian network as well as dedicated footpaths. The Assessment notes that students are likely to walk or ride to the site, either from their home or from public transport in the area. The Assessment also shows the local walking routes and has provided the Walk Score for the site. The Walk Score is 82/100 which classifies the site as "Very Walkable" with most errands able to be accomplished by walking.</p>
The provision of convenient	<p><i>Complies.</i></p>

9.1.2
 (cont)

DPO8 requirement	Response
bicycle storage facilities.	120 bicycle parking spaces are proposed in the development, the design of which is generally in accordance with the Australian standards.
For the creation of a new road along the northern boundary of 853 Whitehorse Road, connecting Spring Street (as extended) to Nelson Road.	<p><i>Condition proposed.</i></p> <p>The Assessment provides for the creation of a new road along the northern boundary of 853 Whitehorse Road. This is intended to be a private road and therefore Council will have no management responsibility. Officers note that there are footpaths provided along this new road which further supports pedestrian movements to the wider pedestrian network.</p> <p>While the principle of a shared zone is supported by Council officers, further justification is needed to demonstrate the road design need to be provided.</p>
A landscape and public realm concept plan for the site.	<p><i>Condition proposed.</i></p> <p>The proposed development plan is considered generally acceptable however the landscape and public realm treatment should respond better to the Box Hill Urban Realm Treatment Guidelines (BHURT).</p> <p>It is recommended that the Development Plan be endorsed subject to the proponent providing Council with an updated Landscape and Public Realm Concept Plan that is consistent with BHURT.</p>
A community infrastructure assessment to determine the impact of development on the demand for such facilities	<p><i>Condition proposed.</i></p> <p>The Development Plan has been reviewed by Council's Community Development Department and Council's Leisure and Recreation Department, where it relates to their respective disciplines. Regarding community facilities, the proposed development does include meeting rooms, a medical centre, a gym and pool.</p> <p>Regarding public open space and recreation, officers believe that the increase in population may have an impact on the use of existing sporting reserves (refer to main discussion above).</p>

9.1.2
(cont)

Assessment against Clause 65.01 of the Planning Scheme

Clause 65.01 of the Planning Scheme (Approval of an application or Plan) states “before deciding on an application or approval of a plan, the responsibility authority must consider, as appropriate the requirements contained in the Clause. The assessment below is against the relevant parts of Clause 65.01 that have not previously been addressed in this report.

Clause 65.01 requirement	Response
The matters set out in section 60 of the Act.	Not applicable, this section relates to making a decision on a planning permit application.
The Municipal Planning Strategy and the Planning Policy Framework.	See above assessment against requirements of the DPO8.
The purpose of the zone, overlay or other provision.	The site is included in the MUZ. The purpose of the MUZ is to provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality. The MUZ is also to provide for housing at higher densities and encourage development that responds to the existing or preferred neighbourhood character of the area. The proposed development supports the purpose of the MUZ by proposing a tower and podium form that incorporates residential and commercial uses, as well as medical uses that support the Land Use Precinct in the Structure Plan.
Any matter required to be considered in the zone, overlay or other provision.	
The orderly planning of the area.	The site is located within the Box Hill MAC. The development of the MAC is guided by the existing Structure Plan which identifies precincts where specific land uses and built form typologies should be directed. The development is consistent with the precincts and supports the development of complimentary land uses in the Hospital and Western TAFE precinct.
The effect on the amenity of the area.	See assessment above against requirements of DPO8.
The proximity of the land to any public land.	The site is located adjacent to the Nelson Road Campus of the Box Hill Institute and the Box Hill Hospital which are included in the Public Use Zone. Box Hill Gardens in the Public Park and Recreation Zone is also nearby. The proposed development complements the education and hospital functions by including a nurse training facility to be managed by the Institute.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	Not applicable.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	See above assessment against requirements of DPO8.
The extent and character of native vegetation and the likelihood of its destruction.	Not applicable as there is no native vegetation present on the site or adjoining properties.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	

9.1.2
 (cont)

Clause 65.01 requirement	Response
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The site is located within an established urban area that is not considered to be flood prone or subject to bushfire. It is not expected to be subject to flood, erosion or fire hazards.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	See above assessment against requirements of the DPO8.

CONSULTATION

The draft DPO was on display as part of the FTGLS for public consultation between 25 September and 3 November 2017. All enquiries during this period were directed to the FTGLS. Council advised on the extent of the public consultation. A notice was published in the Whitehorse Leader and a public information session was held in October 2017.

In the submission to the FTGLS, Council noted that other schedules to the DPO in the Planning Scheme included a requirement for the development plan to be displayed prior to approval by Council. The draft DPO did not contain any such requirement and Council's submission suggested that the same requirement to display the development plan be inserted into the proposed schedule to the DPO.

The GLSAC did not support inserting a notice requirement into the draft DPO and in their report states that "it goes against the intent of the notice and requirement exemptions contained in the head clause of the DPO" (p25 Government Land Standing Advisory Committee – Tranche 9 Report). The final planning scheme Amendment to include the DPO8 on the site was approved by the Minister for Planning without any requirement to notify the community.

As a result, the Development Plan lodged by BMDA Development Advisory was not able to be placed on display for community comment. The Development Plan has however been closely reviewed by relevant areas within Council and assessed against the requirements of the Whitehorse Planning Scheme.

FINANCIAL IMPLICATIONS

To date, Council has required limited assistance from external consultants (e.g. Urban Design, ESD, Heritage and legal advice). Internal officer expertise has been committed from areas across Council to review the Development Plan. Ongoing internal officer input will be required to finalise the development plan and to assess future planning, and building and works approvals, etc.

There will be future cost implications to Council **if** it assumes ownership and / or responsibility for future maintenance and management of any public infrastructure. It is noted that Council will not be responsible for the new road which is proposed to remain in private ownership.

9.1.2

(cont)

POLICY IMPLICATIONS

The *Council Plan 2017 - 2021* and relevant Council strategies have informed Council's consideration of the Development Plan. These included:

- Box Hill Transit City Activity Centre Structure Plan
- Whitehorse Open Space Strategy
- Bicycle Strategy
- Integrated Transport Strategy
- Whitehorse Housing Strategy and Neighbourhood Character Study
- Neighbourhood Activity Centre Guidelines
- Sustainability Strategy
- Box Hill Urban Realm Treatment Guidelines

The Development Plan is consistent with Strategic Direction 2 in the Council Plan which seeks to maintain and enhance our built environment to ensure a liveable and sustainable city. In particular Strategy 2.1.1 is our approach to Development which respects our natural and built environments and neighbourhood character while achieving a balanced approach to growth in accordance with relevant legislation.

Relevant policies are contained in the Planning Scheme at Clause 22.07 (Box Hill Metropolitan Activity Centre Policy).

CONCLUSION

A Development Plan has been prepared by BMDA Development Advisory on behalf of Orion East Pty Ltd as required under Clause 43.04 of the Planning Scheme. The DPO does not require public exhibition of the document and Council therefore cannot require the proponent to undertake exhibition.

This report considers the internal referrals and assessment against the requirements of DPO8 and other requirements in the planning scheme. Having reviewed the documents as part of the Development Plan, it is considered that there are some outstanding matters that need to be addressed. It is recommended that the Development Plan be approved subject to the outstanding matters discussed in this report. If these matters are addressed to the satisfaction of Council, the Development Plan can then be endorsed.

ATTACHMENT

- 1 Urban Context Report & Development Plan:Elenberg Fraser Architects 
- 2 Transport Impact Assessment: One Mile Grid Traffic Engineering 
- 3 Sustainability Management Plan: Wood and Grieve Engineers 
- 4 Landscape & Public Realm Concept Plan: Tract Consultants 
- 5 Community Infrastructure Assessment: ASR Research 

Engineering and Environmental

9.1.3 Implementation of Sustainability Strategy 2016-2022: Energy Efficiency Capital Works Proposal

FILE NUMBER: 19/52076
ATTACHMENT

SUMMARY

The purpose of this report is to inform Council of the outcomes of the Detailed Feasibility Study (energy audits) completed by Ecosave Pty Ltd at 9 of Council's highest energy-consuming facilities, and to recommend the implementation of a \$2M package of energy efficiency measures at 8 of Council's facilities over two financial years, 2019/20 and 2020/21.

In March 2018, Council committed to becoming carbon neutral by 2022, and to accelerating the implementation of energy efficiency measures in its buildings to achieve financial and environmental benefits. In addition to becoming carbon neutral, Council's Sustainability Strategy 2016-2022 includes a target to reduce Council's corporate energy consumption by 45% by 2022. This target will not be achieved unless Council invests more substantially in installing energy efficiency measures at Council's major energy-consuming buildings over the next 4 years.

A total of \$5.1M potential energy efficiency measures were identified as a result of the Detailed Feasibility Study. When added to Council's previous energy-reduction outcomes, implementing all of these measures over the next 4 years would almost assist Council to achieve its energy-reduction target through this one program of works. The implementation of these new measures would have an average payback period of 7.2 years, an ongoing annual saving of \$713,162 and would reduce Council's greenhouse gas emissions by 3,698 tCO₂e.

It is recommended that an initial \$2M package of energy efficiency measures at 8 Council buildings be delivered using a targeted Energy Performance Contract over two financial years in 2019/20 and 2020/21.

RECOMMENDATION

That Council:

- 1. Approve \$2M in capital funding for an Energy Performance Contract to install energy efficient measures at eight Council buildings over two financial years, 2019/20 and 2020/21 and;**
- 2. Delegate to the Chief Executive Officer the awarding of an Energy Performance Contract with Ecosave Pty Ltd to implement the recommended energy efficiency measures in their Detailed Feasibility Study up to a maximum value of \$2M.**

9.1.3

(cont)

MOTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

- 1. Approve \$2M in capital funding in the Draft 2019/2020 Council Budget for an Energy Performance Contract to install energy efficient measures at 8 Council buildings over two financial years, 2019/20 and 2020/21;***
- 2. Conduct a probity auditor review and subject to the outcome of that review delegate to the Chief Executive Officer the awarding of an Energy Performance Contract with Ecosave Pty Ltd to implement the recommended energy efficiency measures in their Detailed Feasibility Study up to a maximum value of \$2M.***

LOST.

A Division was called

Division

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

On the results of the Division the motion was declared LOST

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Liu

That Council:

- 1. Approve \$2M in capital funding for an Energy Performance Contract to install energy efficient measures at eight Council buildings over two financial years, 2019/20 and 2020/21 and;***
- 2. Delegate to the Chief Executive Officer the awarding of an Energy Performance Contract with Ecosave Pty Ltd to implement the recommended energy efficiency measures in their Detailed Feasibility Study up to a maximum value of \$2M.***

PROCEDURAL MOTION

Moved by Cr Stennett, Seconded by Cr Carr

That the motion be put.

CARRIED

The motion moved by Cr Munroe, seconded by Cr Liu was then put and CARRIED

9.1.3

(cont)

A Division was called.

Division

For

Cr Bennett
Cr Carr
Cr Cutts
Cr Ellis
Cr Liu
Cr Massoud
Cr Munroe
Cr Stennett

Against

Cr Barker
Cr Davenport

On the results of the Division the motion was declared CARRIED

BACKGROUND

The Council Vision for Whitehorse is to be a healthy, vibrant and sustainable Council and community. Strategic Direction 2 in the Council Plan 2017-2021 is for Council to maintain and enhance our built environment to be more liveable and sustainable.

Council's Sustainability Strategy 2016-2022 contains targets and actions to achieve the sustainability component of the Council Vision and Council Plan. Two key targets in the endorsed Sustainability Strategy are:

- A 45% reduction of Council's corporate energy consumption by 2022 compared with 2002 levels (This equates to 12,828 tCO₂e)
- To become carbon neutral by 2022

Council has been progressing steadily towards the energy reduction and greenhouse emission reduction target in recent years, including a major project to replace inefficient mercury vapour globes in street lights with energy-efficient light globes. However Council has reached the stage where more substantive action is needed to make Council's buildings more energy efficient if Council is to achieve its energy consumption reduction target.

A Detailed Feasibility Study was recently completed at 9 of Council's highest energy-consuming buildings to identify potential energy efficiency measures that would help to achieve these sustainability targets. Energy efficiency measures will also deliver financial savings as a result of reducing Council's energy consumption and therefore lower Council's electricity and gas bills. The Detailed Feasibility Study is part of an energy program facilitated by the Eastern Alliance for Greenhouse Action (EAGA) of which Council is a member.

A total of \$5.1M potential energy efficiency measures were identified that would deliver annual cost savings of \$713,162 and a 3,698 tCO₂e reduction in greenhouse gas emissions. These measures have an overall average financial payback period of 7.2 years, after which Council would maintain the benefit of ongoing operational cost savings due mainly to lower utility bill costs.

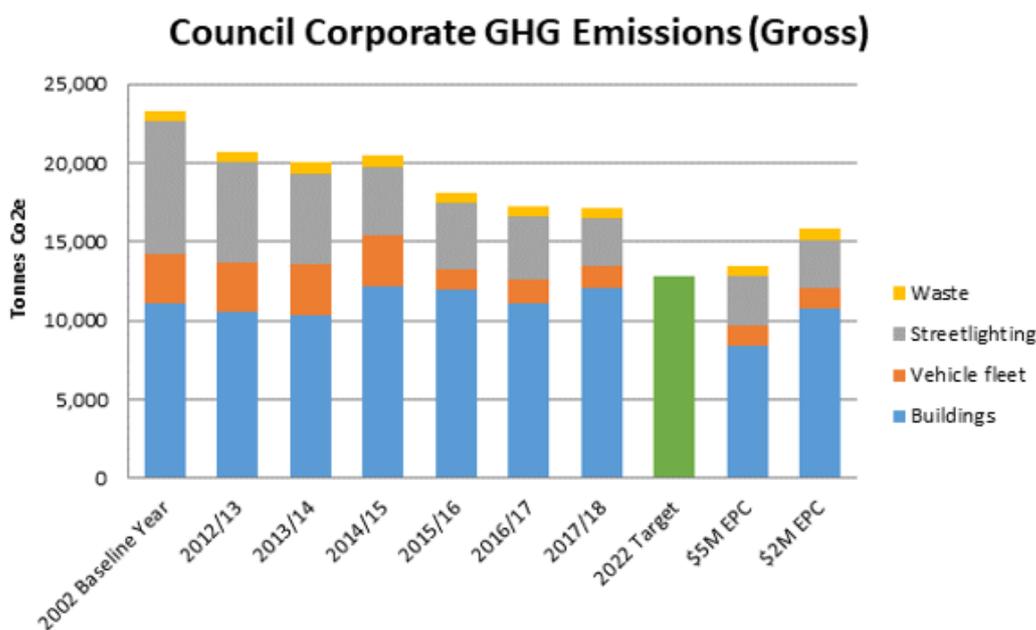
There is an opportunity to progressively implement the identified energy efficiency measures using an Energy Performance Contract (EPC), which is an energy-specific upgrade at Council's largest energy-consuming buildings with guaranteed cost saving and energy consumption reduction outcomes. EPC's are increasingly being used in government and private industry to achieve fixed price guaranteed outcomes, with the savings verified using an internationally approved measurement and verification protocol.

As part of the EAGA program, there is an opportunity to partner with Knox and Monash Councils in 2019/20 and 2020/21 using an Energy Performance Contract to implement a range of energy efficiency measures in 8 Council buildings.

9.1.3
(cont)

Council’s capital works program contains a nominal \$2M project to implement energy efficiency measures at Council buildings based on the outcomes of the Detailed Feasibility Study. Priority recommended measures from the Detailed Feasibility Study were packaged into a \$2M capital works budget nomination. This nomination was considered by Council at its Budget Planning Weekend on 22 and 23 March 2019.

The following chart indicates Council’s recent annual greenhouse gas emission levels, the 2002 baseline emissions, the 45% emission reduction target, and an indication of the scale of investment needed in energy efficiency measures if the target is to be achieved (ie. to reduce the emissions from 22,658 tCO₂e to 12,828 tCO₂e).



Year	2002 Baseline Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	\$5M EPC	\$2M EPC
Buildings	11,085	10,573	10,313	12,156	11,911	11,068	12,064.7	8366.7	10721.7
Vehicle fleet	3,126	3,158	3,262	3,262	1,348	1,544	1,355	1,355	1,355
Street lighting	8,447	5306.65	5306.69	3968.73	4164.89	3985.47	3030.52	3030.52	3030.52
Waste	665	683.8	683.8	683.8	683.8	683.8	683.8	683.8	683.8
TOTAL emission (tCO₂e)	22,658	20,693	20,014	20,439	18,108	17,281	17,164	13,466	15,821

9.1.3

(cont)

Energy Performance Contracts are currently being delivered at 3 other EAGA Councils – Yarra Ranges, Maroondah and Boroondara, with Knox due to commence soon. Monash is considering implementing an EPC commencing in 2019/20.

In June 2018, Whitehorse City Council and Monash City Council in collaboration with the Eastern Alliance for Greenhouse Action (EAGA) commenced a joint public tender process to engage an Energy Service Company to undertake a Detailed Feasibility Study at 9 Whitehorse Council buildings and 5 Council buildings at Monash Council. .

Eight approved specialist Energy Service Companies from the Victorian Government Efficient Government Buildings panel were invited to submit Expressions of Interest to quote for the Whitehorse and Monash Council project. This panel is a list pre-vetted by the Victorian Government of approved Energy Service Companies qualified to deliver Energy Performance Contracts (EPCs).

Five Energy Service Companies responded with Expressions of Interest and a joint tender evaluation panel (comprising staff from Whitehorse, Monash and an energy specialist project officer from EAGA) evaluated the responses. Three energy service companies were shortlisted to undertake Level 2 energy audits at Whitehorse's Operations Centre and at Monash's Clayton Community Centre, and submit a Request for Proposal (RFP). The same joint tender evaluation panel then assessed the three RFPs and awarded Ecosave Pty Ltd two separate contracts to undertake Level 3 Detailed Feasibility Study (DFS) audits at nine of Whitehorse Council's highest energy consuming buildings, and 5 Monash City Council buildings. The contract also covered subsequent implementation of any agreed recommended energy efficiency measures under an Energy Performance Contract (EPC) if funding for the works was approved by Council.

The capital works nomination for a potential \$2M Energy Performance Contract to install energy efficiency measures at up to 9 Council buildings was based on the Ecosave tender.

The opportunity exists to commence an Energy Performance Contract with Ecosave in 2019/20 at the same time as Monash and Knox Councils, to achieve guaranteed financial and environmental savings at Council buildings.

The following discussion provides more detail about Energy Performance Contracts and the benefit that such a contract will bring to Council and the community.

DISCUSSION

An Energy Performance Contract (EPC) differs from a traditional capital works arrangement in that an intensive tender process occurs at the start of the project which results in the appointment of a head contractor capable and authorised to deliver all aspects of the project. One expert energy contractor therefore controls the end-to-end process, from undertaking building energy audits to design and implementation of solutions, including monitoring and verification of subsequent cost savings and greenhouse emission savings. Outcomes are guaranteed under an EPC, with the appointed contractor responsible for making up any shortfall in financial or environmental savings as part of the EPC contract arrangement.

9.1.3
 (cont)

The first phase of an EPC is to conduct a Detailed Feasibility Study at each building to identify potential energy efficiency measures that will subsequently form part of the implementation phase of the EPC (subject to Council approval).

1. Ecosave’s Detailed Feasibility Study (DFS) findings

The nine highest energy consuming Council buildings that have undergone DFS audits are:

- Aqualink Box Hill
- Aqualink Nunawading
- Sportlink
- Civic Centre
- Operations Centre
- Box Hill Town Hall
- Box Hill Community Arts Centre
- Eley Park Community Centre
- Recycling and Waste Transfer Centre

Ecosave’s DFS report proposed a total of \$5.1M potential energy efficiency measures that would deliver annual savings of \$713,162 and 3,698 tCO₂e reduction in greenhouse gas emissions. This has an overall average payback period of 7.2 years if implemented via an EPC.

At Council’s request, Ecosave proposed an initial package of priority works that would fall within the \$2M EPC capital works nomination. The recommended initial package of works includes a comprehensive suite of integrated energy efficiency measures at eight of the nine audited sites.

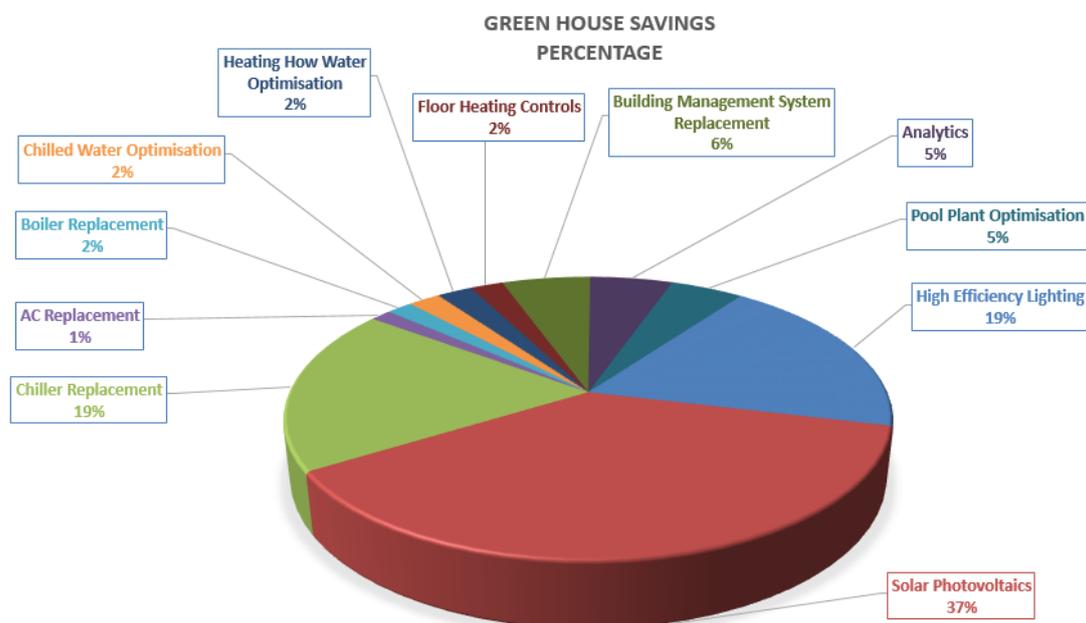


Figure 2: Types of Energy Conservation Measures (ECMs) proposed

9.1.3

(cont)

A summary of energy efficiency measures proposed are:

- Installation of solar photovoltaic (PV) systems,
- Replacing lights with high efficiency lighting, and upgrading or installing lighting controls,
- Replacing inefficient heating and cooling plant, and upgrading controls,
- Installing, upgrading and integrating building management systems,
- Optimising pool plant, hot and chilled water systems,
- Replacing chillers and boilers with more efficient models and design, and
- Replacing air-conditioning units with more efficient models and design.

Ecosave has included in their offer a 15% discount on analytics and 4% 'bulk-buy' discount if Whitehorse implements an EPC with Ecosave that coincides with EPC implementation at either Monash or Knox Councils. Monash Council is considering implementing an EPC over two financial years beginning in 2019/20, and Knox is also looking to implement an EPC soon. The 'bulk buy' discount will increase to 7% if both Knox and Monash implement EPC's at the same time.

The DFS and proposed \$2M package was assessed by a working group from Council's Capital Works, Facilities Maintenance, Finance and Engineering & Environmental Services teams, with the assistance of an EAGA energy project officer. The energy efficiency measures proposed were generally agreed by the working group to be a practical, proven, cost-effective and integrated approach to upgrading the energy performance of Council buildings. The scale of potential works and savings are sufficient to use an EPC process to deliver them. The multi-team assessment determined that there is sufficient value and benefit in using an Energy Performance Contract to deliver the initial package of works.

2. EPCs provide a more integrated and efficient way to implement efficiency upgrades in Council buildings

Compared to Council's traditional capital works delivery model, Energy Performance contracts provide multiple additional benefits. These benefits are detailed in Table 1 below.

Energy Performance Contracts (EPC) are a proven method to identify and implement energy conservation measures. A specialist Energy Service Company (such as Ecosave Pty Ltd), proposes energy efficiency works with calculated 'payback periods'. These are when capital costs through energy and/or maintenance savings will be recouped. Unlike Council's regular contractors, the Energy Service Company guarantees and verifies energy savings outcomes for the length of the payback period. The contract is based on a fixed price for the total project. The contract period is matched to the payback period.

If there is any shortfall in the energy consumption savings, the Energy Service Company is liable to compensate Council an equivalent amount. The compensation is delivered either by the Energy Company installing further energy-efficiency measures at its own cost, or paying a financial compensation equivalent to the shortfall. Savings are tracked at monthly intervals over a two-year Measurement & Verification period using methodology in line with International Performance Measurement and Verification Protocol standards.

9.1.3
(cont)

An EPC is a new and different contracting arrangement for Council. A level of comfort can be drawn from the experience at 3 neighboring EAGA Councils currently implementing EPC energy upgrades to their Council facilities with Ecosave as the main contractor. Feedback from these Councils has been consistently positive about the EPC and Ecosave. Maroondah Council recently approved a second EPC project with Ecosave based on the success already demonstrated from their first EPC project.

Refer to Attachment 2 for EAGA EPC Tranche 1 Case Study.

Table 1: Added benefits of an EPC compared to traditional delivery model

Traditional delivery model	EPC process	Benefits of EPC process to Council
Works typically delivered in one building at a time	Works delivered in multiple buildings	<ul style="list-style-type: none"> • Accelerates Council's progress to becoming carbon neutral by 2022. • Decreases Council's exposure to the risk of further future energy price increases. • Time savings for Council staff. Only one tender is required and the Energy Service Company acts as a project manager or lead contractor for all EPC works.
Upgrades typically to one type of plant	Upgrades to multiple types of plant (e.g. lighting, HVAC, building management systems, pool pumps)	<ul style="list-style-type: none"> • Additional energy saving synergies can be achieved by this holistic and strategic approach. Savings are typically greater than 30%. • Better building performance and amenity for user groups. • Time savings for Council staff as procurement process for full suite of works is front-ended, therefore multiple tenders for different types of plant are not necessary.
Estimated payback periods	Defined & blended payback periods	<ul style="list-style-type: none"> • Defined payback periods allow Council to know when capital costs through energy and/or maintenance savings will be recouped. • Blending paybacks of a number of energy conservation measures allows for measures with longer payback periods to be implemented where previously they may have been considered unviable.
No guarantees or verification	Guaranteed savings that are measured and verified	<ul style="list-style-type: none"> • Peace of mind that Council will be compensated by Energy Service Company for any shortfalls in financial or environmental savings.
Delivery depends on scope of works	Delivered over 2 years	<ul style="list-style-type: none"> • Faster and more coordinated delivery resulting in minimal interruption to building users. • Decreases Council's exposure to the risk of further future energy price increases. • Accelerates Council's progress to becoming carbon neutral by 2022.

9.1.3

(cont)

3. Commencing energy efficiency installations in FY19/20 will result in greater savings

Installation of an initial \$2M package of energy efficiency measures over the next two financial years, 2019/20 and 2020/21 will be a significant step in making Council buildings more energy-efficient. Subsequent works identified in the DFS could be considered as part of future capital works programs, with a second phase of works recommended to commence in 2021/22.

Such a program would make a material impact towards achieving Council's 45% energy reduction target. This will also reduce the amount of residual greenhouse gas emissions that would need to be offset in 2022 to meet Council's commitment to become carbon neutral. Reducing energy consumption in Council buildings as a priority action means that the payback period is achieved sooner and subsequent ongoing financial and environmental savings will help to ensure Council's long-term sustainability.

Since 2016 energy prices have risen by 147% at large market sites (buildings audited in this DFS). Council buildings comprise 76% of Council's total energy costs, so it is crucial that energy savings initiatives in buildings are accelerated. By concentrating delivery of the first tranche of energy efficiency measures over the next two financial years and targeting Council's highest energy consuming buildings, Council can accelerate its progress towards its energy reduction and carbon neutral targets. This also reduces exposure to future energy price shocks, while providing higher quality amenity and service to the community by improving building performance.

Staging the works over two financial years ensures that planning and implementation of the energy efficiency measures are carried out in a timely and efficient manner.

It is therefore recommended that a \$2M EPC with Ecosave be commenced in 2019/20 to reduce exposure to energy price rises, accelerate progress to carbon neutrality in a timely manner, and take full advantage of bulk-buy discounts with Monash and Knox EPCs.

CONSULTATION

Representatives from Council's Capital Works, Facilities Maintenance, Finance and Engineering & Environmental Services teams, with the assistance of an EAGA project officer, have assessed the final DFS report from Ecosave, including the proposed energy efficiency measures.

Staff from four EAGA Councils that are currently implementing EPCs were consulted to understand their perspectives about an EPC contract and the performance of Ecosave.

9.1.3

(cont)

FINANCIAL IMPLICATIONS

Council has spent \$26,928 (including GST) for the Detailed Feasibility Study, funded from Council's Energy Management Fund. The Energy Management Fund was created from funds previously spent on purchasing greenpower, to help the implementation of energy-efficiency programs and projects.

If all of the recommended energy efficiency measures are installed at the Council buildings in future, there will be significant reduction in Council's electricity consumption (43.3% reduction) and gas consumption (39.4% reduction). The 3,698 tCO₂e reduction in greenhouse gas emissions from these measures would almost be sufficient by itself to help Council to achieve its target 45% reduction in greenhouse emissions.

The initial \$2M package includes energy efficiency measures at 8 of the 9 Council buildings audited. Suggested energy measures at Aqualink Nunawading have been omitted from the initial package due to uncertainty about the scope and timing of a proposed major capital works upgrade of Aqualink Nunawading. The initial \$2M package would still deliver significant financial and environmental savings of \$277,996 and 1,343 tCO₂e reduction in greenhouse gas emissions, with a payback period of 7.2 years.

The price of electricity and gas has increased significantly in recent years. Future utility costs will remain a major expenditure for Council unless energy efficiency initiatives such as the measures proposed in this report are implemented as soon as possible. Council has already experienced the negative financial impacts of rising electricity and network costs, with some large market sites experiencing a rise of 147% since 2016. In 2017/18 electricity and gas use in buildings accounted for 76.5% of Council's emissions at a cost of \$1.74M.

An important benefit in undertaking the recommended works using an Energy Performance Contract (EPC) is that the savings are guaranteed, and can therefore be anticipated in future budgets.

4. Anticipated EPC cash flow

The following table outlines the cash flow associated with implementing the initial recommended \$2M package of energy efficiency measures and the annual savings. The table is based on the EPC costs and predicted savings, excluding GST, using the payback period from the Detailed Feasibility Study report. The costs in the table exclude \$53,000 for the value-added measurement and verification component of an EPC spread across all 8 buildings. The costs shown are for the recommended energy measures at each building, and subsequent annual operational cost savings.

A report detailing the individual energy efficiency measures at each building, their cost and the annual savings generated was provided to Councillors on a confidential basis. The itemised contract tender costs are commercial in confidence. The following cost per building reflects the total cost for all of the recommended measures in the initial \$2M package of works.

For simplicity in Table 3 below, the total annual savings arising from installing the measures has been assumed to commence after the relevant year of installation. In reality the savings will progressively commence immediately after the measures are installed and will accumulate over time until payback is achieved. Thereafter there will be ongoing savings for the lifespan of the particular measure. The recommended measures are based on installing quality equipment with expected lifespans ranging from 15 to 25 years.

9.1.3
(cont)

Table 3 Anticipated cash flow when EPC implemented beginning in 2019/20

Year	AQBH	Sp'link	Civic Ctr	WRWC	Eley Park	BHTH	BHCAC	Ops Ctr	Annual Total (net)
2019/20	\$525k	\$116k		\$15k				\$333	\$989k
2020/21	-\$100k	-\$16k	\$87k	-\$1.6k	\$51k	\$723k	\$96k	-\$48k	\$792k
2021/22	-\$100k	-\$16k	-\$18k	-\$1.6k	-\$5.9k	-\$78k	-\$10k	-\$48k	-\$278k
2022/23	-\$100k	-\$16k	-\$18k	-\$1.6k	-\$5.9k	-\$78k	-\$10k	-\$48k	-\$278k
2023/24	-\$100k	-\$16k	-\$18k	-\$1.6k	-\$5.9k	-\$78k	-\$10k	-\$48k	-\$278k
2024/25	-\$100k	-\$16k	-\$18k	-\$1.6k	-\$5.9k	-\$78k	-\$10k	-\$48k	-\$278k
2025/26	-\$100k	-\$16k	-\$18k	-\$1.6k	-\$5.9k	-\$78k	-\$10k	-\$48k	-\$278k
2026/27	-\$100k	-\$16k	-\$18k	-\$1.6k	-\$5.9k	-\$78k	-\$10k	-\$48k	-\$278k
2027/28	-\$100k	-\$16k	-\$18k	-\$1.6k	-\$5.9k	-\$78k	-\$10k	-\$48k	-\$278k
Net Total	-\$325k	-\$12k	-\$39k	\$2k	\$9k	\$177k	\$26k	-\$51k	-\$213k

The quoted EPC costs above include a 4% discount assuming that the works will be undertaken in conjunction with Monash Council's EPC. In providing this cost discount, Ecosave has assumed the risk if Monash does not proceed, promising to stick to the fixed cost for the Whitehorse works.

5. Ecosave Pty Ltd has a proven financial and performance record

Ecosave is currently undertaking EPC works to the value of nearly \$6M at 3 neighbouring Councils, and is about to commence works to the value of \$1.2M for a fourth Council. To date they have delivered more than \$33M of energy works using an EPC, with more works pending.

A Corporate Scorecard assessment has been obtained for Ecosave Pty Ltd. The assessment results confirm that Ecosave is sufficiently viable to deliver the scope of works being considered by Council.

It is therefore considered that Ecosave is able to deliver the recommended energy efficiency measures

POLICY IMPLICATIONS

Participation in larger-scale energy-saving projects through regional partnerships such as EAGA, like Energy Performance Contracts (EPCs), is a specific action in Council's Sustainability Strategy. The Sustainability Strategy has a target to reduce Council's corporate greenhouse gas emissions by 45% by 2022 and Council has adopted the target to become carbon neutral by 2022.

ATTACHMENT

- 1 EAGA EPC Tranche 1 Case Study [⇒](#) 

9.2 INFRASTRUCTURE

9.2.1 Living Melbourne: Our Metropolitan Urban Forest

ATTACHMENT

SUMMARY

*The purpose of this report is to seek Council's endorsement of the **Living Melbourne: Our Metropolitan Urban Forest Strategy**.*

Over the last 18 months, Resilient Melbourne has worked collaboratively with the Local Governments of Melbourne to develop Living Melbourne: Our Metropolitan Urban Forest Strategy. Its vision, goals and key actions align with the Whitehorse Council Vision and the Whitehorse Urban Forest Strategy. Living Melbourne will facilitate a collaborative effort across sectors and organisations, jurisdictions and land tenures which will strengthen Whitehorse's efforts to protect and enhance the urban forest. There are no financial commitments associated.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Ellis

That Council endorse Living Melbourne: Our Metropolitan Urban Forest Strategy

CARRIED UNANIMOUSLY

BACKGROUND

100 Resilient Cities – Pioneered by the Rockefeller Foundation (100RC) helps cities around the world prepare to meet the physical, social and economic challenges that are a growing part of the 21st century. Melbourne was selected from 372 applicant cities around the world to be among the first wave of 32 cities to join the 100RC network.

The Resilient Melbourne project is au spiced by the City of Melbourne in collaboration with the councils that make up Greater Melbourne, and many associated partners. The project is led by the Chief Resilience Officer who has been funded by the 100 Resilient Cities initiative – pioneered by the Rockefeller Foundation. The City of Melbourne provides the project team and additional investment.

Resilient Melbourne marks an important point in Melbourne's development. It presents the first of our city's resilience strategies: a starting point that brings together individuals and organisations critical to the resilience of Melbourne and its diverse communities. It offers a new way to address the chronic stresses and acute shocks we are likely to experience, and to achieve our vision of a city that is viable, sustainable, liveable and prosperous, today and long into the future.

An action that has come out of Resilient Melbourne is the flagship initiative entitled Living Melbourne: Our Metropolitan Urban Forest. Living Melbourne extends and links existing urban greening, reforestation and nature conservation initiatives across Melbourne, improving health and wellbeing and reducing exposure to hazards such as heatwaves and flooding. Living Melbourne is currently in draft form and is looking to be finalised and launched on World Environment day this year, 5th June.

DISCUSSION

Resilient Melbourne is seeking endorsement from Whitehorse City Council along with the other 31 Melbourne Municipalities to endorse Living Melbourne: Our Metropolitan Urban Forest Strategy (Living Melbourne).

To endorse the strategy, means that Whitehorse supports Living Melbourne's Vision, Goals and Actions and commit to work in partnership with the other endorsing organisations towards its implementation. There is no financial commitment.

9.2.1

(cont)

Living Melbourne envisions thriving and resilient communities, connected through nature. It proposes 6 key actions to enable and inspire our rapidly changing city to connect, better protect and enhance our urban forest across the entire metropolitan region. The actions have been selected particularly because they would be challenging for any one municipality to achieve in isolation. Living Melbourne will be a driver of transformational outcomes for the urban forest and the people, biodiversity, and services it supports.

The six key actions of Living Melbourne include:

1. Protect, restore species habitat and enhance connectivity
2. Set targets and track progress
3. Upscale greening in the private realm
4. Collaborate across sectors and regions
5. Build a toolkit of resources to underpin implementation
6. Fund the protection and enhancement of the urban forest

These broad actions align closely with those as adopted in the City of Whitehorse Interim Urban Forest Strategy. They will inform the proceeding Whitehorse Urban Forest Strategy which is intended to be presented to Council in 2020 along with the canopy data that has been collected

Specifically, *action 3: upscale greening in the private realm*, supports SLO Amendment C191 of the Whitehorse Planning Scheme. The main aim of this action is to strengthen planning, development standards and relevant guidelines to increase and protect the greening of the private realm by completing the following tasks:

- 3.1 Strengthen regulations to support greening in new subdivisions and developments – to benefit human health and wellbeing, and increase biodiversity.
- 3.2 Strengthen regulations to protect canopy trees
- 3.3 Encourage private landholders to protect and enhance the urban forest and expand greening activities by offering incentives for planting, installing and maintaining natural infrastructure

The Whitehorse Biodiversity Strategy aims to improve the connectivity of habitat. Flora and fauna populations are more likely to survive when their habitat is protected and when they are able to disperse across landscapes. However, connectivity needs to be considered at various scales beyond those of our Municipality to include regional, metropolitan-wide and beyond. Living Melbourne will strengthen each Councils efforts to improve connectivity across the region by:

- Consolidating data, maps and other relevant information
- Assessing the values and quality of information, to develop a list of priority areas for immediate protection
- Mapping existing and new areas for biodiversity connectivity at different scales, and prioritise areas for strengthening connectivity and bio-links, including responses to climate change, within each municipality and across the region
- Implementing priorities for conservation, to secure and build habitat connectivity

By endorsing Living Melbourne, Whitehorse City Council will gain access to:

- Lidar digital data sets of trees and shrubs across the Whitehorse municipality
- Open-source tools, resources and reference materials that our officers can apply to greening efforts.
- Cross collaboration opportunities to work between sectors achieving best practice outcomes in urban forest management.

9.2.1

(cont)

Additionally Whitehorse City Council will become part of a team of Councils, state government agencies, non-government and community organisations all working together towards the shared vision as set out by Living Melbourne. Overall, aligning with Resilient Melbourne will strengthen Whitehorse's efforts to protect and enhance the urban forest.

CONSULTATION

The development of the Strategy has been facilitated by the collaborative involvement of local and state government and other key stakeholders. It includes recommendations regarding targets, policy, partnerships, financing, implementation and monitoring.

Whitehorse City Council staff have been involved in the development of Living Melbourne through a series of workshops over 18 months and have provided in-depth feedback on the current draft.

FINANCIAL IMPLICATIONS

No financial implications associated with this strategy.

POLICY IMPLICATIONS

Living Melbourne is aligned with the Council Vision, the Whitehorse Urban Forest Strategy, the Whitehorse Urban Biodiversity Strategy, Whitehorse Open Space Strategy, Whitehorse Tree Study and SLO Amendment C191 of the Whitehorse Planning Scheme.

Living Melbourne will strengthen Council's Urban Forest Strategy by enabling access to urban forest data and a host of mapping derivatives; it will facilitate better sharing of information and collaborative efforts across sectors and organisations.

ATTACHMENT

- 1 Living Melbourne: Our Metropolitan Urban Forest [⇒](#) 
- 2 Endorsement of Living Melbourne Form [⇒](#) 

9.3 CORPORATE

9.3.1 Proposed Budget 2019/20

ATTACHMENT

SUMMARY

A Proposed Budget for the 2019/20 financial year has been prepared. Under the Local Government Act 1989, Council is required to give public notice that the budget is available for inspection and to consider submissions received in respect of the budget prior to its adoption.

MOTION

Moved by Cr Munroe, Seconded by Cr Ellis

RECOMMENDATION

That Council:

- 1. Approves the Proposed Budget 2019/20 for the financial year, for the purposes of Sections 126 and 127 of the Local Government Act 1989;***
- 2. Pursuant to Section 223 (1)(b) of the Local Government Act 1989 determine that the Special Committee comprising the whole of Council will consider, and if requested, hear any submissions received in relation to the Proposed Budget 2019/20, on Tuesday 11 June 2019 at 7.00 pm at the Civic Centre, Nunawading;***
- 3. Authorise the General Manager Corporate Services to give public notice, in accordance with Sections 129 and 223 of the Local Government Act 1989 that Council has prepared a Proposed Budget for the 2019/20 year, and pursuant to Section 223 (3) to carry out the administrative procedures necessary to enable the Committee to carry out its functions under Section 223 of the Act; and***
- 4. Consider for adoption the Proposed Budget 2019/20 at the Council Meeting on Monday 24 June 2019, after consideration of any submissions received by the Special Committee at its Meeting on Tuesday 11 June 2019.***

CARRIED

A Division was called.

Division

For

Cr Barker
Cr Bennett
Cr Carr
Cr Cutts
Cr Ellis
Cr Liu
Cr Massoud
Cr Munroe
Cr Stennett

Against

Cr Davenport

On the results of the Division the motion was declared CARRIED

BACKGROUND

A Proposed Budget has been prepared for the 2019/20 financial year in accordance with the requirements of Section 126 and 127 of the *Local Government Act 1989*. A copy of the Proposed Budget 2019/20 is included as an attachment.

9.3.1

(cont)

DISCUSSION

The Budget has been prepared with reference to Council's long term financial planning strategy, which is aimed at creating a sustainable fiscal environment to enable Council to continue to provide the community with high quality services and infrastructure into the medium and long term. It is a financial plan aimed at:

- Balancing the community's needs and ensuring that Council continues to be financially sustainable in the long term.
- Increasing Council's commitment to sustainable asset renewal and maintenance of the community's assets.
- Maintaining a strong cash position for financial sustainability.
- Achieving efficiencies through targeted savings and an ongoing commitment to contain costs.
- Rate and fee increases that are both manageable and sustainable; and
- Providing a framework to deliver balanced budgets including sustainable annual surpluses.

The Proposed Budget 2019/20 incorporates the Annual Plan, Operating Budget, Capital Works Program and Strategic Resource Plan and details the resources required over the next financial year to deliver on year three of the strategic directions in the *Council Plan 2017-2021*.

The Proposed Budget 2019/20 provides \$209 million funding to enable the ongoing delivery of high quality services and the renewal and improvement of community facilities and infrastructure for the Whitehorse community. The budget funds a range of community services including health and family services, home and community services, the maintenance of community facilities, parks, sport fields and infrastructure, waste and recycling collection, and building and planning services. In addition, the Capital Works Program provides for a sustainable level of funding for the renewal of the community's infrastructure and an investment in major community facilities such as the redevelopment of the Nunawading Community Hub and the Whitehorse Centre.

KEY HIGHLIGHTS OF THE BUDGET

An operational budget that enables the delivery of services to the community *including*:

- \$15.99 million Sustainability, Waste and Recycling
- \$15.17 million Home and Community Services
- \$14.78 million Recreation and Leisure
- \$11.96 million Health and Family Services
- \$11.04 million ParksWide (maintenance of sports fields, parks and gardens)
- \$9.03 million City Works (depot operations, maintenance of footpaths, drains and roads)
- \$7.47 million Planning and Building Services
- \$7.46 million Recycling and Waste Centre
- \$6.25 million Compliance (Community Laws, parking, school crossings, risk, insurance and emergency management)
- \$5.99 million Arts and Cultural Services
- \$5.51 million Engineering
- \$5.35 million Libraries
- \$3.95 million Assets and Capital Works
- \$2.37 million Community Development
- \$0.94 million Investment and Economic Development
- \$0.90 million Major Projects and Buildings

9.3.1

(cont)

A \$72 million Capital Works Program comprising:

- \$45.04 million for land, building and building improvements
- \$6.69 million for roads, bridges and off street car parks
- \$5.49 million for plant and equipment
- \$5.41 million for parks, open space and streetscapes
- \$3.88 million for recreational, leisure and community facilities
- \$2.89 million for footpaths and cycle ways
- \$2.18 million for drainage improvements and waste management

KEY PRESSURES AND CHALLENGES

In preparing the Proposed Budget 2019/20, a number of external and internal influences have been taken into consideration because they are likely to impact significantly on the services delivered by Council in the budget period. These include:

- The average rate increase will rise by 2.5% in 2019/20 in line with the order by the Minister for Local Government in December 2017 under the *Fair Go Rates System*.
- Increases in recycling costs as a result of the impact of China's importation ban on recyclable materials and for changes in the collection and disposal of electronic waste (e-waste) due to a Victorian Government ban on e-waste being sent to landfill from 1 July 2019.
- Cost shifting by other levels of government. Cost shifting occurs where local government provides a service to the community on behalf of the State or Federal Governments. Over time, the funds received by Council do not increase in line with real cost increases. Examples of services that are subject to cost shifting include school crossing supervision, library services and Home and Community Services.
- An expected 2.5% increase in the State Government landfill levy has been assumed in the Budget 2018/19. The landfill levy is charged by the state government to all Victorian councils for every tonne of waste that goes to landfill, including kerbside waste collections, street cleaning, and non-recyclable waste collected at the Whitehorse Recycling and Waste Centre. A 2.5% increase will increase the state landfill levy to \$65.90 per tonne and this would represent a 632% from the \$9.00 levy charged in 2009/10.
- The State Government Fire Services Property Levy will continue to be collected by Council on behalf of the state government under the *Fire Services Property Levy Act 2012*.
- Changing demographic as a result of an ageing and increasingly culturally diverse population resulting in the need for Council to develop facilities which are accessible and adaptable to inter-generational, diverse and multicultural community users.
- Community expectations for Council to be a leader in environmental sustainability by planning for the effects of climate change, education and awareness of the benefits of trees and natural bushland, and supporting the community in protecting and enhancing our natural assets and open spaces.
- Impact of market competition particularly in relation to other providers of leisure facilities in the local region.
- Continuing low interest rates in the short to medium term restricting Council's ability to generate earnings on cash and investments.
- A new Enterprise Agreement is currently under negotiation to commence in 2019/20.

9.3.1

(cont)

FEES AND CHARGES

Fees and charges have been reviewed with consideration of several influencing factors including full costs, market comparison and an emphasis on accessibility, equity and social justice considerations. The proposed 2019/20 fees and charges will achieve a budgeted income of 3.9% greater than the 2018/19 forecast.

A number of fees and charges are set by other levels of government regulation (statutory) and are not subject to discretionary change by Council. Statutory fees will be changed by Council when advised of a change by the relevant authorities. These are clearly identified in the schedule of fees and charges. Whitehorse Home and Community Services fees are set with reference to State and Commonwealth guidelines.

This report includes a summary table, which outlines variances in the fee income expected to be generated by the various Council programs comparing the 2019/20 income to be included in the Proposed Budget to the 2018/19 forecast. A detailed fee schedule is also provided as an Attachment to this report.

The following analysis provides explanations of significant variances compared to the 2018/19 forecast.

Engineering and Environmental Services (\$449k or 9.5% increase)

This increase largely reflects a \$196k increase in asset protection permits due to changes to the fee structure after recent benchmarking and a \$153k increase in the garden green waste collection service (\$153k), primarily reflecting an increase in the volume of bin numbers after a recent bin audit.

Planning and Building (\$158k or 4.4% increase)

This increase primarily reflects a \$126k increase in planning permit application fee income based on current trend.

Property and rates (\$217k or 16.4% increase)

This increase primarily reflects \$553k income for the new Harrow Street multi-level carpark, which is expected to open in July. This is partly offset by a \$368k reduction in valuation and objection fee income from the State Revenue Office due to the State Government taking control of the property valuation processes.

Compliance (\$156k or 1.7% increase)

This lower than expected increase is mainly due to the closure of three metered parking areas in Harrow Street, Cambridge Street and Bruce Street, Box Hill resulting in an anticipated \$671k decrease in meter money income. This is partly offset by income budgeted for the new Harrow Street car park, included in Property and Rates as noted above.

Home and Community Services (\$25k or 1.1% increase)

Home and Community Services income is budgeted to increase by 0.2% due to changes in demand and service delivery, and a change in the mix of fees/government subsidies for clients in the Home Care Program.

Health and Family Services (\$292k or 8.0% increase)

This increase primarily reflects a change in the mix of fee/government subsidies for Council's Children's Services Centres. The daily childcare fee will increase 3.2% and the weekly fee by 6.2%, and the fee levels have been determined with regard to competitive neutrality and the level of Council subsidy of these services being maintained.

9.3.1

(cont)

Leisure and Recreation (\$274k or 2.4% increase)

Overall, Leisure Facilities have budgeted a 2.4% increase on the current year forecast.

Recycling and Waste Centre (\$213k or 2.3% increase)

This increase relates to the proposed increases in fee levels with budgeted volumes set based on the current trends.

CONCLUSION

The Proposed Budget 2019/20 has been carefully prepared following community consultation throughout the year and is guided by priorities outlined in key strategic documents including the *Council Vision 2013-2023*, the *Council Plan 2017-2021*, *Strategic Resource Plan* and other major Council plans and strategies.

Consultations that have informed the development of this Budget include the 2016/17 *Your Say Whitehorse* engagement campaign, the 2018 Community Satisfaction Survey, 2019 Mayoral Community Budget Consultation event, and consultation on various Council strategies and plans.

Councillors and officers also held a number of meetings to develop this fiscally responsible budget and longer term strategic resource plan in a time of significant external and internal pressures and challenges.

Council is required under the *Local Government Act 1989* to seek written public comment on the Proposed Budget. Council is required to give public notice that the proposed document will be made available for inspection for 28 days and that Council will receive submissions made under Section 223 in respect of the Budget. A person who has made a written submission may also request to be heard by a Committee of Council appointed to consider and hear submissions.

Advertisements providing formal notice of the adoption of the Proposed Budget for consultation will be placed in *The Age* on Wednesday 17 April 2019 and the *Whitehorse Leader* on Monday 22 April 2019.

It is proposed that Council hear submissions at a Special Committee meeting on Tuesday 11 June 2019 at 7.00 pm in the Civic Centre, Nunawading. The closing date for written submissions will be Sunday 19 May 2019.

Copies of the Proposed Budget 2019/20 document will be made available at Council's Service Centres (Nunawading, Forest Hill and Box Hill), at the four library branches and will be placed on Council's web site.

ATTENDANCE

Cr Stennett left Chamber at 8:31pm, returning at 8:32pm.

ATTACHMENT

1 Draft Proposed Budget 2019-20 

9.3.2 Proposed Road Discontinuance and Sale of Land adjoining 28 to 46A Medway Street, 33 and 35 Tyne Street and within Halligan Park, Box Hill North

SUMMARY

To commence the statutory procedures for the discontinuance of the unmade right of way (road) adjoining 28 to 46A Medway Street, 33 and 35 Tyne Street and within Halligan Park, Box Hill North.

If discontinued, the land from the road adjoining 44 & 46 Medway Street and 33 & 35 Tyne Street, shown hatched on Plan A below, is to be sold to the adjoining property owners. Further, the land adjoining 28 to 42 Medway Street and currently enclosed within Halligan Park, shown cross hatched on Plan A below, is to be retained for municipal purposes.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

- 1. Being of the opinion that the road adjoining 28 to 46A Medway Street, 33 & 35 Tyne Street and within Halligan Park, Box Hill North, shown hatched and cross hatched on the plan below, is not reasonably required as a road for public use, commence procedures under section 206 and clause 3 of schedule 10 of the Local Government Act 1989 ("the Act") to discontinue the road.***
- 2. If discontinued, the land from the road adjoining 44 & 46 Medway Street, and 33 & 35 Tyne Street, shown hatched on the plan below, is to be sold to the adjoining property owners by private treaty. Further, the land adjoining 28 to 42 Medway Street and currently enclosed within Halligan Park, shown cross hatched on the plan below, is to be retained for municipal purposes.***
- 3. In accordance with sections 82A, 207A and 223 of the Act give public notice of the proposed discontinuance and sale/retention in The Age newspaper and on Council's website.***
- 4. Pursuant to section 223 (1) of the Act, Council's Special Committee hear any person who in their written submission to Council has requested that they be heard in support of their written submission.***
- 5. The Manager Property and Rates be authorised to give public notice and to carry out the necessary administrative procedures to enable the Council or its Special Committee to meet on Monday 11 June 2019 and to carry out its functions under section 223 of the Act.***

CARRIED UNANIMOUSLY

BACKGROUND

There are numerous laneways throughout the municipality, some of which are constructed and actively used for access. Others are unconstructed and used for access by abutting properties, whilst others are unconstructed and not used for access or may have become subject to long term occupation by abutting property owners.

The laneways were originally created as right of carriageways (roads) on older plans of subdivision, usually for the purpose of enabling night carts to collect night soil from those properties. This practice became obsolete when septic tanks or sewerage systems became installed.

9.3.2

(cont)

The registered proprietor of the land title to the laneway usually remains the original sub-divider, often a deceased person or dissolved company. Unconstructed laneways are not included on Council's Register of Public Roads as their use is considered more private than reasonably required for general public use, and as such are not owned or maintained by Council.

Council has the authority under the *Local Government Act 1989* to discontinue a road (road includes a right of way or a laneway), where Council forms the opinion that the right of way is "*no longer reasonably required for public use*". Following Council undertaking road discontinuance, it is only then that the land vests in Council, and Council is then able to sell the road land.

In regard to the laneway in this report, its original creation was to provide access to the abutting properties.

The westernmost section of the lane appears to have been occupied by the four abutting properties at 33 and 35 Tyne Street and 44 and 46 Medway Street for numerous decades, predating the purchase of the properties by the current owners and appears to be no longer used for access.

The eastern section of the lane is incorporated into the adjoining parkland known as Halligan Park and this use has also prevailed for decades. The discontinuance of this section of the road and its retention for municipal purposes will reinforce the current use of the land as part of the parkland.

In order to gauge adjoining property owners' views on this proposal, a survey of all adjoining property owners advising of the procedures and circumstances under which Council could formally discontinue and sell the road has been undertaken.

General agreement for discontinuance of the road was forthcoming. Further the adjoining owners at 33 and 35 Tyne Street and 44 and 46 Medway Street, Box Hill North, have agreed to purchase part of the land from Council if the road is discontinued.

Plan A below shows the extent of the part of the road proposed for road discontinuance, as shown hatched and cross-hatched.

Plan B below shows the proposed allocation of the land to abutting property owners (Lots 1 to 4). Lot 5 is to be retained by Council.

Plan C below shows an aerial photo of the section of road proposed for discontinuance and the abutting properties.

DISCUSSION

The owners of 33 & 35 Tyne Street and 44 & 46 Medway Street have confirmed their interest in purchasing the land they currently occupy if the road is discontinued by Council.

Council will retain the remainder of the road within Halligan Park for municipal purposes.

CONSULTATION

Council and all necessary service authorities have been consulted in respect to the proposal and no objections are held to the proposed road discontinuance. Yarra Valley Water has a sewer pipe within the east-west section of road and will require an easement to be 'saved' over the road.

Whilst Council does have a storm water drain within the section of road within Halligan Park, it does not have a drain within the section proposed to be discontinued and sold to the adjoining owners at 33 and 35 Tyne Street and 44 and 46 Medway Street. An easement will be "saved" over the section of road within Halligan Park containing the drain. Further, an easement for drainage purposes to be 'created' on all titles issued for the remainder of the land when sold.

9.3.2

(cont)

The statutory procedures under the *Local Government Act 1989* require Council to give public notice of its intention to discontinue the road and sell/retain the land and invite submissions from affected parties under section 223 of the *Local Government Act 1989*.

Public notice of the proposed discontinuance will be given in The Age newspaper and published on Council's website. In addition, all abutting property owners will be advised of the proposal in writing and informed of their right to make a submission under section 223 of the *Local Government Act 1989*.

Submitters may request to be heard by Council's Special Committee prior to a decision being made to proceed or otherwise with the proposal.

Key processes that are proposed if agreed by Council are:

1. Thursday April 18: Public Notice advertisement
2. Wednesday May 15: Public Notice submissions close
3. Monday June 11: Special Committee to hear any submission/s (if required)
4. Monday June 24 : Report to Council for consideration

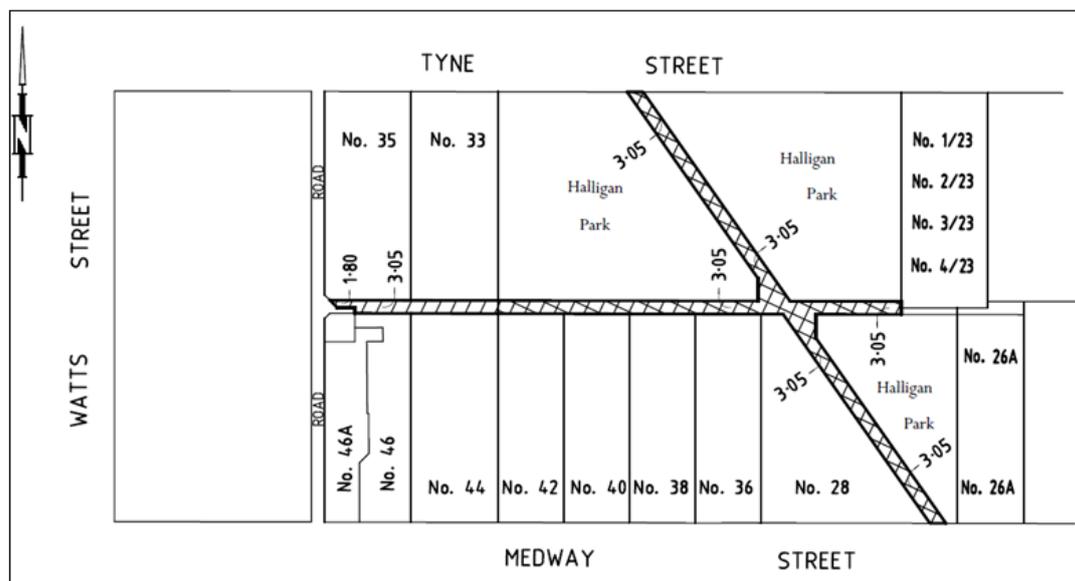
FINANCIAL IMPLICATIONS

Gross proceeds from the proposed sale of the land will be \$48,505.00 inclusive of GST. After expenses, the net proceeds to Council will be approximately \$35,750 inclusive of GST. The gross proceeds will be included in the Open Space Fund in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy.

IMPLICATIONS

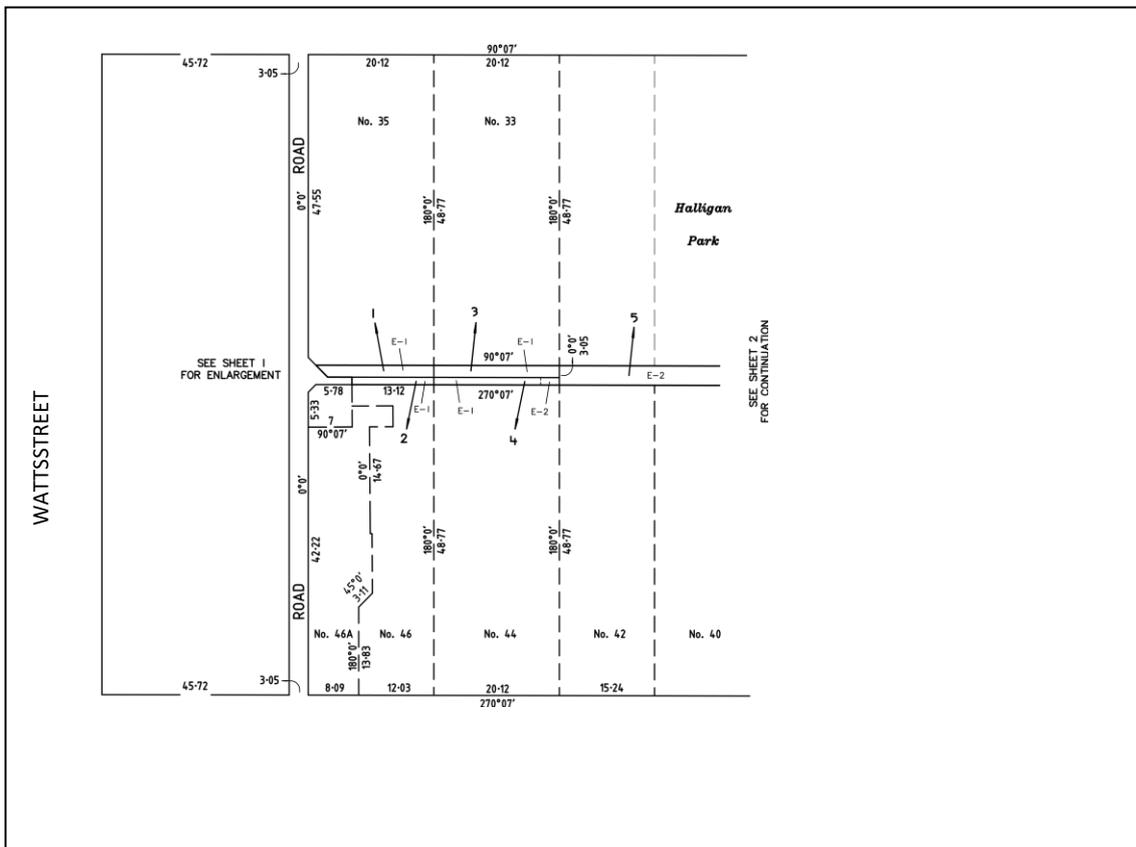
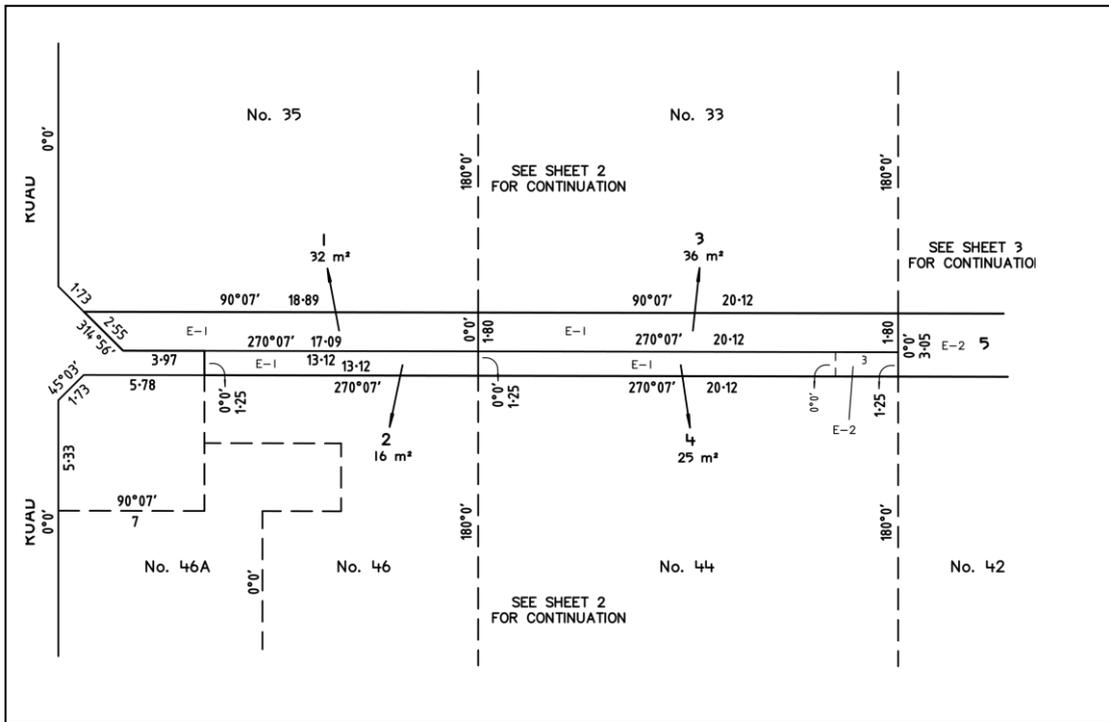
The recommendations are made in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy.

PLAN A

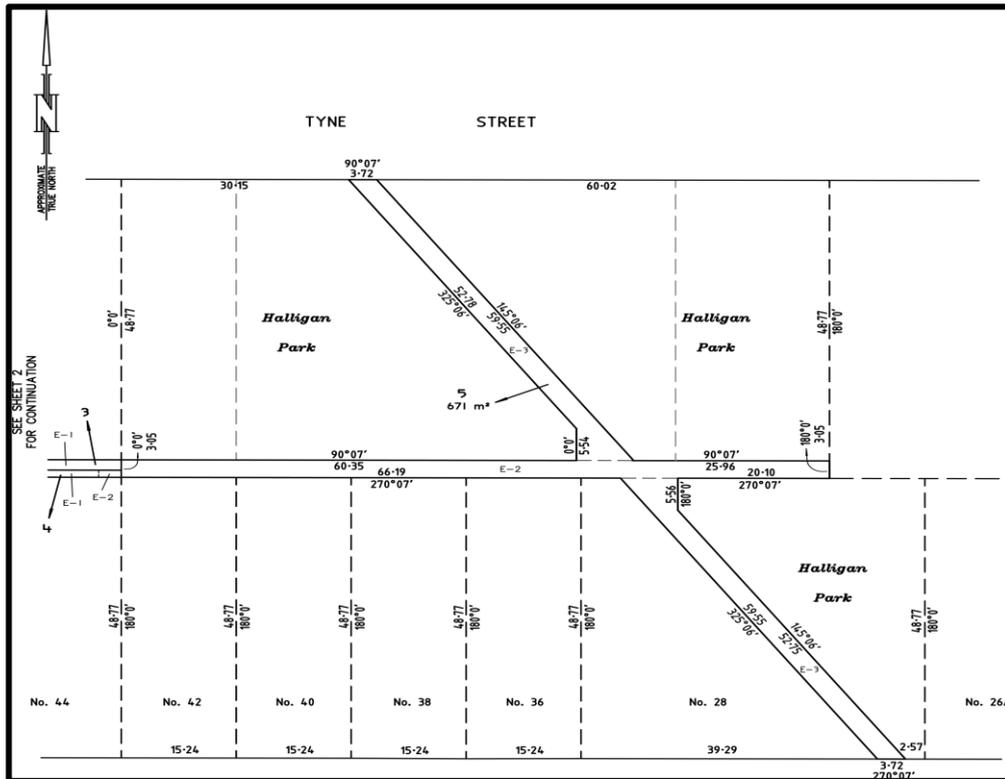


9.3.2
 (cont)

PLAN B



9.3.2
 (cont)



PLAN C

Aerial photo overview of the road and abutting properties



Attendance

Cr Davenport having declared a conflict of interest in item 9.3.3 left the chamber at 8:39pm prior to discussion on the item.

Cr Barker left the chamber at 8:40pm, returning at 8:41pm.

Cr Liu left the chamber at 8:40pm, returning at 8:42pm.

9.3.3 Contract Extension (Contract 20035): Provision of Parking Services

SUMMARY

To consider continuing, the extended after hours (Contract 20035) Provision of Parking Services for a further 12 months.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Carr

That Council accept the report and:

- 1. Approve the extension of the extended after hours (Contract 20035) Provision of Parking Services for 12 months in accordance with Council's resolution of December 12, 2016;***
- 2. Write to Tenix Solutions inviting them to continue with the existing service provision for 12 months; and***
- 3. Prior to the expiration of the extended after hours (Contract 20035) Provision of Parking Services, finalise a new tender for service provision.***

CARRIED

BACKGROUND

Council at its meeting of 12 December 2016 considered a report on the Provision of Parking Services and resolved to:

1. Endorse the report;
2. Approve a tender document be prepared for the provision of field staff to deliver an extended parking service trial;
3. Approve that the trial be conducted for two years with a one year option to extend subject to a final assessment and report to Council on the outcome
4. Approve the employment of an additional Compliance Support Officer for the term of the trial"

After consideration Council awarded the contract to Tenix Solutions (Tenix) who began service provision on 7 September 2017.

DISCUSSION

The service provided by Tenix has become an important component of the broader parking management program delivered by Council achieving the original goals of:

- Improving equitable access to limited parking spaces;
- Promotion of turnover of trade opportunities outside of normal business hours; and
- Management of special needs parking such as permit areas, disabled parking and loading, bus and taxi zones.

The contact performance by Tenix over the initial 18 months of the trial has resulted in Tenix:

- Consistently achieving their contractual obligations;
- Staff being reliable applying Council's service standard protocols providing seamless service provision;
- Providing a responsive out of hours service to address resident complaints on parking matters resulting in improved service delivery; and
- Providing Council with a strong financial position.

9.3.3

(cont)

Given the success of the trial, prior to the contract expiration, it is recommended to finalise a tender for the ongoing service provision of out of hours parking management similar to the current Tenix contract.

CONSULTATION

N/A

FINANCIAL IMPLICATIONS

The cost of the service provision has been included in the 2019/20 draft budget for consideration

POLICY IMPLICATIONS

N/A

Attendance

Cr Davenport returned to the chamber at 8:43pm, after discussion on the item 9.3.3.

9.3.4 Review of the Instrument of Delegation for Council's Special Committee of Council

SUMMARY

The Special Committee of Council established in October 2001 is an integral part of Council's Governance Framework and meeting cycle. This review of its Instrument of Delegation and the Meeting Procedures Local Law to allow for a Notice of Motion process to be dealt with under Other Business and determined by the Special Committee without referral to Council, is submitted for Council's discussion and consideration.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Munroe

That Council receives and notes the report and retains the current Special Committee Charter and Instrument of Delegation.

CARRIED

Cr Stennett moved a motion of dissent in the Mayor's ruling for not allowing a division on the motion

MOTION

Moved by Cr Stennett,

That Council dissent to the mayor's ruling.

The Motion of dissent LAPSED for want of a Seconder

BACKGROUND

Council at its meeting on 10 December 2018 resolved –

“That Council resolves, to seek a report from officers on the review of the Instrument of Delegation (Council to Special Committee) dated 21 August 2017 and Meeting Procedures and Common Seal Local Law 2013 to allow through a Notice of Motion process, the Special Committee the necessary delegation and authority to decide relevant matters under “Other Business” without the need for Council ratification at an ordinary meeting of Council”.

DISCUSSION

Introduction

Before commencing any analysis of the issue, it may be useful to also make some observations regarding the operations of the Special Committee:

- a) Council established its Special Committee of Council (“Special Committee”) at its meeting held 29 October 2001.
- b) The Instrument of Delegation underpinning the operations of the Special Committee has remained unchanged since the Special Committee was established.

9.3.4

(cont)

- c) Three of the key features of the Instrument of Delegation are that –
- i) The Committee may not make a decision in the exercise of delegated power, duty or function unless the subject matter of the decision is an item on an agenda for the Committee meeting that was circulated to each Councillor at least 48 hours prior to the Committee meeting; and
 - ii) If, prior to the commencement of the Committee meeting at which the item is to be considered, a Councillor gives a written notice to the Chairperson of the Committee that he or she requires the item to be determined by the Council:
 - The Committee may consider, debate and make a recommendation in relation to the item but must not make a decision on the item in the purported exercise of the delegated power, duty or function.
 - iii) Limitations placed on the Special Committee is that it cannot enter into contracts, or incur expenditure, for an amount which exceeds the approved budget, consider any planning matters or exercise any power which is the subject of a Council resolution

Meeting Cycle and Workload

When the first democratically elected Council was returned to the City of Whitehorse in 1997, it adopted a 3 weekly Council meeting cycle. In October 2001, Council resolved to adopt a 2 weekly meeting cycle, with the introduction of its Special Committee of Council, (with specific delegated powers) and an ordinary Council meeting.

An easy guide to generally assess whether the adopted Council meeting cycle is satisfactorily delivering on Council's work program and legislative obligations is to check to see whether there has been an increased need to call Special Council meetings. In looking back over the last three calendar years, the number of special council meetings held has fallen from 5 in 2016, to 3 in 2017 and to 2 in 2018. Based on such figures, it can be argued that matters of Council are being considered and managed effectively, given Council's current workload and fortnightly meeting cycle.

Features of the Special Committee of Council

As identified in the previous section, the Special Committee was established with certain features, which distinguishes it from Council. While Council has all-encompassing and non-limiting features, the Special Committee does not have capacity to determine planning matters or deal with matters, where sufficient time and notice has not been provided. Hence, items considered under Other Business are referred for Council's ratification.

This structured and referral approach to the transaction of matters by the Special Committee, is reflective of an underlining philosophy that is committed to good decision-making and the avoidance of poorly made and timed decisions. Additionally, it also reinforces the primary position that Ordinary Council meetings retain, in determining certain matters that will affect the community.

Meeting Procedures and Common Seal Local Law 2013

The Local Law, Clause 48 of Division 6 – Special Committees, provides the guidelines by which the Special Committee must operate. It does not preclude in the order of business Clause 48.4.6 – Other Business, for Council to introduce a Notice of Motion process, as per Clause 19. Furthermore, Clause 49 allows Council to determine any matter by resolution for a situation which has not been provided for under the local law. In summary, there is no requirement to change the local law or any restriction in introducing a Notice of Motion process for items of business lodged by a Councillor.

9.3.4

(cont)

Opportunity for change for Special Committee

Clearly, the Special Committee's Instrument of Delegation can be changed at any time to meet the changing needs of the organisation.

Specifically at this time, the intent is to allow through a Notice of Motion process, the scope for the Special Committee to decide matters presently dealt with under "Other Business" without the need for Council ratification at the next ordinary meeting of Council". This can be easily achieved by replacing "Other Business" with "Notice of Motion" in the order of business for Special Committee of Council meetings.

Observations:

1. The inclusion of Notice of Motion in the Special Committee's meetings, can be accommodated with a change to the Instrument of Delegation and Schedule (refer [Appendix 1](#)), and a minor change to the Special Committee Charter to reflect a change in the order of business (refer to [Appendix 2](#)).
2. Clause 19 (Notice of Motion) of the Meeting Procedures and Common Seal Local Law 2013, requires that such motions are lodged with the CEO in sufficient time to list the motion on the agenda for circulation to Councillors.
3. As the Notice of Motion (NOM) is listed in the agenda, the Committee may determine that matter, without the need for Council ratification, provided that Council amends the Special Committee Delegation and Charter to allow this new authority.

MATTERS FOR CONSIDERATION

Council's current process:

- Allows for Councillors to put forward written proposed motions which provide the opportunity for prior discussion and modification if agreed.
- The motion is tabled at the meeting and if carried becomes a recommendation from the Special Committee to be referred and considered at the next Ordinary Council meeting for endorsement, amendment or rejection. This provides for 5 days 'cooling off' period which Council can reconsider what the Special Committee considered and recommended the previous Monday meeting.
- If the Special Committee moves to a Notice of Motion process for 'Other Business' with delegated power from Council to make decisions without requiring Council endorsement, it can be argued this would speed up Council decision making by an extra 5 days. The risk being that NOM once submitted and on the agenda will be public and if there are any concerns in regard to legality, liability and reputation any change will not be able to made unless withdrawn prior to going on the agenda or amended at the meeting.
- A Notice of Motion process will preclude Councillors raising and moving motions at the committee meeting which have not been tabled on the agenda circulated prior to the meeting. This restricts and removes the flexibility that Councillors have to raise matters prior to or at the meeting after the circulation of the agenda.

Other matters:

The inclusion of a notice of motion process for Special Committee meetings, will reduce the need for the retention of such a facility in the Ordinary Meetings of Council.

As such, it is recommended that Council undertakes the prescribed legislative process as detailed in Section 119 of the Local Government Act 1989, to amend its Meeting Procedures and Common Seal Local Law.

The formal process entails Council giving public notice of its proposed (amended) Local Law; inviting Section 223 submissions; Council to then consider submissions and make a final determination; and then provide public notice of the new Local Law, its availability and a copy provided to the Minister.

9.3.4
(cont)

CONSULTATION

The nature of this report does not require any specific consultation.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

9.3.4
(cont)

APPENDIX 1



City of Whitehorse
Instrument of Delegation
Special Committee of Council

Whitehorse City Council (**Council**) delegates to the Special Committee established by resolution of Council passed on 29 October 2001 and known as the "Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. This Instrument of Delegation is authorised by a resolution of Council passed on XX April 2019;
2. The delegation:
 - 2.1 Comes into force immediately the common seal of Council is affixed to this Instrument of Delegation; and
 - 2.2 Replaces any previous Instrument of Delegation concerning matters listed in the Schedule to this Instrument; and
 - 2.3 Remains in force until Council resolves to vary or revoke it; and
 - 2.4 Is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. The Committee may not make a decision in the exercise of delegated power, duty or function unless the subject matter of the decision is an item on an agenda for the Committee meeting that was circulated to each Councillor at least 48 hours prior to the Committee meeting.

The **COMMON SEAL** of the **WHITEHORSE CITY COUNCIL** was hereunto affixed this XX day of April 2019 in the presence of:

Councillor

Chief Executive Officer

9.3.4
(cont)

SCHEDULE

POWERS AND FUNCTIONS

To exercise Council's functions and powers to perform Council's duties in relation to the management of the City and for those purposes:

PURPOSE

The purpose of this Instrument of Delegation is to enable the Special Committee of Council to:

1. Enter into contracts, and to incur expenditure;
2. Consider and determine on behalf of Council any matter listed as a Notice of Motion, (in accordance with the process detailed in Clause 19 of Council's Meeting Procedures and Common Seal Local Law 2013) in the Special Committee's meeting agenda;
3. Do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

EXCEPTIONS, CONDITIONS AND LIMITATIONS

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved budget;
2. Consider any planning matters;
3. Exercise any function or power or perform any duty if it is something which Council has previously designated as something which must be the subject of a resolution of Council; or
4. Exercise the powers which, by force of Section 86 of the Act, cannot be delegated.

9.3.4
(cont)

APPENDIX 2



**City of Whitehorse
Special Committee Charter**

BRIEF DESCRIPTION

The Special Committee of Council (“the Committee”) comprises all Councillors and the Committee has delegated decision making powers from Council and is a Special Committee in accordance with Section 86 of the Local Government Act 1989. The provisions of Council’s Meeting Procedures and Common Seal Local Law 2013, as applicable to the Special Committee apply to Committee meetings. The Mayor shall be the Chair of all Special Committee meetings and in the absence of the Mayor, a Chairperson shall be elected by a majority of Councillors present at the meeting.

ROLE

An important role of the Committee is to enhance the consultative process and facilitate public participation and involvement in meetings of the Committee.

The Committee shall operate in accordance with its Instrument of Delegation.

The Order of Business shall include:

- a) Welcome and apologies
- b) Disclosure of Conflict of Interest
- c) Confirmation of Minutes of Previous Meetings
- d) Public Submissions
- e) Committee Reports (from Officers)
- f) Notice of Motion
- g) Confidential Reports
- h) Close of Meeting

“Notice of Motion” shall include matters raised by Councillors which require a decision of the Special Committee, such as request for a future report or specific action and follow the process as per Clause 19 (Notice of Motion) of the Local Law.

Matters not requiring a resolution ie requests for administrative actions, tabling of correspondence or comments for noting, should be referred directly to the CEO or relevant General Manager.

All delegations must be read in conjunction with this Charter and any other policies and guidelines that may be adopted by the council from time to time.

ATTENDANCE

Meetings of the Committee are public meetings and are open to the public.

AMENDMENT TO CHARTER

This Charter and Instrument of Delegation to the Committee may be amended from time to time by resolution of Council

9.3.5 Proposed Travel to NanJing and Shaoxing China

SUMMARY

The purpose of this report is to seek Council approval for the Mayor to travel to Nanjing China as part of an invitation by Melbourne City Lord Mayor Sally Capp to join a delegation of Victorian Mayors. It also provides the opportunity for Council's Mayor while in China to make an official visit to our friendship City Shaoxing. Council is required to approve the overseas travel and cost as per its 'Conference Attendance and Travel by Councillors Policy'.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Carr

That Council:

- 1. Receive and note the report and**
- 2. Support and endorse the Mayor Cr Bill Bennett as part of the City of Melbourne's delegation, attending Nanjing, China on 15 May to a forum of Victorian and Jiangsu Mayors, to celebrate the 40th anniversary of Victoria-Jiangsu sister state relations.**
- 3. Support the Mayor in also visiting Council's Friendship City Shaoxing and strengthening the ongoing relationship with Whitehorse.**

CARRIED UNANIMOUSLY

BACKGROUND

The Lord Mayor has written to Cr Bennett and indicated her commitment to encouraging enhanced co-operation between Victoria's Councils as follows:

"As Lord Mayor of Melbourne I feel a responsibility to do so. I firmly believe together we can tell a story of Melbourne as a world-leading city; not just the CBD, but the city in its entirety. With the collaboration of colleagues like you, I am confident we will make this a reality.

In May, I am going on an official visit to China and have been working closely with the Victorian Government on some milestone events to take place in Nanjing. I have attached an official invitation for you to attend in Nanjing on 15 May a forum of Victorian and Jiangsu Mayors, a Gala Dinner to celebrate the 40th anniversary of Victoria-Jiangsu sister state relations, and the inaugural Nexus Jiangsu-Victoria Start-up Summit, featuring start-ups from across Victoria.

I would like you to join other Mayors from Victoria and myself as we tell the important collective story of unity, collaboration, diversity and economic opportunity. Your presence, and your leadership, would make a valuable contribution to the success of the gathering.

Underscoring the value of our gathering in Nanjing, I am pleased to note that the Nexus Jiangsu-Victoria Start-up Summit will likely feature a decision to hold the Nexus Summit annually, alternately in Jiangsu and Victoria. The benefits of this outcome are clear. We would establish an on-going, self-sustaining vehicle for linking Victoria to the important Chinese market of innovation, venture capital and commercialisation, and provide our innovators with a ready path to international markets and finance.

Together, we can make an important difference to the many priorities we share, including population growth, transport connectivity, jobs, city planning, tourism, education and smart cities.

9.3.5

(cont)

I hope you can join us for this unique networking opportunity to foster substantive links between Victoria and Jiangsu, and between our municipalities and Jiangsu colleagues, innovators, and business people. Importantly, it will also be an excellent opportunity for us, the Mayors of Victoria, to join together and discuss ways in which we can work more collaboratively into the future.”

DISCUSSION

Melbourne is a global city, which is also enhanced by the many greater metropolitan Councils which includes Whitehorse. International connections significantly contribute to the overall prosperity of Melbourne. 11.5% of Whitehorse’s population are of Chinese background and many run businesses in our district.

Melbourne’s prosperity continues to be closely linked to China through trade, investment and students. Increasingly, innovation is an important element of that relationship, with the China connection being a strong contributor to Melbourne’s further development as a knowledge-based economy

This trip will provide an opportunity for the Mayor to forge links and connections to support the development of a sustainable and growing local Whitehorse economy which contributes to economic activity and employment growth. Also promotes cultural understanding and goodwill, especially with the ongoing relationship with our friendship city Shaoxing.

It is intended the Mayor attend the forum on 15 May, arriving on Tuesday 14 May, visiting Shaoxing on 16 May and then departing for Melbourne on 17 May

CONSULTATION

Senior Managers and Councillors

FINANCIAL IMPLICATIONS

	Budget	Expenditure
Total Budget Estimate: Forum		
Return Flights		\$1,000
Accommodation 2 nights (including breakfast)		600
Internal travel/Incidental costs		100
NB cost of forum, meals/Gala dinner met by delegation hosts		
Sub Total Expenditure		\$1,700
Total Budget Estimate: Shaoxing		
Accommodation 1 night (including breakfast)		\$700
Internal travel/Incidental costs (cab charges and rail pass to Shaoxing)		
Sub Total Expenditure		\$700
Total Expenditure		\$2,400

POLICY IMPLICATIONS

This trip compliments Council’s Plan 2017 to 2021—Strategic Direction 5—Support a healthy local economy.

Goal 5.1 Work in partnership to support a strong, active local environment that attracts investment and provides economic opportunities for businesses and employment for people.

9.3.6 Municipal Association of Victoria (MAV) State Council Meeting & Submission of Motions for Consideration

SUMMARY

Council endorsement is sought for the motions detailed in this report, which are recommended for submission as a matter of state-wide significance to the next Municipal Association of Victoria (MAV) State Council Meeting to be held 17 May 2019. Motions are required to be with the MAV by 23 April 2019.

RECOMMENDATION

Moved by Cr Stennett, Seconded by Cr Cutts

That Council endorse the motion to the upcoming MAV State Council meeting to be held on 17 May 2019 (motion to be submitted by 23 April 2019) that reads.

That the MAV advocate to the State Government for the review of the School Crossing Supervisor program to:

- 1. Incorporate an increased focus on the strategic and risk evidence based approach of the program to include associated costs, staffing requirements, road and pedestrian safety factors.***
- 2. Acknowledge the increased level of funding towards the School Crossing Supervisor Program, with the current 50/50 funding model shared between the State Government and Local Councils.***
- 3. Involve the Department of Education and Training so that consideration can be given to a funding model that directly funds schools for the provision of school crossing supervisors.***

The Mayor indicated he would put items 1, 2, and 3 of the recommendation to the vote in parts

The Mayor put Item 1 and Item 2 of the recommendation to the vote, which was CARRIED UNANIMOUSLY

The Mayor put Item 3 of the recommendation to the vote, which was CARRIED

RATIONALE:

Whitehorse Council has been advocating to the State Government for some time to achieve increased levels of funding for the School Crossing Supervisor Subsidy program. Whilst Council supports and acknowledges the increased levels of funding to the current 50/50 split between the State Government and local Councils, the program continues to present challenges to Council. There are a number of unresolved issues relating to the school crossing supervisor program including the VicRoads subsidy criteria, recruitment and retention of school crossing supervisors, funding for the installation of new school crossings and the involvement of schools in the program.

The above motion seeks to address these issues by advocating for a strategic and risk evidence based approach for the program, rather than relying upon the current outdated VicRoads warrants criteria approach. This strategic and risk evidence based approach would include an assessment of the VicRoads warrant criteria in conjunction with an assessment of safety considerations, the road and built environment, traffic and parking conditions and any unique circumstance relating to schools.

9.3.7 Delegated Decisions February 2019

SUMMARY

The following activity was undertaken by officers under delegated authority during February 2019.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Cutts

That the report of decisions made by officers under Instruments of Delegation for the month of February 2019 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for February 2018	Number for February 2019
Planning and Environment Act 1987	Delegated Decisions	81	121
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		16	11
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	71	47
Liquor Control Reform Act 1998	Objections and Prosecutions	2	Nil
Food Act 1984	Food Act Orders	Nil	Nil
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	1	2
Local Government Act 1989	Temporary Rd. Closures	6	3
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	2	Nil
	Property Sales and Leases	7	18
	Documents to which Council seal affixed	1	1
	Vendor Payments	1104	980
	Parking Amendments	5	1
	Parking Infringements written off (not able to be collected)	255	227

9.3.7

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DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS FEBRUARY 2019

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

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1406	04-02-19	Application Lapsed	592 Station Street Box Hill Vic 3128	Elgar	Proposed cafe & restaurant with 48 seats on 592 Station Street, Box Hill. Reduction in car parking requirements for the proposed shop.	VicSmart - General Application
WH/2018/792	01-02-19	Application Lapsed	1/435 Canterbury Road Vermont Vic 3133	Springfield	Demolition of single dwelling and then building a double storey home as a general residential property	Single Dwelling < 300m2
WH/2010/538/B	12-02-19	Delegate Approval - S72 Amendment	1a Friend Street Mont Albert North Vic 3129	Elgar	Amendments to plans for permit WH/2010/538/A issued for the Construction of two dwellings comprising one three storey and one double storey dwelling to include alterations to Dwelling 1 including internal alterations, window configurations, altered finished floor levels and additional basement area.	Permit Amendment
WH/2014/1241/B	18-02-19	Delegate Approval - S72 Amendment	20-22 Canterbury Road Blackburn South Vic 3130	Central	Construction of a multi-storey building containing dwellings and alterations of access to a Road Zone Category 1	Permit Amendment

9.3.7
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Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2014/242/C	22-02-19	Delegate Approval - S72 Amendment	18 Grandview Road Box Hill South Vic 3128	Riversdale	Construction of three dwellings including one triple storey dwelling and two double storey dwellings	Permit Amendment
WH/2014/559/C	22-02-19	Delegate Approval - S72 Amendment	99 Morack Road Vermont South Vic 3133	Morack	Development of the land for 16 dwellings and removal of native vegetation	Permit Amendment
WH/2014/763/F	26-02-19	Delegate Approval - S72 Amendment	850 Whitehorse Road Box Hill Vic 3128	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 residential hotel, dwellings and commercial uses), use of land for accommodation and a restricted recreation facility (gym), and associated reduction of car parking requirements	Permit Amendment
WH/2015/350/A	12-02-19	Delegate Approval - S72 Amendment	14 Linden Street Box Hill South Vic 3128	Riversdale	Construction of four (4) double storey dwellings	Permit Amendment
WH/2015/947/B	21-02-19	Delegate Approval - S72 Amendment	1 Williamson Road Mont Albert North Vic 3129	Elgar	Construction of two double storey dwellings	Permit Amendment
WH/2016/1044/A	13-02-19	Delegate Approval - S72 Amendment	54 Dunlavin Road Nunawading Vic 3131	Springfield	3 x new two storey dwellings each with garage	Permit Amendment

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Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2016/707/A	01-02-19	Delegate Approval - S72 Amendment	8 Sunnyside Avenue Nunawading Vic 3131	Springfield	Construction of two (2) double storey dwellings and associated tree removal	Permit Amendment
WH/2016/996/B	12-02-19	Delegate Approval - S72 Amendment	613 Whitehorse Road Mitcham Vic 3132	Springfield	Change of use to a minor sports and recreation facility (badminton courts) and associated display of a floodlit business identification sign and a waiver of bicycle facilities requirements	Permit Amendment
WH/2017/118/A	25-02-19	Delegate Approval - S72 Amendment	255 Burwood Highway Burwood East Vic 3151	Morack	To display business identification signage (internally illuminated), undertake buildings and works within 4 metres of protected SLO9 trees and to create access to a road in a Road Zone, Category 1	Permit Amendment
WH/2017/123/A	18-02-19	Delegate Approval - S72 Amendment	18 Beech Street Surrey Hills Vic 3127	Riversdale	Construction of two double storey dwellings	Permit Amendment
WH/2017/330/A	19-02-19	Delegate Approval - S72 Amendment	45 Burwood Highway Burwood East Vic 3151	Riversdale	Amend conditions to Planning Permit WH/2017/330 to allow for early works and update site address	Permit Amendment

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Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/858/A	21-02-19	Delegate Approval - S72 Amendment	8 Kent Close Blackburn North Vic 3130	Central	Buildings and works (construction of garage) within 4m of protected vegetation with SLO9	Permit Amendment
WH/2018/1003	01-02-19	Delegate NOD Issued	2/10 Wilton Street Blackburn North Vic 3130	Central	Buildings and Works (extension to a dwelling) on a land lot size less than 300 square metres	Single Dwelling < 300m2
WH/2018/324	25-02-19	Delegate NOD Issued	3 Winston Court Blackburn South Vic 3130	Central	Construction of Two (2) Double Storey Dwellings on a Lot and Removal of Vegetation	Multiple Dwellings
WH/2018/359	22-02-19	Delegate NOD Issued	5 Tennyson Street Mitcham Vic 3132	Springfield	2 new double storey 4 bed units front and back	Multiple Dwellings
WH/2018/464	27-02-19	Delegate NOD Issued	44 Lee Ann Street Forest Hill Vic 3131	Central	The construction of two double storey dwellings, buildings and works within 4 metres of vegetation and vegetation removal.	Multiple Dwellings
WH/2018/536	11-02-19	Delegate NOD Issued	153 Dorking Road Box Hill North Vic 3129	Elgar	Construction of two double storey dwellings on a lot buildings and works within 4 metres and removal of trees protected under the SLO9	Multiple Dwellings
WH/2018/537	07-02-19	Delegate NOD Issued	134-136 Station Street Burwood Vic 3125	Riversdale	Development of Four (4) Double Storey Dwellings on a Lot and Removal of Vegetation	Multiple Dwellings

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(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/823	05-02-19	Delegate NOD Issued	535 Mitcham Road Vermont Vic 3133	Springfield	Construction of a dwelling in the Significant Landscape Overlay, Schedule 7	Single Dwelling < 300m2
WH/2018/889	18-02-19	Delegate NOD Issued	597 Burwood Highway Vermont South Vic 3133	Morack	Development of three additional dwellings, buildings and works, and a four lot subdivision and associated vegetation removal	Multiple Dwellings
WH/2018/893	18-02-19	Delegate NOD Issued	5 Merle Street Blackburn North Vic 3130	Central	To construct two double storey dwellings and to remove vegetation	Multiple Dwellings
WH/2018/955	11-02-19	Delegate NOD Issued	1 Bulkara Avenue Forest Hill Vic 3131	Morack	The use of the land for a display home including a reduction of car parking and the display of promotion signage	Residential (Other)
WH/2018/99	26-02-19	Delegate NOD Issued	23 Drovers Court Vermont South Vic 3133	Morack	Construction of two double storey dwellings and tree removal in a SLO9	Multiple Dwellings
WH/2018/1006	2-02-19	Delegate Permit Issued	42 Vanbrook Street Forest Hill Vic 3131	Morack	Construction of two, two storey dwellings and associated tree removal within the Significant Landscape Overlay Schedule 9 (SLO9)	Multiple Dwellings
WH/2018/1008	28-02-19	Delegate Permit Issued	19 Bennett Street Burwood Vic 3125	Riversdale	The construction of three double storey dwellings, buildings and works within 4 metres of vegetation.	Multiple Dwellings

9.3.7
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Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1067	01-02-19	Delegate Permit Issued	653-661 Elgar Road Mont Albert North Vic 3129	Elgar	Buildings and works for redevelopment of the pavilion, relocated substation and new store building associated with the existing open sports ground.	Other
WH/2018/1075	18-02-19	Delegate Permit Issued	22 Dunlavin Road Nunawading Vic 3131	Springfield	Six (6) Lot Subdivision	Subdivision
WH/2018/1100	05-02-19	Delegate Permit Issued	6/27 Laburnum Street Blackburn Vic 3130	Central	Buildings and works (Removal of existing carport and balcony and construction of deck over new proposed carport) within a Special Building Overlay and on common property.	Special Building Overlay
WH/2018/1103	12-02-19	Delegate Permit Issued	69 Carrington Road Box Hill Vic 3128	Elgar	Erection and display of a major promotion sign	Advertising Sign
WH/2018/1188	11-02-19	Delegate Permit Issued	66 Roslyn Street Burwood Vic 3125	Riversdale	Removal of 5 trees in SLO9	Special Landscape Area
WH/2018/1189	01-02-19	Delegate Permit Issued	4 Surrey Street Box Hill South Vic 3128	Riversdale	Construction of two (2) dwellings on a lot with vegetation removal and buildings and works within 4 metres of protected vegetation	Multiple Dwellings
WH/2018/1219	20-02-19	Delegate Permit Issued	8-10 Monomeeth Drive Mitcham Vic 3132	Springfield	Nineteen lot subdivision	Subdivision

9.3.7
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1222	25-02-19	Delegate Permit Issued	G01/ 850 Whitehorse Road Box Hill Vic 3128	Elgar	To alter the boundary between lot 2412 and common property No.1 AND CREATE LOT 2412A	Subdivision
WH/2018/1248	22-02-19	Delegate Permit Issued	38 Roslyn Street Burwood Vic 3125	Riversdale	Subdivision of Land into Two Lots, in accordance with the approved Development Permit Plans	Subdivision
WH/2018/1256	01-02-19	Delegate Permit Issued	857 Highbury Road Vermont South Vic 3133	Morack	Removal of three (3) trees	Special Landscape Area
WH/2018/1276	06-02-19	Delegate Permit Issued	21 Laurel Grove North Blackburn Vic 3130	Central	Buildings and works (construction of a single dwelling) within 4 metres of protected vegetation and removal of four (4) trees	Special Landscape Area
WH/2018/1282	11-02-19	Delegate Permit Issued	4 Boxleigh Grove Box Hill North Vic 3129	Elgar	Two lot subdivision	Subdivision
WH/2018/1292	04-02-19	Delegate Permit Issued	8 Hardwood Court Mitcham Vic 3132	Springfield	Two lot subdivision	Subdivision
WH/2018/1307	18-02-19	Delegate Permit Issued	388 Belmore Road Mont Albert North Vic 3129	Elgar	Four lot subdivision	Subdivision
WH/2018/1308	11-02-19	Delegate Permit Issued	18 Corrigan Street Burwood Vic 3125	Riversdale	two lot subdivision	VicSmart - Subdivision
WH/2018/1312	27-02-19	Delegate Permit Issued	82 Laurel Grove South Blackburn Vic 3130	Central	Buildings and works (construct a new dwelling) within 4 metres of protected vegetation	Special Landscape Area

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(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1321	11-02-19	Delegate Permit Issued	25 Park Close Vermont Vic 3133	Springfield	To subdivide 25 Park Close Vermont into two lots and common property	VicSmart - Subdivision
WH/2018/1322	18-02-19	Delegate Permit Issued	8 Williamson Road Mont Albert North Vic 3129	Elgar	To subdivide the title to create two lots	VicSmart - Subdivision
WH/2018/1323	12-02-19	Delegate Permit Issued	34 Strabane Avenue Mont Albert North Vic 3129	Elgar	Two lot subdivision in accordance with approved Dual Occupancy development	Subdivision
WH/2018/1325	11-02-19	Delegate Permit Issued	14 Cornfield Grove Box Hill South Vic 3128	Riversdale	Two lot subdivision	VicSmart - Subdivision
WH/2018/1335	25-02-19	Delegate Permit Issued	69/31-37 Norcal Road Nunawading Vic 3131	Springfield	Reduction in car parking requirement for new mezzanine level	Other
WH/2018/1337	11-02-19	Delegate Permit Issued	6 Coppin Close Mitcham Vic 3132	Springfield	4 lot subdivision	Subdivision
WH/2018/1342	22-02-19	Delegate Permit Issued	22 Susanne Avenue Nunawading Vic 3131	Springfield	Buildings and works within 4 metres of vegetation.	Special Landscape Area
WH/2018/1352	01-02-19	Delegate Permit Issued	296 Whitehorse Road Nunawading Vic 3131	Springfield	Use of land for car sales	Business
WH/2018/1363	12-02-19	Delegate Permit Issued	17/31-37 Norcal Road Nunawading Vic 3131	Springfield	Internal Alterations to Warehouse (includes mezzanine floor)	Industrial
WH/2018/1369	15-02-19	Delegate Permit Issued	16 Victoria Crescent Mont Albert Vic 3127	Elgar	Two lot subdivision	Subdivision
WH/2018/1375	21-02-19	Delegate Permit Issued	158-160 Morack Road Vermont South Vic 3133	Morack	4 lot subdivision in accordance with plan of subdivision PS827869R	Subdivision

9.3.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1376	25-02-19	Delegate Permit Issued	34 Sandy Street Nunawading Vic 3131	Springfield	4 lot subdivision in accordance with plan of subdivision PS827868T	Subdivision
WH/2018/1377	20-02-19	Delegate Permit Issued	27 Lusk Drive Vermont Vic 3133	Morack	Buildings and works within 4m of SLO9 trees	VicSmart - General Application
WH/2018/1387	25-02-19	Delegate Permit Issued	Station St/Paisley St Bus Stop 4979	Elgar	Erect an internally illuminated promotion sign and an internally illuminated electronic promotion sign (Bus Shelter).	Advertising Sign
WH/2018/1401	28-02-19	Delegate Permit Issued	21-25 Carrington Road Box Hill Vic 3128	Elgar	Construct and display an electronic sign and three (3) internally illuminated signs	Advertising Sign
WH/2018/1410	22-02-19	Delegate Permit Issued	3 Loddon Street Box Hill North Vic 3129	Elgar	Two lot Subdivision	VicSmart - Subdivision
WH/2018/610	08-02-19	Delegate Permit Issued	7 Arthur Street Burwood East Vic 3151	Morack	Two double storey dwellings on a lot, removal of and buildings and works within 4m of trees protected under the SLO9	Multiple Dwellings
WH/2018/651	11-02-19	Delegate Permit Issued	6 Lakeside Drive Burwood East Vic 3151	Morack	Business identification sign	Advertising Sign
WH/2018/676	22-02-19	Delegate Permit Issued	14 Wridgway Avenue Burwood Vic 3125	Riversdale	To subdivide the land into four lots and common property	Subdivision

9.3.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/795	26-02-19	Delegate Permit Issued	50 Kett Street Nunawading Vic 3131	Springfield	Construction of two, two storey dwellings and associated works within 4 metres of a tree protected under the Significant Landscape Overlay Schedule 9	Multiple Dwellings
WH/2018/836	12-02-19	Delegate Permit Issued	613 Whitehorse Road Mitcham Vic 3132	Springfield	Construction of 8 Warehouses and Reduction in the Required Car Parking Rate	Industrial
WH/2018/980	22-02-19	Delegate Permit Issued	1/44 Harrison Street Box Hill North Vic 3129	Elgar	Construction of a front fence	VicSmart - General Application
WH/2018/986	22-02-19	Delegate Permit Issued	7 Fellows Street Mitcham Vic 3132	Springfield	To extend an existing dwelling.	Single Dwelling < 300m2
WH/2019/101	14-02-19	Delegate Permit Issued	6 Bagleys Lane Vermont Vic 3133	Morack	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2019/105	21-02-19	Delegate Permit Issued	10 Frank Street Box Hill South Vic 3128	Riversdale	Buildings and works within 4 metres of protected trees	Special Landscape Area
WH/2019/108	14-02-19	Delegate Permit Issued	1 Keogh Court Box Hill South Vic 3128	Riversdale	Removal of one (1) tree	VicSmart - Tree
WH/2019/111	21-02-19	Delegate Permit Issued	4 Orient Avenue Mitcham Vic 3132	Springfield	Removal of one tree	VicSmart - Tree
WH/2019/115	20-02-19	Delegate Permit Issued	2 Gareth Drive Burwood East Vic 3151	Riversdale	Removal of one (1) tree	VicSmart - Tree
WH/2019/12	15-02-19	Delegate Permit Issued	25 Dixon Grove Blackburn Vic 3130	Central	Three units to be constructed	Subdivision

9.3.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/121	25-02-19	Delegate Permit Issued	848 Canterbury Road Box Hill South Vic 3128	Riversdale	Reinstatement of front fence and retaining wall to be constructed within 4 metres of a tree under the SLO9	VicSmart - General Application
WH/2019/124	20-02-19	Delegate Permit Issued	24 Glen Ebor Avenue Blackburn Vic 3130	Central	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2019/125	20-02-19	Delegate Permit Issued	26 Glen Ebor Avenue Blackburn Vic 3130	Central	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2019/137	28-02-19	Delegate Permit Issued	8 Dobell Street Blackburn South Vic 3130	Central	Vegetation removal	VicSmart - Tree
WH/2019/14	05-02-19	Delegate Permit Issued	25 Charlotte Street Blackburn South Vic 3130	Central	Removal of one protected tree	VicSmart - Tree
WH/2019/141	21-02-19	Delegate Permit Issued	6 Goddard Court Mont Albert North Vic 3129	Elgar	Removal of one (1) tree	VicSmart - Tree
WH/2019/144	21-02-19	Delegate Permit Issued	7 Hardwood Court Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2019/149	28-02-19	Delegate Permit Issued	25-35 Lucknow Street Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2019/15	12-02-19	Delegate Permit Issued	10 Marlborough Street Mont Albert Vic 3127	Elgar	Buildings and works associated with the construction of a driveway and within 4m of SLO9 trees.	VicSmart - General Application
WH/2019/152	28-02-19	Delegate Permit Issued	62/31-37 Norcal Road Nunawading Vic 3131	Springfield	Reduction in car parking requirement for new mezzanine level	VicSmart - General Application

9.3.7
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/154	28-02-19	Delegate Permit Issued	74 Laurel Grove South Blackburn Vic 3130	Central	Buildings and works within 4 metres of protected SLO9 trees	VicSmart - General Application
WH/2019/163	28-02-19	Delegate Permit Issued	1/19 Tyrrell Avenue Blackburn Vic 3130	Central	Buildings and works (internal alterations) on land with a lot size less than 300 square metres	VicSmart - General Application
WH/2019/37	07-02-19	Delegate Permit Issued	14 Box Avenue Forest Hill Vic 3131	Morack	Three lot subdivision	Subdivision
WH/2019/45	07-02-19	Delegate Permit Issued	5 Barbara Street Vermont Vic 3133	Springfield	Buildings and works within 4 metres of protected vegetation	Special Landscape Area
WH/2019/50	14-02-19	Delegate Permit Issued	20 Pakenham Street Blackburn Vic 3130	Central	Construction of a front fence within 4 metres of vegetation	VicSmart - General Application
WH/2019/51	08-02-19	Delegate Permit Issued	52 Owen Street Mitcham Vic 3132	Springfield	Installation of brick and steel front fence within 4m of street tree	VicSmart - General Application
WH/2019/55	05-02-19	Delegate Permit Issued	5 Beatrice Court Blackburn Vic 3130	Central	Removal of one tree	VicSmart - Tree
WH/2019/56	06-02-19	Delegate Permit Issued	1/16-18 Shady Grove Nunawading Vic 3131	Springfield	Removal of vegetation	VicSmart - Tree
WH/2019/67	11-02-19	Delegate Permit Issued	23 Clifton Street Box Hill South Vic 3128	Riversdale	Two lot subdivision	VicSmart - Subdivision
WH/2019/68	25-02-19	Delegate Permit Issued	541 Canterbury Road Vermont Vic 3133	Springfield	3 lot subdivision to coincide with development permit	Subdivision
WH/2019/69	19-02-19	Delegate Permit Issued	7 Grey Street Vermont Vic 3133	Springfield	Proposed Carport, veranda and roofed alfresco	VicSmart - General Application

9.3.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/70	06-02-19	Delegate Permit Issued	1a Deanswood Road Forest Hill Vic 3131	Central	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2019/71	11-02-19	Delegate Permit Issued	29 Kent Road Box Hill Vic 3128	Elgar	Proposed front fence within 4 metres of nature strip tree.	VicSmart - General Application
WH/2019/77	14-02-19	Delegate Permit Issued	9 Chablis Crescent Vermont South Vic 3133	Morack	Removal of one (1) tree	VicSmart - Tree
WH/2019/8	06-02-19	Delegate Permit Issued	32 Sevenoaks Road Burwood East Vic 3151	Morack	Tree removal within SLO9	Special Landscape Area
WH/2019/80	12-02-19	Delegate Permit Issued	1/8 Terrara Road Vermont Vic 3133	Morack	Removal of one (1) tree	VicSmart - Tree
WH/2019/82	19-02-19	Delegate Permit Issued	14 Drummond Street Blackburn South Vic 3130	Central	Eucalyptus - remove to ground as limbs are failing and tree unsuitable. See Arborist report	VicSmart - Tree
WH/2019/83	14-02-19	Delegate Permit Issued	10 Kildare Street Burwood Vic 3125	Riversdale	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2019/84	14-02-19	Delegate Permit Issued	10 Kildare Street Burwood Vic 3125	Riversdale	Removal of one (1) SLO9 tree	VicSmart - Tree
WH/2019/93	12-02-19	Delegate Permit Issued	27 Orient Avenue Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2019/99	14-02-19	Delegate Permit Issued	21 Pope Road Blackburn Vic 3130	Central	Removal of one (1) tree	VicSmart - Tree
WH/2009/175/A	20-02-19	Delegate Refusal - S72 Amendment	2/22 Bennett Street Forest Hill Vic 3131	Central	Amendment to the current permit which allows three dwellings on the lot to include altering the existing building to contain four dwellings.	Permit Amendment

9.3.7
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2016/169/A	12-02-19	Delegate Refusal - S72 Amendment	248 Middleborough Road Blackburn South Vic 3130	Central	Construction of three double storey dwellings and alteration of access to a road in a Road Zone, Category 1	Permit Amendment
WH/2017/586	27-02-19	Delegate Refusal Issued	39 Packham Street Box Hill North Vic 3129	Elgar	Construction of three double storey dwellings	Multiple Dwellings
WH/2018/1101	19-02-19	Delegate Refusal Issued	5 Will Street Forest Hill Vic 3131	Springfield	Construction of two (2) double storey dwellings a lot with vegetation removal and buildings and works within 4 metres of protected vegetation	Multiple Dwellings
WH/2018/34	12-02-19	Delegate Refusal Issued	82 Middleborough Road Blackburn South Vic 3130	Riversdale	Development of the land for eight dwellings including associated creation of access into a Road Zone Category 1, buildings and works and tree removal within the Significant Landscape Overlay.	Multiple Dwellings
WH/2018/633	14-02-19	Delegate Refusal Issued	13 Karwitha Street Vermont Vic 3133	Morack	Construction of three double storey dwellings	Multiple Dwellings
WH/2018/696	15-02-19	Delegate Refusal Issued	Shop 154 Elgar Road Box Hill South Vic 3128	Riversdale	Change of use from convenience shop to convenience restaurant	Business

9.3.7
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/120	28-02-19	Delegate Refusal Issued	57 O'shannessy Street Nunawading Vic 3131	Springfield	Vegetation removal	VicSmart - Tree
WH/2019/128	21-02-19	Delegate Refusal Issued	4 Alexander Street Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2019/23	06-02-19	Delegate Refusal Issued	12 Chessell Street Mont Albert North Vic 3129	Elgar	Removal of one (1) VPO2 and SLO9 tree	VicSmart - Tree
WH/2019/24	06-02-19	Delegate Refusal Issued	12 Chessell Street Mont Albert North Vic 3129	Elgar	Removal of one (1) VPO2 and SLO9 tree	VicSmart - Tree
WH/2019/25	06-02-19	Delegate Refusal Issued	12 Chessell Street Mont Albert North Vic 3129	Elgar	Removal of one (1) VPO2 and SLO9 tree	VicSmart - Tree
WH/2019/65	06-02-19	Delegate Refusal Issued	6 Grevillea Court Forest Hill Vic 3131	Springfield	Removal of one (1) tree within SLO9	VicSmart - Tree
WH/2019/73	19-02-19	Delegate Refusal Issued	6 Albion Road Box Hill Vic 3128	Elgar	Removal of one (1) tree	VicSmart - Tree
WH/2008/318/A	15-02-19	Withdrawn	195-197 Whitehorse Road Blackburn Vic 3130	Central	Buildings and works in association with the use of the land for the purpose of a medical centre and ancillary food and drink premises (cafe) with a reduction in carparking requirements	Permit Amendment
WH/2018/1411	06-02-19	Withdrawn	21 Wellard Road Box Hill South Vic 3128	Riversdale	2 Lot subdivision in accordance with plan of subdivision - PS824415A	Subdivision

9.3.7
 (cont)

BUILDING DISPENSATIONS/APPLICATIONS FEBRUARY 2019

Address	Date	Ward	Result
1 Shafer Road, Blackburn North	01-02-19	Central	Consent Granted 116
15 Fithie Street, Blackburn North	06-02-19	Central	Consent Refused 89
34 Jessie Street, Blackburn North	25-02-19	Central	Consent Refused 74
59 Romoly Drive, Forest Hill	20-02-19	Central	Consent Refused 74
12 Jackson Avenue, Mont Albert North	18-02-19	Elgar	Consent Granted 77
12 Jackson Avenue, Mont Albert North	18-02-19	Elgar	Consent Granted 76
29 Kent Road, Box Hill	20-02-19	Elgar	Consent Granted 89
395 Middleborough Road, Box Hill	06-02-19	Elgar	Consent Granted 116
4 Kerrimuir Street, Box Hill North	08-02-19	Elgar	Consent Granted 82
4 Kerrimuir Street, Box Hill North	11-02-19	Elgar	Consent Granted 74
41 Rostrevor Parade, Mont Albert North	06-02-19	Elgar	Consent Granted 79
5 Barcelona Street, Box Hill	27-02-19	Elgar	Consent Granted 79
53 Allison Road, Mont Albert North	12-02-19	Elgar	Consent Granted 89
545-563 Station Street, Box Hill	01-02-19	Elgar	Consent Granted 116
6 Menzies Street, Box Hill	22-02-19	Elgar	Consent Granted 116
84 Harrison Street, Box Hill North	12-02-19	Elgar	Consent Granted 79
975-989 Whitehorse Road, Box Hill	20-02-19	Elgar	Consent Granted 116
2b Wimmera Street, Box Hill North	18-02-19	Elgar	Consent Refused 79
3 Arnott Street, Mont Albert North	15-02-19	Elgar	Consent Refused 79
20 Delatite Court, Vermont	11-02-19	Morack	Consent Granted 85
43 Blanche Drive, Vermont	21-02-19	Morack	Consent Granted 89
48 Barter Crescent, Forest Hill	06-02-19	Morack	Consent Granted 74
48 Barter Crescent, Forest Hill	06-02-19	Morack	Consent Granted 75
48 Barter Crescent, Forest Hill	07-02-19	Morack	Consent Granted 80
81 Sevenoaks Road, Burwood East	06-02-19	Morack	Consent Granted 74
17 Caroben Avenue, Vermont	15-02-19	Morack	Consent Refused 89
2 Kalimna Street, Vermont	07-02-19	Morack	Consent Refused 79
45 Great Western Drive, Vermont South	05-02-19	Morack	Withdrawn
17 Cornish Road, Burwood East	25-02-19	Riversdale	Consent Granted 80
352 Station Street, Box Hill South	11-02-19	Riversdale	Consent Granted 80
50 Begonia Street, Box Hill South	20-02-19	Riversdale	Consent Granted 74
16 Chaucer Street, Box Hill South	14-02-19	Riversdale	Consent Refused 89
18 David Street, Box Hill South	04-02-19	Riversdale	Consent Refused 89
9 Richardson Street, Box Hill South	14-02-19	Riversdale	Consent Refused 80
1/116 Springvale Road, Nunawading	07-02-19	Springfield	Consent Granted 116
1/5 Lemon Grove, Nunawading	07-02-19	Springfield	Consent Granted 76
112 Rooks Road, Nunawading	01-02-19	Springfield	Consent Granted 79
113 Junction Road, Nunawading	08-02-19	Springfield	Consent Granted 79
12 Milton Street, Nunawading	05-02-19	Springfield	Consent Granted 76
13 Milton Street, Nunawading	05-02-19	Springfield	Consent Granted 79
18 Sunnyside Avenue, Nunawading	01-02-19	Springfield	Consent Granted 74
2 Zander Avenue, Nunawading	18-02-19	Springfield	Consent Granted 89
24 Mountainview Road, Nunawading	25-02-19	Springfield	Consent Granted 91
49 Lemon Grove, Nunawading	25-02-19	Springfield	Consent Granted 79
20 Will Street, Forest Hill	04-02-19	Springfield	Consent Refused 80
24 Mountainview Road, Nunawading	25-02-19	Springfield	Consent Refused 94
29 Fuller Street, Mitcham	05-02-19	Springfield	Consent Refused 80

9.3.7

(cont)

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS FEBRUARY 2018

Under the Planning and Environment Act 1987: Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION FEBRUARY 2019

Nil

REGISTER OF PROPERTY DOCUMENTS EXECUTED FEBRUARY 2019

Property Address	Document Type	Document Detail
Leases		
14-18 Station Street, Mitcham	Lease	New Lease (Existing lease will expire 31 March 2019)
SES 1 Ailsa Street, Box Hill South	Lease	New Lease
37 Bennett Street, Forest Hill	Lease	New Lease (existing lease expired)
Fire Services Property Levy (FSPL)		
490-500 Burwood Highway, Vermont South	Not applicable	Land use changed from 'Exempt' to 'Residential'
Flat 1/490-500 Burwood Highway, Vermont South	Not applicable	Land use changed from 'Exempt' to 'Residential'
Flat 2/490-500 Burwood Highway, Vermont South	Not applicable	Land use changed from 'Exempt' to 'Residential'
16A Victoria Crescent, Mont Albert North	Not applicable	Land use changed from 'Industrial' to 'Residential'
Rateability Changes (Section 154 of the Local Government Act)		
490-500 Burwood Highway, Vermont South	Property Now Rateable	Former commonwealth land purchased by rateable entity
BLDG 7/25-37 Chapman Street, Blackburn North	Exempt-Charitable	Used as office and church by "Bread Of Life Church"
113 Lake Road, Blackburn	Exempt-Charitable	Used as ministers residence
G01/ 19-23 Prospect Street, Box Hill	Exempt-Charitable	Occupied by Community Housing (Vic) Ltd
201/ 19-23 Prospect Street, Box Hill	Exempt-Charitable	Occupied by Home@Scope Pty Ltd
BLDG 1 Ground 4/301 Burwood Highway, Burwood	Exempt-Charitable	Occupied by Deakin University
BLDG 1 201/301 Burwood Highway, Burwood	Exempt-Charitable	Occupied by Deakin University
BLDG 1 202/301 Burwood Highway, Burwood	Exempt-Charitable	Occupied by Deakin University
BLDG 2/301 Burwood Highway, Burwood	Exempt-Charitable	Occupied by Deakin University
DISH 4/301 Burwood Highway, Burwood	Exempt-Charitable	Occupied by Deakin University
38 Lexton Road, Box Hill North	Exempt-Charitable	Used as church by Full Gospel Assembly Melbourne

9.3.7

(cont)

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL FEBRUARY 2019

Instrument of Appointment & Authorisation under the Planning and Environment Act 1987:
Sam Jiang, Sarah Aloj, Ian Romeril (07.02.19)

PARKING RESTRICTIONS APPROVED BY DELEGATION FEBRUARY 2019

Address: **Blackburn Road, Blackburn:** from northern boundary of 27 Blackburn Road to southern boundary of 33 Blackburn Road – east side

Previously: 6 'Unrestricted' parking spaces

Now: 6 '2-Hour, 8am to 6pm, Monday to Friday & 8am to 1pm, Saturday' parking spaces

VENDOR PAYMENT SUMMARY: SUMS PAID DURING FEBRUARY 2019

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
07/02/2019	\$6,481.82	20	EFC
07/02/2019	\$106,313.78	25	CHQ
07/02/2019	\$997,586.84	54	EFT
14/02/2019	\$5,379.10	13	EFC
14/02/2019	\$112,870.89	83	CHQ
14/02/2019	\$2,305,129.64	294	EFT
14/02/2019	\$1,369.75	1	EFC
15/02/2019	\$2,061.66	1	EFT
15/02/2019	\$6.04	1	EFT
15/02/2019	\$275.00	1	EFT
20/02/2019	\$1,500.00	1	EFC
21/02/2019	\$51,506.90	34	EFC
21/02/2019	\$82,202.07	43	CHQ
21/02/2019	\$526,592.31	53	EFT
28/02/2019	\$19,191.64	41	EFC
28/02/2019	\$54,178.85	55	CHQ
28/02/2019	\$1,720,898.66	260	EFT
GROSS	\$5,993,544.95	980	
Monthly Lease Payments	\$35,935.66		
Direct Debit Payments	\$124,968.53		
CANCELLED PAYMENTS	-\$32,307.49	-21	
NETT	\$6,122,141.65	959	

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

10.1 Reports by Delegates

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

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Liu

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

- 10.1.1 Cr Ellis reported on her attendance at the Eastern Region Affordable Housing Alliance meeting held on the 4 April 2019.
- 10.1.2 Cr Liu reported on her attendance at the:
- Whitehorse Manningham Regional Library Corporation meeting held on the 18 April 2019.
 - Whitehorse Business Group meeting held on the 9 April 2019.
 - Eastern Transport Coalition meeting held on the 11 April 2019.
- 10.1.3 Cr Massoud reported on her attendance at the:
- Whitehorse Sport and Recreation Network meeting held on the 21 March 2018.
 - Whitehorse Disability Advisory Committee meeting held on the 3 April 2019.
- 10.1.4 Cr Munroe reported on his attendance at the Metropolitan Transport Forum held on the 3 April 2019, where Daniel Bowen, former President Public Transport Users Association spoke and where the MTF State Budget Submission to State Government was tabled.
- 10.1.5 Cr Cutts reported on her attendance at the:
- Whitehorse Manningham Regional Library Corporation meeting held on the 18 April 2019 and the Audit Committee meeting held on 5 April 2019.
 - Whitehorse Business Group meeting held on the 9 April 2019.
- 10.1.6 Cr Bennett reported on his attendance at the:
- MAV Metropolitan East Regional meeting held on the 25 March 2019.
 - Whitehorse Sport and Recreation Network meeting held on the 21 March 2018.

10.2
(cont)

10.2 Recommendation from the Special Committee of Council Meeting of 8 April 2019

RECOMMENDATION

Moved by Cr Massoud, Seconded by Cr Ellis

10.2.1 Alliance for Gambling Reform

SPECIAL COMMITTEE OF COUNCIL RECOMMENDATION

Moved by Cr Massoud, Seconded by Cr Cutts

That Council

1. *Acknowledges the advocacy activities of The Alliance for Gambling Reform, a National advocacy group, raising awareness in regard to gambling harm*
2. *Resolves to join the Alliance for Gambling Reform for the financial year 2019-2020*
3. *Approves an initial allocation of \$25,000 in the budget for the financial year 2019-2020, being the cost of the subscription to the Alliance for Gambling Reform for one year and to be reviewed annually as part of the budget process.*

CARRIED

RECOMMENDATION

That the recommendations from the Special Committee of Council Meeting of 8 April 2019 Items 10.2.1 be received and adopted.

AMENDMENT

Moved by Cr Barker, Seconded by Cr Davenport

That Council

1. *Acknowledges the advocacy activities of The Alliance for Gambling Reform, a National advocacy group, raising awareness in regard to gambling harm*
2. *Resolves to join the Alliance for Gambling Reform for the financial year 2019-2020*
3. *Approves an initial allocation of \$25,000 in the budget for the financial year 2019-2020, being the cost of the subscription to the Alliance for Gambling Reform for one year and to be reviewed annually as part of the budget process.*
4. *Write to the Box Hill RSL President and apologise for the comments made in public submissions (Special Committee 8 April 2019): acknowledging Council may have caused to be published, untrue and potentially defamatory imputations against the Box Hill RSL Executive Committee.*
5. *Acknowledges the disruptive nature of internet betting/gambling and blocks the top 10 gaming/gambling/ betting punting sites from*
 - a) *All public wireless networks available in council facilities*
 - b) *Councils internal internet connections*
 - c) *Mobile devices (if possible)*

LOST

10.2
(cont)

A Division was called.

Division

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

On the results of the Division the Amendment was declared LOST

**The substantive motion moved by Cr Massoud, seconded by Cr Ellis was
then put CARRIED**

A Division was called.

Division

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

On the results of the Division the motion was declared CARRIED

10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
06.03.19 5:00-6:00pm	Advisory Committee for the CEO's Development <ul style="list-style-type: none"> CEO Recruitment Process 	Advisory Committee Members Cr Bennett (Mayor & Chair) Cr Davenport Cr Massoud Cr Munroe Others Present Cr Barker Cr Carr Cr Cutts Cr Liu	P Bennett	Nil	Nil
18.03.18 6:30-7:00pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> 9.1.1 451-453 Belmore Road, Mont Albert North (Lots 14 & 15 LP 29915) 9.1.4 Permanent Significant Landscape Overlay Control, Schedule 9 (SL09) 9.1.5 North East Link: Submission to Inquiry and Advisory Committee 	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown (AGMHS) D Seddon P Smith S Freud A De Fazio J Russell	Nil	Nil
18.03.18 9:30- 9:45pm	Confidential Matter	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff A De Fazio	Nil	Nil
22.03.19 2:30-6:30pm	Councillor Budget Planning Weekend Workshop	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe	N Duff J Green N Brown T Wilkinson P Smith S Freud A De Fazio S Cann S Hewett S Smith T McGuckian	Nil	Nil

10.3
 (cont)

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
23.03.19 9:00-2:00pm	Councillor Budget Planning Weekend Workshop	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown T Wilkinson P Smith S Freud A De Fazio S Cann S Hewett	Nil	Nil
01.04.19 6:30-7:50pm	Strategic Planning Session <ul style="list-style-type: none"> Energy Efficiency Capital Works Proposal, including Energy Performance Contract Financial Report as at 28 February 2019 Capital Works Update 	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown T Wilkinson P Smith S Freud A De Fazio I Kostopoulos I Barnes A Swayn S Cann S Hewett	Nil	Nil
01.04.19 8:00-8:30pm	Advisory Committee for the review of the Chief Executive Officer's Development <ul style="list-style-type: none"> Organising CEO Recruitment Agency Interviews 	Advisory Committee Members Cr Bennett (Mayor & Chair) Cr Davenport Cr Massoud Cr Munroe Others Present Cr Barker Cr Carr Cr Cutts Cr Ellis Cr Liu	Nil	Nil	Nil
08.04.19 2:00- 4:30pm	Advisory Committee for the review of the Chief Executive Officer's Development <ul style="list-style-type: none"> CEO Recruitment Agency Interviews 	Advisory Committee Members Cr Bennett (Mayor & Chair) Cr Davenport Cr Massoud Cr Munroe Others Present Cr Barker Cr Carr Cr Cutts Cr Liu Cr Stennett	Nil	Nil	Nil

10.3
 (cont)

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
08.04.19 5:00 - 5:30pm	Box Hill Institute Future Plans <ul style="list-style-type: none"> • Overview of Box Hill Institute 	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis (arrived at 5:25pm) Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff	Nil	Nil
08.04.19 6:30- 9:30pm	Councillor Briefing Session <ul style="list-style-type: none"> • Special Committee Agenda 8 Apr 2019 • Other Business Motions • Budget Summary Overview • Draft Council Agenda 15 Apr 2019 	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff (AGMCD) K Marriott N Brown T Wilkinson P Smith S Freud A De Fazio J Russell A Egan V McLean J Hansen S Hewett S Cann J Blythe T Curtis I Barnes A Swayne	Cr Davenport declared a direct conflict of interest in Item 9.3.3 Contract Extension (Contract 20035) Provision of Parking Services, as Tenix is an employer of Cr Davenport.	Having declared a conflict of interest in Item 9.3.3 Contract Extension (Contract 20035) Provision of Parking Services. Cr Davenport left the meeting at 8:45pm before discussion on the item, returning at 8:50pm

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Cutts

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

11.1 Cr Davenport reported on his attendance at the:

- MAV Technology Conference held on the 27 March 2019
- Ceda Smart Cities forum held on the 12 April 2019.

11.2 Cr Bennett reported on his attendance MAV Technology Conference held on the 27 March 2019.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

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

CARRIED UNANIMOUSLY

12 CONFIDENTIAL REPORTS

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

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

CARRIED UNANIMOUSLY

The meeting was closed to the public at 10.01pm

Attendance

Cr Stennett left the chambers at 10:01pm, returning at 10:02pm

Cr Munroe left the chambers at 10:01pm, returning at 10:02pm

Cr Ellis left the chamber at 10:01pm returning at 10:03pm

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

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

CARRIED UNANIMOUSLY

The meeting was reopened to the public at 10:07pm.

13 CLOSE MEETING

Meeting closed at 10:08pm

Confirmed this 27th day of May 2019

CHAIRPERSON