



# City of Whitehorse

## AGENDA

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### Ordinary Council Meeting

To be held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 15 July 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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## AGENDA

### 1 PRAYER

#### 1a Prayer for Council

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

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

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

***Amen.***

#### 1b Aboriginal Reconciliation Statement

*"In the spirit of reconciliation, 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

### 3 DISCLOSURE OF CONFLICT OF INTERESTS

### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 24 June 2019 and Confidential Ordinary Council Meeting 24 June 2019

#### RECOMMENDATION

***That the minutes of the Ordinary Council Meeting 24 June 2019 and Confidential Ordinary Council Meeting 24 June 2019 having been circulated now be confirmed.***

### 5 RESPONSES TO QUESTIONS

### 6 NOTICES OF MOTION

### 7 PETITIONS

### 8 URGENT BUSINESS

## 9 COUNCIL REPORTS

### 9.1 CITY DEVELOPMENT

#### Statutory Planning

#### 9.1.1 245-247 Canterbury Road, BLACKBURN (LOT 2 PS 604010G): Amendment to the existing planning permit (WH2008/487) to include: Buildings and works for a new 2-3 storey building and associated tree removal.

FILE NUMBER: WH/2008/487/A  
ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 39 objections were received. The objections raised issues with the proposed building not respecting the neighbourhood character; overdevelopment of the site; lack of landscaping areas; tree removal; lack of on-site car parking; traffic and safety impacts; amenity impacts from noise and light spill; safety around pool areas; impacts on the nearby creek; impact on property values.*

*A Consultation Forum was held on 12 December, 2018 chaired by Councillor Massoud, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **RECOMMENDATION**

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

- A. Being the Responsible Authority, having caused Application WH/2008/487/A for 245-247 Canterbury Road, BLACKBURN (LOT 2 PS 604010G) to be advertised and having received and noted the objections is of the opinion that the granting of an Amended Planning Permit for the (WH2008/487) to include: Buildings and works for a new 2-3 storey building and associated tree removal is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant an Amended Planning Permit under the Whitehorse Planning Scheme to the land described as 245-247 Canterbury Road, BLACKBURN (LOT 2 PS 604010G) for development of the land as a Place of Worship, including associated buildings and works and tree removal, subject to the following amended or new conditions:**

- **Condition 1 – Amended**

***Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:***

- Deleted;***
- Deleted;***
- Deleted;***
- Deleted;***
- Deleted;***
- The northern perimeter to the north-facing, ground floor terrace treated with a 1.7m high screen or balustrade which provides for no more than 25% visual transparency.***
- Any changes required to comply with the acoustic recommendations required under condition 6 of this permit;***

### 9.1.1

(cont)

- h) The basement layout revised as per the Basement Plan from Clarke Hopkins Clarke (170140/TP04, Revision B, dated 10/1/2019);*
- i) A pedestrian sight triangle has been provided as per Clause 52.06.*
- j) Deletion of first floor 'admin office' areas;*
- k) The stair access on the northern side of the building located no closer than 10m to the northern boundary;*
- l) Hard surface paving within the north setback area substituted with permeable gravel walkway;*
- m) An increased setback between the basement and south boundary from 3100 to no less than 4200mm*

- Condition 2 – No change

- Condition 3 – Amended

*Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects and dated 4/9/2018, but modified to include (or show):*

- a) Canopy trees adjacent to the western boundary selected from a species with suitable canopy dimensions to avoid excessive overhang to the western boundary;*
- b) Full specification for the plants within the easement area. The species must be fast growing and demonstrate being suitable for easement planting*

- New condition

*Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:*

- a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;*
- b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and*
- c) Replacing any dead, diseased, dying or damaged plants,*

*To the satisfaction of the Responsible Authority.*

- New condition

*Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by F2 Design and dated 7 September, 2018, but modified to include or show:*

- a) A STORM Rating Report with a score of at least 100% or equivalent.*
- b) A complete, published BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ).*
- c) Control car park ventilation with CO sensors.*
- d) Control car park lighting (at least 75% of lighting fixtures) with motion sensors.*

### 9.1.1

(cont)

- e) ***Commit to controlling less frequented common areas, lift areas and service areas with daylight and motion sensors and/or timers.***
- f) ***Commit to the inclusion of energy efficient heating and cooling systems indicating the associated COP and EER values and/or star ratings.***
- g) ***Commit to the inclusion of water efficient fixtures and appliances indicating the associated WELS ratings.***
- h) ***Provide and connect a rainwater tank(s) to all toilet flushing systems and irrigative areas.***
- i) ***Commit to diverting at least 70% of construction/demolition waste from landfill.***
- j) ***Submit a water balance calculation justifying the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with AS/NZS 6400:2016 of 1 full- and 4 half-flushes per person per day (providing 17.5 L/person/day for a 4 star WELS rated toilet). A rainwater tank size should be selected based on calculations, ensuring adequate reliability of supply is maintained with respect to overflow given that the rainwater should cater for all toilets and irrigative areas and bin wash-down areas***
- ***New condition***

***Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:***

***The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.***
- ***New condition***

***The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.***
- ***Condition 9 - Amended and renumbered accordingly***

***Once the use is commenced it must only be used for the above purpose, to the satisfaction of the Responsible Authority.***
- ***Condition 14 Amended and renumbered accordingly***

***The permitted use must be provided with no less than sixteen (16) car spaces on the site.***
- ***New condition***

***Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:***

  - a) ***At the permit holder's cost; and***
  - b) ***To the satisfaction of the Responsible Authority***

### 9.1.1

(cont)

- **Condition 18 – Amended**  
*Before the 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 4/5/2018, but modified to include:*
  - a) *Waste collection occurring within the lot boundaries.*
- **New condition**  
*The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*
- **New condition**  
*Pollution and sediment laden runoff must not be discharged directly or indirectly into Melbourne Water's drains or waterways. Site controls must be installed during construction to ensure that no sediment or litter enters the waterway system.*
- **New condition**  
*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.*
- **New condition**  
*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.*
- **New condition**  
*Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
- **New condition**  
*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.*
- **New condition**  
*The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.*

### **9.1.1**

(cont)

- **New condition**

*The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.*

- **Condition 18 – Amended and renumbered accordingly**

*Before the 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 4/5/2018 but modified to include:*

a) *Waste collection occurring within the lot boundaries.*

- **New condition**

*The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

- **Condition 19 – Amended and renumbered accordingly**

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

a) *The development is not commenced within two years of the amendment date of this permit;*

b) *The development is not completed within four years of the amendment date of this permit; or*

c) *The approved use is recommenced within five years of the amendment date of this permit.*

*The Responsible Authority may extend the periods referred to if a request is made before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.*

- **Conditions 4 to 8 renumbered accordingly.**

- **Conditions 10 to 13 renumbered accordingly.**

- **Conditions 15 to 17 renumbered accordingly.**

n) *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 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.*

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**9.1.1**  
 (cont)

MELWAYS REFERENCE 62 C1

Applicant:	Terrain Consulting Group Pty Ltd
Zoning:	Neighbourhood Residential Zone – Schedule 1
Overlays:	Significant Landscape Overlay – Schedule 2 & Special Building Overlay
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 22.04	Tree Conservation
Clause 22.05	Non-Residential Uses in Residential Areas
Clause 22.09	Neighbourhood Residential Zone – Schedule 1
Clause 42.03	Significant Landscape Overlay – Schedule 2
Clause 44.05	Special Building Overlay
Clause 65	Decision Guidelines
Ward:	Central Ward



	Subject site		39 Objector Properties (14 outside of map)	↑ North
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## 9.1.1

(cont)

### BACKGROUND

#### History

Planning Permit WH/805309 was issued for the development and use of the land for a funeral parlour.

Planning permit WH/2006/444 was issued for a two lot subdivision.

Planning permit WH/2008/670 was issued on 1 September 2009 for buildings and works associated with a satellite dish.

Planning permit WH/2008/487 was issued on 26 October, 2009 for 'use as a place of worship, waiver of on-site car parking and removal of two trees'. Condition 12 of this permit limits the approved use to accommodate no more than ninety (90) persons to be present at any one time without the prior written permission of the Responsible Authority.

This permit remains valid at the time of writing this report with the existing Place of Worship operating continuously since its issue in 2009.

Planning permit WH/2013/516 for 'buildings and works to construct a building associated with an existing place of worship and removal of vegetation'. The application proposed demolition of the existing building and removal of vegetation to allow for development of the land with a part three and part four storey building to be used as a Place of Worship.

The development included a part-basement level containing sixteen (16) car parking spaces, worship space, two dining areas, two kitchens, store room and lobby space was proposed at ground floor.

First floor contained worship space, classroom space, multi-purpose room, kitchenette, dressing room, bathrooms and reception area.

Second floor contained a three bedroom dwelling including open terrace areas.

The maximum height of the building was 16.1 metres with a site coverage of approximately 70 percent.

This application was refused under delegation on 3 March, 2014 on the following grounds:

1. *The proposal is inconsistent with state and local planning policy in particular Clause 21.06 – Housing, Clause 22.03 – Residential Development; Clause 22.04 – Tree conservation and clause 22.05 – Non-residential uses in residential areas.*
2. *The proposal fails to adequately respond to the landscape character objectives and decision guidelines of clause 42.03 Schedule 2 (Significant Landscape Overlay).*
3. *The proposal fails to adequately respond to the preferred neighborhood character objectives and design guidelines of Neighborhood Character Study Area 24.*
4. *The size, scale and form of the buildings and works would be excessively bulky, has insufficient setbacks, landscaping buffers and new tall tree planting opportunities and excessive hard surfacing, inconsistent with the prevailing and preferred neighborhood character.*
5. *The proposal fails to provide adequate parking in accordance with the requirements of clause 52.06 of the Whitehorse Planning Scheme.*
6. *The proposal will result in unacceptable off site amenity impacts on adjoining and surrounding properties.*

The decision to refuse planning permit application upheld by the Victorian Civil and Administrative Tribunal under Hearing P718/2014.

The current application being Planning Permit application WH/2008/487/A proposes to introduce buildings and works and additional tree removal to the current planning permit.

## 9.1.1

(cont)

### The Site and Surrounds

#### Subject site

The subject site is located on the north-western corner of the intersection between Canterbury and Forest Roads in Blackburn. The lot itself is generally rectangular in shape with the exception of a splay to the south-eastern corner.

The lot has a frontage to Canterbury Road of 33.12m and 38.4m to Forest Road, covering a total site area of approximately 1609 square metres.

The site is currently developed with a single-storey, brick dwelling with a sealed car parking area to its northern side with vehicle access into Forest Road. A 1.83m wide sewerage easement runs adjacent to the northern boundary.

The site currently contains the following trees:

- A 8m high Silver Birch (T4);
- Two 6m high Lily Pily (T5 and T7);
- A 6m high Black Wattle (T6);
- A 7m high Monterey Pine (T8);
- A 7m high Flowering Pear (T9);
- A 6m high Callistemon (T14);
- A 14m high Monterey Cypress (T15);
- Two 7m high Paperbarks (T16 and 18);
- A 16m high Spotted Gum (T17 on boundary shared with No.22); and
- A 6m high Chinese Elm (T19).

#### Surrounding area

The surrounding area contains a mix of commercial and residential uses with land on the northern side of Canterbury Road falling within the Neighbourhood Residential Zone and land on the southern side being within the Commercial 1 Zone and generally associated with the Forest Hill Chase Shopping Centre.

The subject site is located at the very south-eastern corner of the boundary to the Significant Landscape Overlay (Schedule 2) areas on the eastern side of Forest Road and fronting onto Canterbury Road being located within Schedule 9 to the Significant Landscape Overlay.

The immediately adjoining lots can be described as follows:

#### *North – No.22 Forest Road*

This lot abuts the northern boundary shared with the subject site and contains a single-storey dwelling which is set back approximately 45m from the Forest Road frontage. The areas within this neighbouring lot which adjoin the subject site relate to a car port and driveway area with the dwelling itself located approximately 7 metres to the west of the subject site's western boundary.

This lot is irregularly shaped with only a narrow portion of the lot adjoining the subject site and with the majority of its area located to its north-west.

#### *West – No.241-243 Canterbury Road*

This lot is currently vacant.

#### *East – No.249 Canterbury Road*

This lot is currently occupied by part single and part double-storey building utilised as a medical centre. The building is orientated south towards Canterbury Road with car parking areas to the rear (north) with vehicle access via Forrest Road.

### **9.1.1**

(cont)

As outlined earlier, this lot is located within Schedule 9 to the Significant Landscape Overlay as is reflected in the modest landscape plantings to the lot perimeter.

#### *South – Canterbury Road*

Directly to the south of the subject site is Canterbury Road, which carries three lanes of traffic in either direction, separated by a median strip which contains densely planted canopy trees.

Further south, on the opposite side of Canterbury Road is the Forest Hill Chase Shopping Centre which presents as a two-three storey concrete panel wall, adorned with various panel treatments of either perforated metal or unfinished timber palings and some signage.

#### **Planning Controls**

##### Neighbourhood Residential Zone – Schedule 1

Pursuant to the table of uses at clause 32.09-1 of the Whitehorse Planning Scheme (the Scheme), a permit is not required to use land as a Place of Worship subject to the following criteria being met:

- (a) The gross floor area of all buildings must not exceed 250 square metres;
- (b) Must be located in an existing building;
- (c) The site must adjoin or have access to a road in a Road Zone; and
- (d) Must not require a permit under clause 52.06-3.

With the existing Place of Worship operating under Planning Permit WH/2008/487 – no additional permission is required for the use to continue.

A permit is required to construct a building or construct or carry out works for a use in Section 2 of clause 32.09-2.

##### Significant landscape Overlay – Schedule 2

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.
- Remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply if the table to clause 42.03-3 specifically states that a permit is not required.

The proposed development does not meet the exemptions under Schedule 2 of the Significant Landscape Overlay (SLO2) and therefore trigger permit requirements for buildings and works and tree removal.

##### Special Building Overlay

Pursuant to clause 44.05-2 of the Scheme, a permit is required to construct a building or to construct or carry out works.

The proposed vehicle crossover is partially located within areas affected by the Special Building Overlay (SBO) and therefore trigger a permit under this clause but with the remainder of the development being outside of the affected area.

An application must be referred to Melbourne Water as the relevant floodplain management authority pursuant to clause 44.05-6 of the Scheme.

## 9.1.1

(cont)

### PROPOSAL

It is proposed to develop the land with a new, 2-3 storey building with ground/basement level parking. The proposed building would result in a site coverage of 49% and site permeability of 42%.

There is no proposal to increase the number of persons to be present on the site from that previously approved.

The development can be summarised as follows:

#### *Basement*

Within the basement level, the proposed building would contain sixteen (16) car parking spaces with vehicle access via the eastern boundary into Forest Road.

A waste storage area would be located adjacent to the northern wall.

Two separate access points would be provided via the north-west and south-eastern corners of the basement level.

#### *Ground floor*

Ground floor would be accessible via the south-eastern corner via a new pathway leading to the intersection between Forest and Canterbury Roads. This level would contain the prayer hall and communal area (double height spaces with voids opening to the first floor above), a kitchen and two sets of toilet facilities.

A terrace would extend north past the kitchen area.

#### *First floor*

First floor would contain three admin office rooms, four 'classrooms', a prayer room and two separate bathroom areas.

#### General

The building would have a maximum height of 10.7m at its north-eastern corner.

External walls would be constructed/treated with light and mid-grey textured concrete render, concrete finish panels; breeze blockwork; bronze metal inserts and feature cladding.

#### Tree removal

The following trees are proposed for removal (which trigger a permit):

Tree	Name	Species	Height (m)	DBH (cm)	Retention value
4	Silver Birch	<i>Betula pendula</i>	8	20	low
5	Lily Pily	<i>Syzygium smithii</i>	6	Twin 20	low
9	Flowering pear	<i>Pyrus calleryana</i>	7	Twin 32	medium
14	Callistemon	<i>Callistemon citrinus</i>	6	25	Low
15	Monterey Cypress	<i>Hesperocyparis macrocarpa</i>	14	40/69	low
16	Prickly-leaved paperbark	<i>Melaleuca stypheliodes</i>	7	Triple 18	Low
17	Spotted gum	<i>Corymbia maculate</i>	16	50	Medium
18	Prickly-leaved paperbark	<i>Melaleuca stypheliodes</i>	6m	27	low

## 9.1.1

(cont)

### CONSULTATION

#### Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Canterbury and Forest Road frontages. Following the advertising period 39 objections were received.

The issues raised are summarised as follows:

- The design does not respond to the existing neighbourhood and landscape character;
- The building would result in an overdevelopment of the site;
  - Lack of space for tree plantings;
- Tree removal;
- Lack of on-site car parking;
- Traffic impacts and associated safety concerns;
- Amenity impacts;
  - Noise;
  - Lighting;
- Safety around pool areas;
- Impacts on nearby creek;
- Impacts on property values;

#### Consultation Forum

A Consultation Forum was held on 12 December, 2018. Approximately 25 objectors attended the meeting.

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

#### Amended Plans

A set of plans were provided by the applicant to Council on the 17<sup>th</sup> of January, 2019 following the public consultation forum showing:

- (a) Reduced hard surface paving within the north setback area (Hard paving substituted with permeable gravel walkway)
- (b) An increased setback between the basement and south boundary (Canterbury Road) to provide additional space for deep root planting (setback increased from 3100 to 4200mm);
- (c) Retention of additional site trees (except trees 4, 6 & 15).

These plans were not formally substituted into the application material but will be utilised for the purpose of forming conditions in the assessment section of this report.

#### Referrals

##### External

##### *Melbourne Water*

The application has been referred to Melbourne Water with the following comments received:

*Melbourne Water, pursuant to Section 56(1) of the Planning and Environment Act 1987, does not object to the proposal.*

##### *Conditions*

### 9.1.1

(cont)

Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways. Site controls must be installed during construction to ensure that no sediment or litter enters the waterway system.

#### *Advice*

*Flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a rainfall event which has a 1% Annual Exceedance Probability (AEP), that is, a 1% probability of being equalled or exceeded in any one year. For any flooding by Council drainage system Council must provide this information. Melbourne Water's Forest Hill Main Drain (DR4892)/ open creek is traversing in proximity to rear boundary of the property and care must be taken at construction to control pollution and sediment entering the waterway.*

#### Internal

##### *Transport Engineer*

The application has been reviewed by council's Transport Engineering Unit who are generally supportive of the proposed development subject to the following issues being resolved:

- (a) A pedestrian sight triangle has been provided as per Clause 52.06.
- (b) The height clearance within the basement car park has not been provided on the plan, but according to the Traffic Engineering Assessment it will be at least 2.2 metres which is satisfactory.
- (c) The provision of an accessible (disabled) car parking space is supported, however AS2890.6:2009 (Section 2.4) requires a minimum height clearance of 2.5 metres above the dedicated accessible car parking space which cannot be accommodated within the proposed 2.2 metre height clearance of the basement car park.
- (d) The proposed aisle widths and car parking space dimensions comply with Clause 52.06 and AS2890.1:2004 requirements, except that the blind aisle is to be extended by 1 metre beyond the last car parking space as per Clause 2.4.2(c).
- (e) Vehicle swept path analysis demonstrating ingress/egress to car parking spaces within the basement car park for a B85 vehicle has not been provided.
- (f) The location of the proposed crossover for the subject site may result in the loss of the existing on-street car parking space on Forest Road between the subject site's existing vehicle crossing and the vehicle crossing for No. 22 Forest Road.

##### *Waste*

The comments received from the Waste Services Officer did not support the outcomes proposed under the application, requiring waste collection to be undertaken internal to the subject site as opposed to on Forrest Road.

This issue will be addressed through condition.

##### *Assets Engineer*

The assets engineering unit support the proposed development subject to the inclusion of standard conditions and notes.

### 9.1.1

(cont)

#### *Arborist*

Council's arborist has reviewed the proposed tree removal and supported the tree removal. The following comments were also made:

*The retention of tree #9 located in the southwest corner of the site is good. The landscape plan shows the replanting of 14 new Eucalypts, of which two species are indigenous to the area.*

*The replanting of 18 new trees in total far outweighs the trees proposed for removal. Long-term the outcome for the site and character of the area will be greater than what the existing site conditions provide. I support the removal of the trees proposed for removal and believe the landscape plan is good and should be supported.*

#### *Parkswide Department*

Council's Parkswide Department have reviewed the proposed development with regards to trees located within the road reserves adjacent to the subject site and are generally satisfied with the proposal subject to the inclusion of conditions for tree protection measures.

#### *Landscape Architect*

Council's landscape architect has reviewed the proposed development and landscaping documentation and has provided the following comments:

*Planting; acceptable – this list is diverse and the selected species generally commercially available and robust.*

*Tree selection – the trees selected are acceptable (see note on western boundary).*

*Northern boundary – I would prefer to see the no. 5 Eucalyptus species planted further away from the easement. At present they are right on the easement boundary, there is scope to move them closer to the building – this may require the path also to be relocated closer to the building.*

*Western boundary – no more than 25% of the tree canopy as estimated mature width should overhang the boundary (for equitable development rights). Either relocate the trees or choose a suitable tree species that has a more narrow canopy.*

*Gateway – the building footprint and basement carpark extents allows for a reasonable area of natural ground on all four boundaries for canopy tree planting. I think the evergreen vegetation along with the aesthetics of the building present an acceptable gateway treatment.*

*Easement planting – the plan does not fully specify the plants to be planted in the easement. There is a note referencing the selection of suitable species only. Request more detailed information before being able to comment. In principle I support plants that are fast growing and known for being suitable for easement planting.*

#### *ESD Advisor*

Council's ESD advisor has reviewed the proposed development and accompanying reports and identified various areas for improvement to ensure the project complies with Council's policies at clause 22.10 – *Environmentally Sustainable Development*.

These issues can be addressed through conditions and will be discussed in the body of this report.

## 9.1.1

(cont)

### DISCUSSION

#### Policy Context

Since planning permit application WH/2013/516 was refused in March 2014, the zoning of the land has changed from Residential 1 Zone to Neighbourhood Residential 1 Zone as part of Planning Scheme Amendment VC160, gazetted 14 October, 2014.

This change to the zoning has only marginally altered the permit requirements under the zoning for a Place of Worship which is listed as a Section 1 – permit not required use, subject to slightly differing requirements between the old and new zoning as laid out below:

#### *Residential 1 Zone*

- Must be no social or recreational activities;
- The gross floor area of all buildings must not exceed 180 square metres;
- The site must not exceed 1200 square metres;
- The site must adjoin or have access to a road in a Road Zone.

#### *Neighbourhood Residential Zone*

- The gross floor area of all buildings must not exceed 250 square metres;
- Must be located in an existing building;
- The site must adjoin, or have access to a road in a Road Zone;
- Must not require a permit under clause 52.06-3.

These changes to the permit triggers do not reflect any particular change in policy direction for Place of Worship uses between the zonings and further clarification must then be sought from the relevant policy under the Planning Policy Framework.

The policy under the Significant Landscape Overlay, clause 22.04 – Tree conservation and clause 22.05 – Non-residential uses in Residential Areas have not had any significant policy shift since Planning Permit WH/2013/516.

The policy context for the subject site has been explored in detail under the previous Tribunal hearing for Planning Permit application WH/2013/516 in which Member Deidun succinctly described the competing objectives under Paragraph 14 of the determination as follows:

*On balance, we consider the policy applicable to the designation of the site as a minimal change area affected by the SLO2 to clearly identify that a different outcome is sought on the review site, compared to locations outside of the minimal change area. This means, in our view, that a very different built form and landscape outcome is reasonably expected on the review site, compared perhaps to what occurs on land directly opposite and further to the east on the northern side of Canterbury Road. However the extent to which the development of the review site needs to achieve all that the SLO2 and the minimal change area seeks, can be tempered having regard to:*

- (a) The main road and corner location of the review site;
- (b) The character of the surrounding area, including land both within and outside of the minimal change area;
- (c) The site's location almost as proximate as one can get to a higher order activity centre.

Member Deidun continues in his deliberations to state '*in this case, we are not expecting the applicant to achieve an outcome entirely consistent with the SLO2 and minimal change area policy as one might expect to achieve in the heart of land so designated.*

With the use of the land as a Place of Worship being established under the existing planning permit, the ambit of discretion for this application largely relates to the proposed built form and proposed tree removal outcomes and whether these are acceptable for the subject site's location within a minimal change residential area.

### **9.1.1**

(cont)

The Tribunal's earlier deliberations have clearly set the direction that there is an expectation that there will be a tempering to the outcomes which would typically be sought for a new building within the SLO2 for this site.

While the following sections of this report will assess the relevant policy areas relating to tree removal and landscaping, built form and amenity impacts, it is considered that subject to conditions, the proposed built form strikes an appropriate balance between these competing policy objectives.

#### **Tree Removal**

As outlined earlier in this report, council's arborist has reviewed the proposed tree removal and has no objection, citing that revegetation of the lot will derive a long-term benefit for the area which outweighs the trees proposed for removal being retained.

With regards to the policy direction under clause 22.04 -3 of the Scheme, given the comments from council's arborist do not identify any of the trees proposed for removal as holding significance for aesthetic, ecological, cultural or historic reasons, their removal is justified under the performance standards at clause 22.04-4.

With regards to the decision guidelines under Schedule 2 of the Significant Landscape Overlay, none of the trees proposed for removal form part of a significant grouping of similar vegetation on the subject or adjoining lots and while each tree provides a contribution to the lot garden area, improved landscaping outcomes will be achieved in the long term through appropriate replanting around the proposed development.

#### *Landscaping*

The purpose of the Significant Landscape Overlay (SLO) is to identify, conserve and enhance the character of significant landscapes, with the Statement of nature and key elements listing the quality of the environment and its vegetation and wildlife contributions being central to the objective of the planning control.

The SLO requires the Responsible Authority to consider the Municipal Planning Strategy and the Planning Policy Framework in balance with the objectives of the SLO which as outlined earlier in this report creates a policy context described by the Tribunal as being tempered by the site's proximity to a higher order activity centre, location on a main road and the character of the immediately surrounding lots.

The decision guidelines under the Schedule to the SLO require the Responsible Authority to consider the ability of the development to provide for an average density of canopy plantings of one tree to each 150 square metres of site area. Meeting this equation for the subject site would require the planting of ten (10) canopy trees (reaching a 15 metre mature height) around the proposed development.

The landscaping documentation provided with the application details the planting of eighteen (18) canopy trees within the subject site, fourteen of which would achieve a mature height of 15 metres.

The development's ability to exceed the suggested canopy planting ratio indicates that the proposed development has provided appropriate areas for landscaping to assist with the development providing an inconspicuous profile within the surrounding area.

While council's tree conservation policy under clause 22.04 of the Scheme suggests that these trees would need to be located within 50 square metres of clear space, the comments received from council's Landscape Architect are generally supportive of the landscaping detail other than suggesting that trees along the western boundary should be selected from a species with a narrower canopy to avoid overhanging the adjoining lot.

### 9.1.1 (cont)

This issue would be addressed through a condition for canopy plantings to the western side of the building to be selected from a species with a reduced canopy spread to the satisfaction of the Responsible Authority.

The comments from council's landscape architect also request more detail around planting areas shown in the northern easement, commenting that plants that are fast growing and known for being suitable for easement planting would be most appropriate. This issue would be addressed through a condition for a revised landscaping plan in addition to the points above.

These comments would assist with ensuring the areas around the proposed building provide reasonable areas for landscaping appropriate to the site's location at the entrance to the Significant Landscape area and buffer areas along boundaries to assist with softening the proposed built form in significant views from outside of the subject site and improving the canopy cover to the site as a whole.

Overall, the proposed development would provide appropriate landscaping areas to regenerate significant canopy plantings within the subject site without the need to remove vegetation which has been identified as significant under the relevant performance standards (SLO2) and is generally supportable for this reason.

#### **Built Form Outcomes**

The development has substantially tempered the extent of built form in comparison to the previously refused application. The proposed building design and siting has clearly sought to integrate the commentary from the Tribunal offering significant improvement to setbacks and landscaping areas along the Forest Road and northern boundary interfaces.

In general, the current application has significantly reduced the height and extent of built form through the depth of the site (north to south) with the intention of 'scaling down' the building from the more robust elements presenting onto Canterbury Road to those areas further north.

The presentation of the building to Canterbury Road (as shown in Figure 1 below) provides a high quality architectural design which is in keeping with the scale of buildings on the opposite side of Canterbury and Forest Roads while also providing appropriate setbacks for landscaping opportunities.

**Figure 1 – Southern perspective image of the proposed building:**



### 9.1.1 (cont)

While the architectural language is distinctly different from existing buildings in the surrounding area, this is derived from the purpose of the building and its use as a Place of Worship and is not inappropriate in itself. The design language of the building was addressed in the Tribunal hearing for the previously refused application with Member Deidun stating at Paragraph 27:

*We accept submissions made that a sizeable mosque is an appropriate built form outcome for the review site. We also accept that such an appropriate outcome will include architecture that is not the norm for this suburb, and built form, site coverage and landscaping outcomes that may be a bit different to that achieved in other parts of the minimal change area. We are persuaded that these outcomes are consistent with our task to balance the competing policy objectives we have already identified. They are also consistent with our recognition that places of worship are important community facilities that should be encouraged, and that, to an extent, the function of these buildings will influence their built form.*

With the above points in mind, the proposed building is considered to achieve an appropriate design response with regards to the southern interface with regards to both its scale, massing and design detail.

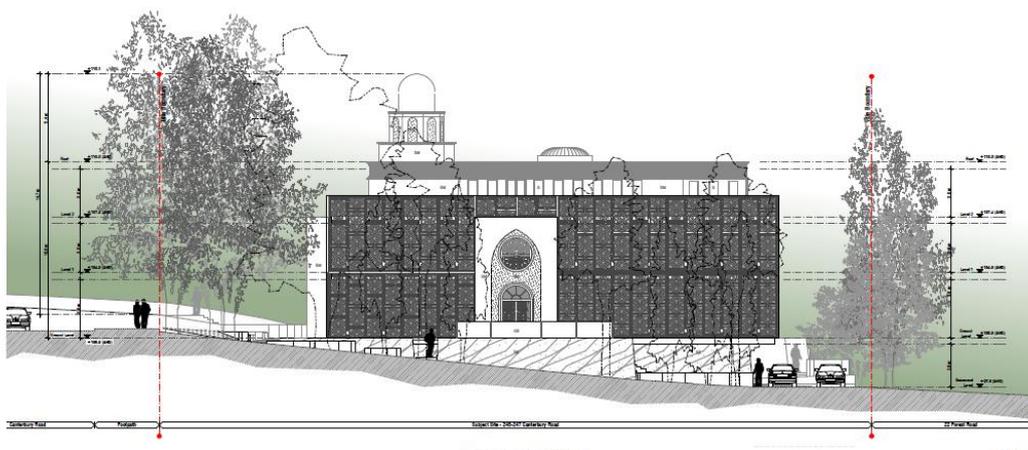
#### *Forest Road interface*

The Tribunal's assessment of the previously refused application was critical of the lack of sufficient landscape setbacks from Forest Road and the entry platforms height facing onto the street stating:

*We view Forest Road as an important interface, not only because it provides the public entry into this minimal change area, but also because it needs to draw a distinction with the landscape outcomes achieved on the opposite side of the road, being land outside of the SLO2. It is also an elevation that is highly exposed to angled views from residential properties further to the north along Forest Road.*

The arrangement of the Forest Road elevations for the previously refused application is illustrated in Figure 2 below

**Figure 2: Eastern elevation for WH/2013/487 (Previous application):**



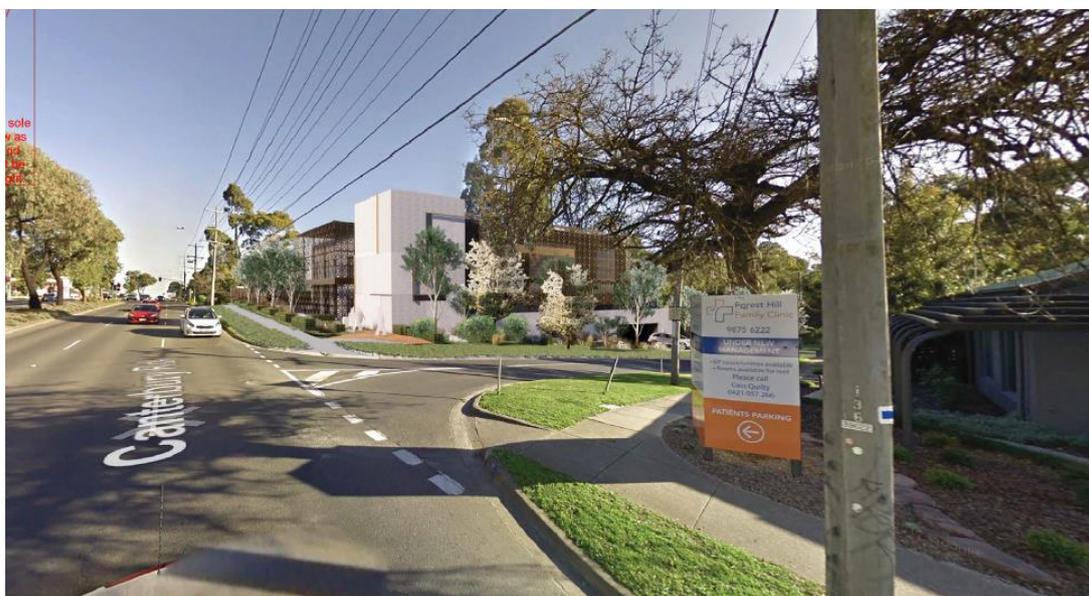
### 9.1.1 (cont)

In contrast with the previously refused application, the proposed development has included a 6.0 metre deep landscaping area across Forest Road in addition to reducing the height of the eastern elevation from 13.8m down to a maximum height of 10.7m

Significantly, the maximum height of the currently proposed building would be set back 11 metres from Forest Road while the previous refused application had the wall positioned only 5 metres from this same boundary.

The 6.0m deep landscaping areas to Forest Road will work in conjunction with the revised building design which has included an erosion of the building's north-eastern corner through the ground floor terrace and second floor areas being set back a further five (5) metres behind the classroom areas presenting onto Forest Road as shown in Figure 3 below:

**Figure 3: Perspective image from eastern side of Forest Road:**



As demonstrated in the image above, this erosion of the built form to the rear (north) would allow for substantive views through the subject site from the footpath areas along Canterbury Road and within the intersection between Canterbury and Forest Roads.

The ability of the proposed built form to allow views through the rear of the subject site to a backdrop of canopy trees clearly responds to the site's location at the gateway to the SLO2 area. With a more robust level of built form being acceptable to the Canterbury Road frontage as discussed earlier, it is these views through the northern portion of the subject site which are most critical in terms of ensuring the demarcation of the SLO2 area is maintained by the proposed development.

The proposed north-facing admin office areas at first floor and part of the stair access will be deleted through conditions to address issues of visual bulk but also to improve upon the scaling of the building into Forest Road, away from the intersection with Canterbury Road by increasing the setbacks at first floor to 14.3m to the northern boundary.

This condition will remove the tallest portions of the proposed building away from the sensitive northern interface where the level of built form must present less strongly in comparison to the canopy plantings areas along the northern boundary.

Subject to the conditions discussed above, the proposed built form would achieve a profile which is sympathetic to the landscape values identified under Section 2.0 of the Schedule to the SLO with the canopy plantings to the north proportional to the building heights.

### 9.1.1 (cont)

#### Amenity Impacts

The proposed development is located adjacent to two residentially zoned lots to the north and west and therefore it is appropriate to assess whether the proposed built form would result in any unreasonable amenity impacts to these lots.

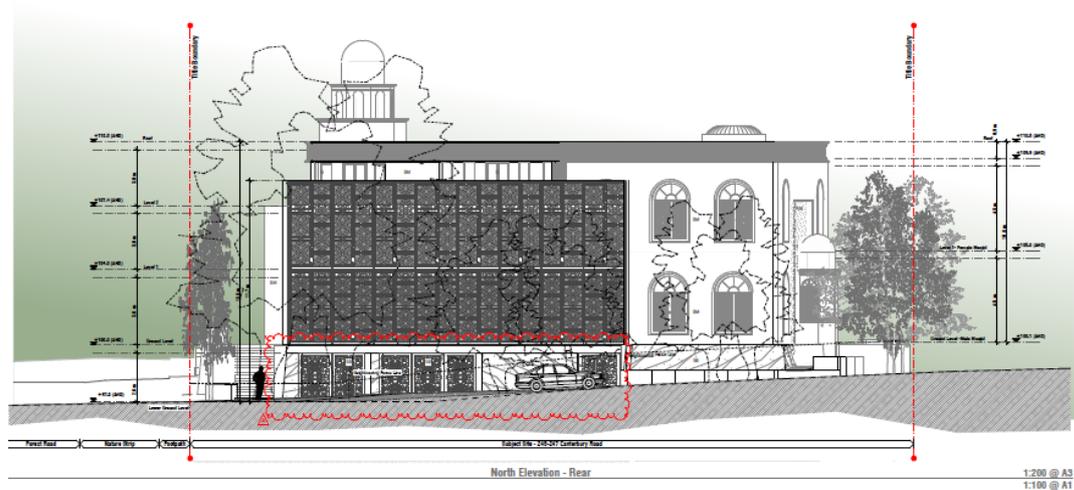
#### *Visual bulk*

The Tribunal's findings of the previous application under Planning Permit WH/2013/516 were critical of the lack of appropriate setbacks from the northern boundary which interfaces with No.22 Forrest Road stating at Paragraph 35:

*The building will essentially present a four storey scale when viewed from the adjoining residential property. As such it will appear very large and dominating when viewed from the adjoining properties which have a lower natural ground level. The height and scale of the proposal along its northern elevation will be far removed from the domestic scale that one might expect to find on a site in a minimal change area in a residential zone. The building will also have a lack of articulation above ground floor level, primarily consisting of two large rectangular forms joined at an interesting angle with a setback third storey to the closer of the rectangular forms.*

Figure 4 below shows the northern elevation proposed under the previous planning application:

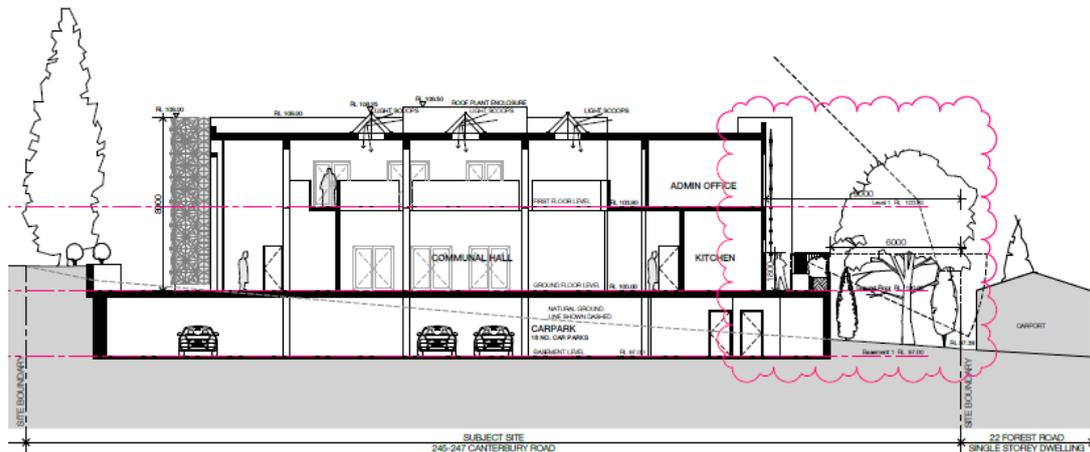
**Figure 4 – North & west elevations for WH/2013/516**



**9.1.1**  
(cont)

The proposed amendment has substantially increased the landscaping areas across the northern boundary and provided for a 'stepping' of built form away from the boundary and introducing an increased setback of 9.0m at first and second floors which is well within the ResCode envelope, which whilst not strictly applicable to this application, provides useful guidance as to appropriate building heights when interfacing with residential lots. This envelope is shown in Figure 5 below:

**Figure 5 – Proposed development, sectional diagram:**



While the proposed setbacks are considered to have been vastly improved upon since the previously refused application, it is considered that the extent of built form presenting to the residential lot to the north is still beyond that which can reasonably be expected in the context of a minimal change, residential area.

This issue would be addressed through a condition to delete the first floor classroom areas and to relocate the stair access to be no closer than 10m to the northern boundary.

This condition will assist with providing a more appropriately scaled building for lots within the Neighbourhood Residential Zone which under clause 32.09-10 would limit building heights no more than two storeys and/or 9 metres in height. While this clause technically applies to dwellings and residential buildings only, these controls indicate a reasonable guide for what heights can reasonably be expected within the residential area.

### 9.1.1 (cont)

The proposed conditions would allow the building to reflect as a double-storey built form, with the higher areas set back further towards Canterbury Road where this is contextually more appropriate. The reduction in height through conditions would achieve a level of built form that is respectful of the residential nature of the adjoining lot while also improving the 'scaling down' of the built form away from Canterbury Road by deleting the areas circled red in Figures 6 and 7 below:

**Figure 6: Perspective image from Forest Road:**



**Figure 7: Perspective image from No.22 Forest Road:**



Subject to the conditions above, the building would provide a design response which both limits unreasonable visual bulk to the adjoining lot and provides an appropriate 'downscaling' of the building to follow the topography of the land along Forest Road which was previously identified by the Tribunal as a necessary undertaking for the design response.

#### *Overlooking*

The north-facing, communal terrace proposed at ground floor would have its northern edge located 6.0m from the northern boundary shared with No.22 Forest Road. Using the ResCode Standards under clause 54 of the Scheme as a guide, being within 9m of the neighbouring property indicates that this may create a scenario for unreasonable overlooking opportunities to occur.

This issue would be addressed through a condition which requires the terrace to be treated with a screen or balustrade to its northern edge to limit opportunities for views to the north.

### **9.1.1**

(cont)

For the levels above, the north-facing windows would be set back no less than 9m from the northern boundary and would therefore not provide for unreasonable overlooking opportunities.

No windows are proposed to the western elevation and any views to the east and south would fall onto Forest and Canterbury Roads respectively (and therefore not resulting in any unreasonable loss of privacy).

Overall, subject to the condition discussed above, the proposed development would not result in any unreasonable overlooking opportunities.

#### *Overshadowing*

While the adjoining lot to the west would be subject to some additional overshadowing during the morning hours, the affected space would be modest in comparison to the areas throughout the lot which would retain access to direct sunlight throughout the day.

This neighbouring lot is currently vacant and has no development approvals pending at the time of writing this report. Even whilst this may be the case, these shadowing impacts would not unreasonably diminish the capacity of this neighbouring lot to be developed in the future while retaining a high level of amenity relating to solar access for the reasons outlined above.

No other lots would be subject to overshadowing impacts as a result of the proposed development.

#### *Noise*

Whilst the existing use is established under the current version of Planning Permit WH/2008/487, it is appropriate to consider the noise impacts associated with the use and the ability of the new building to appropriately attenuate any possible noise to the surrounding residential areas.

This issue would be addressed through a condition requiring the applicant to undertake acoustic testing to determine any appropriate attenuation measures to be utilised for the construction and/or management of the building to ensure surrounding dwellings are not unreasonably impacted.

#### *Light spill*

Similarly to the previous Planning Permit Application WH/2013/516, a perforated metal screen is proposed to be applied to much of the upper-level facades as part of the buildings overall design.

With regards to possible light spill impacts, the north-facing windows which are orientated towards No.22 Forest Road are associated with the ground floor kitchen and first floor office spaces.

These windows are modest in scale and are not associated with the main hall or communal areas which would typically require more intensive illumination. In conjunction with the setbacks from the northern boundary being greater than 9 metres, it is unlikely that these windows would result in unreasonable impacts to the adjoining residential lot.

### **Environmentally Sustainable Development (ESD)**

As outlined earlier in this report, Council's ESD advisor has reviewed the application and has suggested various conditions to address Council's ESD policy under clause 22.10 of the Scheme.

These points will be included as conditions for a revised Sustainability Management Plan to be provided which shows/addresses stormwater runoff, energy and water efficiency and indoor environment quality.

## 9.1.1

(cont)

### Car Parking and Traffic

As outlined earlier in this report, the application while proposing a larger building from what currently exists on site, is not proposing to increase the patronage which is capped at 90 persons under condition 12 of the 'use' permit.

With no increase to patron numbers proposed, there is no requirement to provide additional car parking on the site from the fifteen (15) car parking spaces stipulated under condition 14 of the current permit.

This issue was explored by Member Deidun in the previous Tribunal hearing for the site, stating:

*Turning to the car parking and traffic issues, there exists a planning permit on the site for a place of worship to operate with a maximum of 90 people. The proposal before us is for a much larger place of worship, but one that will still retain its present limit of 90 people. Further, the proposal incorporate the provision of additional car parking on site, compared to that which currently exists. Therefore the proposal will have no net impact on car parking issues in the surrounding locality.*

The proposed development would provide sixteen (16) on-site car parking spaces so would in fact, improve upon the existing car parking arrangements for the existing use.

#### Access arrangements

As outlined earlier in this report, the comments received from council's Traffic Engineering Unit have requested a number of points to be included as conditions. Generally, these will be included but excluded as follows:

- A pedestrian sight triangle has been provided as per Clause 52.06.

This point will be addressed through a condition.

- The height clearance within the basement car park has not been provided on the plan, but according to the Traffic Engineering Assessment it will be at least 2.2 metres which is satisfactory.
- The provision of an accessible (disabled) car parking space is supported, however AS2890.6:2009 (Section 2.4) requires a minimum height clearance of 2.5 metres above the dedicated accessible car parking space which cannot be accommodated within the proposed 2.2 metre height clearance of the basement car park.

The applicant has provided confirmation that there is room within the basement to achieve the 2.5m clearance outlined above.

- The proposed aisle widths and car parking space dimensions comply with Clause 52.06 and AS2890.1:2004 requirements, except that the blind aisle is to be extended by 1 metre beyond the last car parking space as per Clause 2.4.2(c).

The 'discussion' plans submitted on the 17/1/2019 have provided a revised car parking layout which provides this extension to the blind aisle at the southern end of the basement through relocation of waste storage areas. This revised arrangement would retain the same number of car parking spaces and same building footprint as shown in the advertised plans with the exception of also increasing the 3.0 metre setback from the southern boundary to 4.2m.

The increased setback to the southern boundary would provide improved areas for the proposed landscaping to Canterbury Road and is generally an improved outcome from the approved plans.

### **9.1.1** (cont)

In light of the points above, these changes shown in the discussion plans will be included as a condition.

- Vehicle swept path analysis demonstrating ingress/egress to car parking spaces within the basement car park for a B85 vehicle has not been provided.

The ability of the proposed car parking arrangements to meet the layout requirements under clause 52.06 is the relevant test under a planning permit application and with these requirements having been met (as identified in the traffic engineering comments) to require the submission of swept path diagrams would be onerous.

- The location of the proposed crossover for the subject site may result in the loss of the existing on-street car parking space on Forest Road between the subject site's existing vehicle crossing and the vehicle crossing for No. 22 Forest Road.

The proposed vehicle access would utilise a single crossover point into Forrest Road. There are limited areas which can be utilised along the eastern boundary for vehicle access due to street trees and the fact that the site is a corner lot.

A condition would require any redundant vehicle crossover to be reinstated to assist with minimising the loss of any on-street parking along Forrest Road.

#### **Permit Preamble and Conditions**

With the introduction of buildings and works and additional tree removal to the permit through the proposed amendments, there is a need to update the permit preamble and/or amend/delete a number of conditions to the existing permit.

The permit preamble would be amended from:

- Use as a Place of Worship, waiver for onsite car parking and removal of two trees.

To read:

- Use and development of the land as a Place of Worship, waiver of on-site car parking and associated buildings and works and tree removal.

Condition 1(a), (b), (c), (d) and (e) would become obsolete as a result of the revised car parking layout and landscaping areas and would therefore be deleted from the permit.

- Condition 3 for a landscaping plan would be amended to reflect the requirements under this new application;
- Condition 14 would be amended to reflect the proposed number of car parking spaces at sixteen as shown in the development plans.
- Condition 18 would be revised to reflect the need for a revised waste report for on-site collection;
- Condition 19 would be revised to reflect amendments to the permit and new expiry dates.
- A suite of new conditions relating to the approved buildings and works would be included within the permit, these conditions would be highlighted in bold so as to be distinguished from existing conditions to the permit.

## 9.1.1

(cont)

### Objector Concerns

The majority of objectors' concerns have been discussed in detail through the body of this report. The following section will address those which have not already been assessed:

#### *Safety around pool areas*

The location of the 'mirror pool' on the southern side of the proposed building was cited in the objections as a possible safety risk. Safety issues (as controlled through the Building Regulations) are not able to be directly addressed through the requirements of the Whitehorse Planning Scheme and would be addressed through the issue of a Building Permit.

#### *Impacts on nearby creek*

The application has been referred to Melbourne Water as the floodplain management authority as discussed earlier in this report.

Melbourne Water has not objected to the proposed development but has required the inclusion of a condition to any permit issued. Council considers the referral response from Melbourne Water to have addressed any issues associated with waterways in the surrounding area to the satisfaction of the floodplain management authority.

#### *Impacts on property values*

Impacts to property values are not an issue which can be directly addressed through the requirements of the Whitehorse Planning Scheme.

### CONCLUSION

The proposed amendment to the existing planning permit (WH2008/487) to include buildings and works for a new 2-3 storey building and 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 proposed design has been diligent in responding to the key failings of the previous planning permit application, which was refused under delegation and upheld as a refusal at VCAT. It is considered that the proposal has achieved a design response which balances the competing objectives under the Whitehorse Planning Scheme.

A total of 39 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.

### ATTACHMENT

- 1 Advertised Plans [!\[\]\(dc1f57792dd853faff68b264c36a8f0f\_img.jpg\)](#)
- 2 Current Planning Permit and plans [!\[\]\(d185a308cd954315ccc8b2bb93652198\_img.jpg\)](#)
- 3 Tribunal outcome - Project Planning & Development v Whitehorse CC [!\[\]\(e3b8a08bfe42f9d779713e950a637e51\_img.jpg\)](#)
- 4 Amended permit conditions as per officer's recommendation [!\[\]\(895d2780a0331a2023816bb4b415dec9\_img.jpg\)](#)

### **9.1.2 14 Dickens Street, Blackburn: Buildings and works for the construction of a double storey dwelling within the Significant Landscape Overlay, Schedule 2, tree removal and works within 4m of vegetation**

FILE NUMBER: WH/2018/1036

ATTACHMENT

#### **SUMMARY**

*This application was advertised on 12<sup>th</sup> November 2018, and a total of twenty (20) objections were received. The objections raised issues including regard to loss of indigenous trees, loss of habitat, neighbourhood character, viability of retained trees, inadequacy of proposed replanting, overdevelopment of the site, non-responsive site design and amenity concerns. A Consultation Forum was held on 27<sup>th</sup> March 2019 chaired by Councillor Munroe during which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **RECOMMENDATION**

**That Council:**

- A** *Being the Responsible Authority, having caused Application WH/2018/1036 for 14 Dickens Street, BLACKBURN (LOT 22 LP 41862) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for Buildings and works for the construction of a double storey dwelling within the Significant Landscape Overlay, Schedule 2, tree removal and works within 4m of vegetation is acceptable and should not unreasonably impact the amenity of adjacent properties.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 14 Dickens Street, BLACKBURN (LOT 22 LP 41862) for Buildings and works for the construction of a double storey dwelling within the Significant Landscape Overlay, Schedule 2, tree removal and works within 4m of vegetation, subject to the following conditions:*
- 1.** *Before the development starts, or vegetation is removed, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:*
    - a)** *The locations of Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 5 and 6 to be annotated on the development and landscape plans.*
    - b)** *Provision of detailed materials and finishes schedule*
    - c)** *Tree to be shown on site plan and landscape plan.*

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

*Once approved these plans and documents become the endorsed plans of this permit.*
  - 2.** *The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*

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3. ***No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show –***
  - a) ***Planting within and around the perimeter of the site comprising trees and shrubs capable of:***
    - i. ***Providing a complete garden scheme,***
    - ii. ***Softening the building bulk,***
    - iii. ***Providing some upper canopy for landscape perspective,***
  - b) ***A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.***
  - c) ***The proposed design features such as paths, paving, lawn and mulch.***

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

***Once approved these plans become the endorsed plans of this permit.***
4. ***Prior to the commencement of any buildings and works the appointment of the project arborist must be confirmed in writing to the satisfaction of the Responsible Authority.***
5. ***Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established on the subject site and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:***
  - a) ***Tree Protection Zone distances:***
    - i. ***Tree 4 (Eucalyptus radiata – Narrow leafed Peppermint Gum) – 9.0 metre radius from the centre of the tree base.***
    - ii. ***Tree 5 (Camellia sp. – Camellia) – 2.0 metre radius from the centre of the tree base.***
    - iii. ***Tree 6 (Pittosporum undulatum – Sweet Pittosporum) – 2.4 metre radius from the centre of the tree base.***
    - iv. ***Tree 7 (Suzygium smithii – Lilly Pilly) – 3.1 metre radius from the centre of the tree base.***
    - v. ***Tree 10 (Corymbia citriodora – Lemon Scented Gum) – 4.8 metre radius from the centre of the tree base.***
    - vi. ***Tree 11 (Eucalyptus botryoides – Bangalay) – 5.0 metre radius from the centre of the tree base.***
    - vii. ***Tree14 (Letospermum petrsonii – Lemon Scented Tea-tree) – 2.5 metre radius from the centre of the tree base.***
    - viii. ***Tree 19 (Pittosporum tenuifolium – Pittosporum) – 2.0 metre radius from the centre of the tree base.***
    - ix. ***Tree 20 (Eucalyptus melliodora – Yellow Box) – 7.4 metre radius from the centre of the tree base.***
    - x. ***Tree 21 (Eucalyptus melliodora – Yellow Box) – 7.7 metre radius from the centre of the tree base.***
    - xi. ***Tree A (Acer palmatum – Japanese Maple) – 2.0 metre radius from the centre of the tree base.***
    - xii. ***Tree B (Mixed species) – 2.0 metre radius from the centre of the tree base.***

**9.1.2**  
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- b) Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:*
  - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.*
  - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
  - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
  - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
  - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
  - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
  - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.*
- 6. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:*
  - a) A project arborist must be appointed by the applicant or builder. The project arborist must have a minimum qualification in arboriculture to be appointed the project arborist. The qualifications of the project arborist must be to the satisfaction of the Responsible Authority (RA)*
  - b) The driveway where within the TPZ's of Trees 4, 6, 7, 10 and 11 must be constructed at the existing soil grade using Lilydale Toppings or similar. There must be no grade change within the TPZ's, and no roots are to be cut or damaged during any part of the construction process.*
  - c) Longitudinal cross section to demonstrate driveway works are at/above the existing grade levels.*
  - d) The removal of the sections of the existing driveway where within TPZ's must be undertaken with the supervision and direction of the project arborist where those sections occur within the calculated TPZ's of Trees 4, 6, 7, 10 and 11. The exposed areas must then be mulched with a 75mm layer of course grade composted woodchips, which must be maintained until such time as the treatment approved for that section is installed.*
  - e) The path where within the TPZ of Tree 4 must be constructed at the existing soil grade using Lilydale Toppings or similar. There must be no grade change within the TPZ, and no roots are to be cut or damaged during any part of the construction process.*
  - f) Screw piles and lintel for wall plate and lightweight wall construction for garage within the TPZ of Tree 14. A Geotechnical Engineer must assess the soil type and provide the result to a Structural Engineer so that appropriate footing and foundations can be designed so that they are not affected by soil movement.*

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- g) For Trees 19, A and B no roots are to be cut or damaged during any part of the construction process.*
  - h) All buildings and works for the demolition of the site (excluding the driveway) and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% of the TPZ's of Trees 4, 19, A and B.*
  - i) The dwelling and decking where within the TPZ of Tree 20 must be constructed on Tree sensitive footings, such as post footings or screw piles, with no grade change within the TPZ. The postholes are to be hand dug and no roots greater than 25mm in diameter are to be cut or damaged. A Geotechnical Engineer must assess the soil type and provide the result to a Structural Engineer so that appropriate footing and foundations can be designed so that they are not affected by soil movement.*
  - j) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*
- 7. Council's Compliance Officer must be advised within one (1) month of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that the planting has been adequately maintained.**
- 8. All 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.**
- 9. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.**
- 10. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.**

### Permit Expiry

- 11. This permit will expire if one of the following circumstances applies:**
- a) The development and removal of vegetation is not commenced within two (2) years from the date of issue of this permit;*
  - b) The development and removal of vegetation is not completed within four (4) years from the date of this permit;*

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

### **Permit Notes**

- 1. This application has not been assessed under ResCode by the Responsible Authority.**

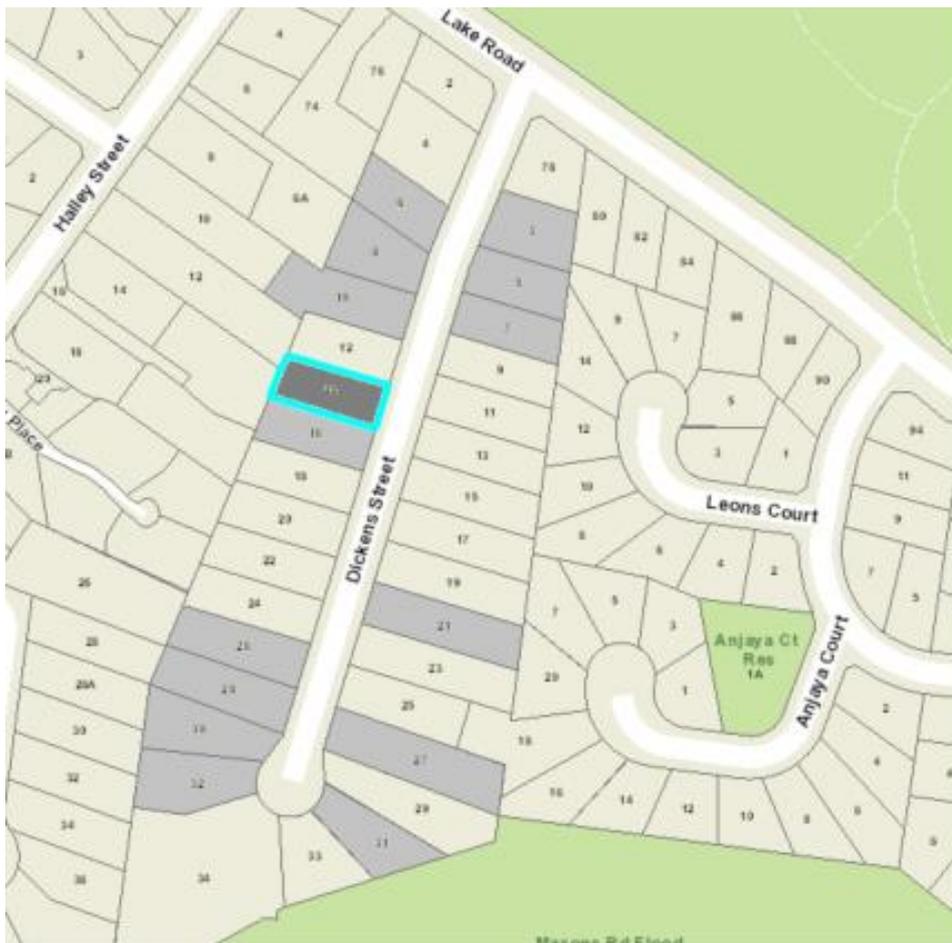
**9.1.2**  
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**2. All other infrastructure required is recommended to not alter the NGL within the TPZ of any protected trees.**

**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.**

MELWAYS REFERENCE 48 B12

Applicant:	Architecture Matters Pty Ltd
Zoning:	Neighbourhood Residential Zone 1 (NRZ1)
Overlays:	Significant Landscape Overlay Schedule 2 (SLO2)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.09	Neighbourhood Residential Zone 1
Clause 42.03	Significant Landscape Overlay, Schedule 2
Clause 52.06	Car Parking
Clause 65	Decision Guidelines
Ward:	Central



	Subject site	20 Objector Properties (6 outside of map)	 <b>North</b>
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### **BACKGROUND**

#### **History**

No previous planning applications have been applied for on this site.

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

The subject site is located on the west side of Dickens Street in Blackburn, approximately 120 metres south of the intersection with Lake Road. Dickens Street is a no through road with a court bowl located at the southern end.

The site has a total site area of 633 square metres with a frontage of 16.46 metres to Dickens Street and a maximum depth of 37.77 metres. It has a slope of one (1) metre from the east to west and has a sewage easement located along the rear (western boundary).

The site currently contains a detached single storey timber dwelling with low pitched tin roofing, located centrally within the site. The current dwelling is setback from the street frontage 7.5 metres and 6.8 metres from the rear boundary. There are also a number of well-established canopy trees located on the site; with the majority of these located within the front setback.

There is one large canopy tree located in the rear yard with the existing dwelling having a setback of 1.7 metres from this tree. Two of the three existing canopy trees in the frontage have a setback of less than 0.4 metres from the driveway surface.

The surrounding properties are residential containing a mix of single and double storey dwellings set on lots which increase in size progressively, with the smallest lots located at the north end of Dickens street (593 square metres) and the largest lots located towards the southern end of Dickens street (2776 square metres). The subject site is located towards the northern end of Dickens Street.

The character of the area displays strong landscape values. The majority of the adjoining sites contain relatively substantive canopy trees/canopy coverage except for the adjoining property to the north which contains no tree canopy and the adjoining property to the west which has minimal tree canopy and a large dwelling abutting the common boundary.

#### **Planning Controls**

##### Neighbourhood Residential Zone, Schedule 1 (Clause 32.09)

Pursuant to Clause 32.09-2

Permit requirement for the construction or extension of one dwelling on a lot is 500 square metres.

The site is a total of 633 square metres and therefore does not trigger the need to obtain a planning permit under the zone of the land.

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

##### Significant Landscape Overlay (Clause 42.03)

In accordance with schedule 2 of Clause 42.03 (Significant Landscape Overlay – SLO2) of the Whitehorse Planning Scheme, a Planning Permit is required for the front setback, north and south setbacks and buildings and works within 4 metres of a tree with a trunk circumference of 0.5 metres or more.

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The following table outlines the permit triggers in accordance with Section 3.0 of Schedule 2 of the overlay:

	No permit required:	Proposal	Permit required?
<b>Setback from the frontage</b>	Set back at least 9 metres from the front boundary for a single storey building or 11 metres for a two storey building	Front of house ground floor = 8.6 metres	Permit required
<b>Setback from side boundary</b>	If a building has a wall height greater than 3.6m, there is a requirement for 1.5 metres plus h/2.	<u>North (side)</u> Proposed setback = 1.7m Proposed setback upper storey = 3.1m <u>South (side)</u> Proposed setback = 1.6m Proposed setback upper level = 2.3m – 3m	Permit required Permit required  Permit required Permit required
<b>Maximum Hard Surface Area</b>	The works, comprising hard surfaced and impervious areas (including tennis courts and swimming pools, but excluding buildings) are less than 17 per cent of the site area	21.2% hard surface area	Permit required
<b>Maximum hard surface &amp; building coverage</b>	Maximum of 50%	53.7%	Permit required
<b>Buildings and works within 4 metres of protected trees (including front fencing)</b>	A permit is required to remove any protected trees or carry out works which alter the topography within 4m of any protected trees	Works within 4 metres of the following trees: <ul style="list-style-type: none"> <li>Tree 20 – <i>Eucalyptus melliodora</i> (Yellow Box) (2.85m setback)</li> </ul>	Permit required

### PROPOSAL

The proposal seeks approval for the construction of one (1) double storey dwelling, buildings and works in the SLO2 and removal of vegetation. Following discussions with the applicant, concerns were highlighted in the request for further information and amended plans were submitted, dated 26/10/18 and were the advertised plans. These plans include the following:

- Development of one (1) double storey dwelling located on the footprint of the existing dwelling.
- The driveway is to remain in the same location, using the existing crossover and retention of the existing Lilydale toppings surface.
- The dwelling is provided with a double garage accessed via the existing driveway located along the northern boundary. The garage is setback 17.8 metres from the street frontage.
- Front setback at ground level increased from 6.8m to 8.6m
- Front setback at upper level increased from 8.3m to 11.0m
- Side (south) setback at ground level increased from 1.3m to 1.66m
- Side (north) setback at ground level increased from 1.2m to 1.78m
- North setback at upper level increased from 2.98m to 3.18m
- Dwelling setback to the rear increased and the proposed decking reduced to reduce the encroachment to tree 20 from 50.9% to 19.5%
- Site coverage reduced from 33.05% to 32.55%

## 9.1.2

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- Replacement planting of one (1) tree with a height at maturity of 5 metres, three (3) trees with a height at maturity of 3 metres and nine (9) large shrubs with a height at maturity of 1.5- 2.0 metres.
- Garden Area percentage of 54.2%
- A maximum building height of 7.4 metres
- Removal of four (4) trees where a permit is required (tree numbers 12, 13, 15 and 17) protected under the SLO2 and four (4) other trees (trees: 8, 9, 16 and 18) are to be removed but do not trigger a permit under SLO2. Three trees have buildings and works within the TPZ's (trees 4, 5 and 20).

### CONSULTATION

#### Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Dickens Street frontage. Following the advertising period twenty (20) objections were received.

The issues raised are summarised as detailed below:

- Loss of indigenous trees
- Loss of habitat for the local tawny frog mouth birds located in the area
- Loss of neighbourhood character
  - Size of dwelling proposed
  - Loss of vegetation to build the dwelling
- Concerns regarding the viability of the retained trees
  - Works encroaching into the TPZ of trees 10, 11, 20 and 21
  - Site coverage and hard surfacing
- The proposed replanting of vegetation is inadequate and poor species selection
  - Not enough replacement trees
  - Proposed trees are not tall enough
  - Replanting is not indigenous
  - Proposed planting locations are poor
- Proposal will overshadow the roof, where the neighbour intends to install solar panels.
- The Lilydale topping driveway may contaminate the roadway and will require compaction. A permeable, more stable material should be used.
- Replacement trees should be planted after construction as not to destroy trees during construction works.
- The deck should be redesigned as not to affect the SRZ of any trees as recommended by the consulting arborist.

#### Consultation Forum

A Consultation Forum was held on 27<sup>th</sup> March 2019. Approximately 11 objectors attended the meeting, in addition to the planning officers, the applicant and Cr. Munroe (via skype).

The consultation forum was chaired by Councillor Munroe. Issues raised in the objections were tabled and grouped under broad categories with all parties afforded the opportunity to provide commentary on each concern. The permit applicant was also given an opportunity to respond to objector concerns.

The applicant agreed to address issues raised by the residents including increasing the number of indigenous plants to the site and replace the proposed Lily Pilly screening planting with a native alternative.

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A number of potential resolutions were discussed between parties, with a commitment from the applicant to change the species of plants. The applicant agreed to provide the residents of 16 Dickens Street with shadow diagrams to alleviate their concerns regarding overshadowing of their roof. The shadow diagrams were provided to the adjoining property and to council. Aside from these agreements, no other resolutions were reached between all parties.

### Referrals

#### Internal

##### Planning Arborist

The application was referred to council's consultant Arborist who has reviewed the proposal and does not object to the proposed tree removal subject to conditions relating to protection and retention of remaining canopy trees both on site and within adjoining properties. The council's arborist requires specific tree protection conditions to be implemented to ensure protection of the trees remaining on site.

A summary table from applicant's arborist report provided with the application lists the protected trees under the SLO2 which are to be removed as detailed below.

Tree No.	Botanical Name	Common Name	Height (m)	Age (year)	Health/ Structure
12	<i>Eucalyptus obliqua</i>	Messmate Stringybark	9m	Mature	Good / Fair
13	<i>Eucalyptus obliqua</i>	Messmate Stringybark	9m	In Decline	Fair / Poor
15	<i>Lagerstroemia indica</i>	Crepe Myrtle	6m	Mature	Good / Poor
17	<i>Melaleuca fulgens</i>	Scarlet Honey Myrtle	7m	Mature	Good / Fair

A summary table showing six (6) trees to be protected, as follows:.

Tree No.	Botanical Name	Common Name	Height (m)	Age (year)	Health/ Structure/ (location)
6	<i>Pittosporum undulatum</i>	Sweet Pittosporum	8m	10-20	Good Health/Fair Structure (Neighbour's tree)
7	<i>Syzygium smithii</i>	Lily Pilly	10m	20-40	Good Health/Good Structure (Neighbour's tree)
10	<i>Corymbia citriodora</i>	Lemon Scented Gum	14m	10-20	Fair Health/Good Structure (site)
11	<i>Eucalyptus botryoides</i>	Bangalay	15m	10-20	Good Health/ Fair Structure (site)
14	<i>Leptospermum petersonii</i>	Lemon Scented Tea-tree	6m	Mature	Good / Fair (site)
20	<i>Eucalyptus melliodora</i>	Yellow Box	20m	20-40	Good Health/Good Structure (site)

## 9.1.2

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### DISCUSSION

#### Consistency with State and Local Planning Policies

The proposal is consistent with State and Local Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed housing that respects the neighbourhood character and appropriately responds to the surrounding prevailing landscape character and valued built form and cultural context.

Under Clause 21.06 (Housing), the subject site is located within a 'Limited Change Area' and under Clause 22.03 (Residential Development), the site is included within a Bush Environment precinct. Clause 22.04 (Tree Conservation) aims to assist in the management of the City's tree canopy by ensuring that new development minimises the loss of significant trees. These local policies enable specific characteristics of the neighbourhood, environment and landscape to be protected through greater control over new development. Moreover, architectural, urban design and landscape outcomes must positively contribute to the local urban character whilst minimising impacts on the neighbouring properties.

The proposed development is consistent with these policies as follows:

- The development of a single dwelling is an appropriate response and retains the existing neighbourhood character, landscape and heritage elements in accordance with the directions of 'limited change' areas.
- The dwelling takes the form of replacing an existing dwelling within the SLO2 precinct, with a well-designed contemporary building set within the existing dwelling footprint and retention of significant trees on site.

Consideration must also be given to the design response in relation to the site's location within the SLO2. The SLO2 planning considerations and a response to the concerns of the objectors to the proposal will be discussed in the following sections of this report.

#### Significant Landscape Overlay – Schedule 2 (SLO2)

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

SLO2 identifies the site as being located within 'Blackburn Area 2' which has the following statement of significance:

*'The significance of the area is attributed to the quality of the environment, which includes vegetation notable for its height, density, maturity and high proportion of Australian native trees.*

*This in turn contributes to the significance of the area as a valuable bird and wildlife habitat'.*

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

- *The proposed development's ability to provide for appropriate landscaping opportunity.*
- *The proposed development's siting and design, so as to provide for a subservient profile within the context of the site.*
- *The proposed development's impact on existing vegetation on site and surrounding properties.*

## 9.1.2

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The proposal seeks to remove eight (8) trees from the site, of these eight trees, four (4) require a permit to be removed. The four (4) trees which are sought to be removed under the application are a mix of good to poor in health and have a rating of fair to poor structure and form.

It is not expected that all existing dwellings will continue to provide suitable housing stock into the future, nor that the SLO areas and SLO controls seek to prohibit development. The performance measures of the SLO2 however, are designed to guide and shape new development to ensure the environmental and landscape elements valued by the community continue to be protected, and any new development respects and responds to these performance objectives.

This new dwelling has sought to respond to these measures through its siting generally within the existing building footprint, setbacks that generally respond to surrounding built form, articulated façade features, flat roof to maintain a less conspicuous profile, upper floor setbacks, setbacks sufficient to protect significant trees, and space for a landscaping and replanting response that highlights the SLO objectives.

### **Built Form and Siting**

The proposed double storey, flat roof, modern design aims to ensure a low scale unobtrusive dwelling that will sit back into the site and work with the existing landscape. The new dwelling has been designed to occupy the majority of the existing dwelling footprint and has achieved a reduction of site coverage from 34.5% to 32.55%.

The dwelling's garage has a side setback of 1.7 metres from northern side boundary and 2.5 metres for the dwelling, and an upper level setback of 3.1 metres. It is considered that the upper level on the northern boundary provides good articulation with the use of a balcony and elevated planter boxes. The garage being set-off the boundary provides views along the northern side and allows the retention of Tree 14. The retention of Tree 14 was raised by a neighbour in the consultation forum, as its retention would provide some additional screening and the setback allows space to plant additional vegetation. The applicant has enabled the retention of this tree through the use of tree sensitive footings for the construction of the garage.

The southern setback of the dwelling proposes a setback of 1.6 metres at ground level and an upper level setback of 2.3 to 3 metres. These side setbacks allow the dwelling to be located within the existing dwelling footprint and obtains a greater setback than the current dwelling, thus allowing the retention of Tree 20 in the rear yard, and Trees 10 and 11 along the driveway. The southern setback is substantially increased from the setback provided by the existing dwelling which allows no opportunities for planting along the southern boundary.

A permit is required to vary the maximum hard surface area on the site. The proposed hard surface covers 21.2% of the site, which includes the proposed decking to the rear of the dwelling and the existing driveway which is to be retained with a Lilydale topping surface. The driveway and decking have a greater ability to allow water to penetrate the sub soil than other alternatives commonly used for dwellings providing a higher level of compliance with the intent of maximising permeability of the site. The remaining 46.3% of the site is permeable and is largely provided in the form of landscaped open space, predominately in the front and rear of the site.

The dwelling and deck are located within 4 metres of Tree 20. This has been assessed by Council's Arborist and it has been determined the works will have a minimal impact on the health of the tree and the requirements for protection and construction methods are addressed as permit conditions.

The dwelling is setback 8.6 metres on the ground floor and 11 metres on the upper level. This is greater than the adjoining properties and is setback an additional one metre more than the existing dwelling, which is sited at 7.5 metres. The proposed upper level setback of 11 metres

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from the street provides an acceptable response to ensure that the building maintains an inconspicuous profile due to this substantial recession. The proposed development is considered to be a reasonable distance from the front setback and the application has provided a well-conceived landscape design, which both ensures adequate retention of existing vegetation and enhances the landscaping throughout the site frontage.

Although the new dwelling design is different from the existing housing stock in the streetscape it does reflect the proportions of other roof and built form profiles. It has also reflected elements of the existing dwelling which included large windows facing the street, vertical timber cladding, staggered built form and low (almost flat) pitched roof. The combined design elements of the new dwelling including a flat roof and the proposed use of muted tones, render, and timber cladding used vertically reflects the existing dwelling and the use of green walls on the balcony adds to the recessive profile.

It is not a reasonable expectation that all existing dwellings will continue to provide suitable housing stock into the future, however the performance measures of the SLO2 are designed to guide and shape new development to ensure the environmental and landscape elements valued by the community continue to be protected. This new dwelling responds appropriately to these measures.

### Landscaping

Concerns were raised regarding the viability and appropriateness of proposed landscaping throughout the site, particularly regarding provision of replacement planting species. The objectors also raised the difficulty of planting new trees in Dickens Street as they do not grow very well. The dwelling has been located on the existing dwelling footprint to retain the majority of the large trees. The dwelling has proposed tree specific footings within the TPZ's of Tree 20 and for Tree 14 which was to be removed but is now being retained. This is a reasonable response to a new build within an SLO area. Emphasis is required to be placed upon the landscape qualities as a first principle, and new development responding to this as a site constraint. Where there are compromises to be made, thorough consideration must be given to identifying and protecting the significant and most contributory vegetation. This site has a number of significant trees, as identified by both Council's consulting arborist and the applicant's arborist, and the building siting has taken appropriate measures to ensure these trees are protected in the long term. That said, there are also some trees that are not of a value that they should be retained, and in these circumstances, the better long term response is for new trees to be planted and appropriate tree envelopes provided to ensure this can occur.

The proposed retention of significant trees on the site and the provision of mid-canopy vegetation to enhance the landscape outcome is consistent with Clauses 12.05 (Significant Environments and Landscapes), 22.04 (Tree Conservation), Clause 42.03 (SLO2)

It is noted that conditions will be placed on any permit requiring replacement planting of mid-canopy trees and all species to be indigenous varieties.

### Neighbourhood Character

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

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

It is considered that the proposed development adequately responds to both the existing and preferred character statement as it seeks to provide for a low scale double storey residential dwelling which does not exceed the 9 metre maximum height.

## **9.1.2**

(cont)

The use of a mix of different materials, including timber, render and painted FC sheet, coupled with setbacks from boundaries to enable planting, ensures that the proposed design response does not dominate the streetscape and provides for retention of existing vegetation on site and substantial landscaping opportunities throughout.

The retention of trees 3, 4, 10, 11, 14 and 20 within the site frontage along with provision of additional three (3) trees, which will grow to a mid-canopy height within the site's frontage is considered to adequately ensure the proposed development will not appear dominant to and be well screened from the street frontage throughout its lifetime, with this to be further enhanced with landscape planting along the north side boundary of the site.

The current low concrete brick fence is to be removed and no front fencing is proposed to replace it. This will maintain an open landscape vista to the site and will enhance the bush environment nature of the street. The proposed dwelling reflects an appropriate response to both the preferred and existing neighbourhood character. The streetscape contains a mix of single and double storey dwellings with an eclectic range of styles. Newer dwellings within the street contain prominent garages and walls located on boundaries. The proposed dwelling seeks to provide for substantive setbacks from the rear boundary, no walls on side boundaries and a ground floor setback which is greater than the existing and adjoining dwellings.

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

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

#### Amenity Impacts

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

The proposal is not required to be assessed against ResCode Standards. These requirements will be required to be assessed as part of any building permit assessment.

The applicant made a commitment to provide the neighbour to the south at 16 Dickens Street shadow diagrams to ensure that the proposed dwelling will not overshadow their roof and affect any future solar panel installation.

#### Proposed Driveway

Concerns have been raised by objecting parties regarding the driveway, particularly regarding its impact on trees 6, 7, 8, 9, 10 and 11 located within the property and on the adjoining property to the north and the ongoing viability of the proposed permeable surfacing. The proposal has been reviewed by Council's Arborist who has raised no objection to the proposed surfacing and the applicant has confirmed the surface will not be changing from the already existing gravel driveway.

#### Viability/Appropriateness of Landscaping

Concerns have been raised regarding the viability and appropriateness of proposed landscaping throughout the site, particularly regarding provision of replacement planting species. The objectors also raised the difficulty of planting new trees in Dickens Street as they do not grow very well. The applicants confirmed they are trying to retain the majority of the large trees due to the slow growing nature of the area and have re-designed the footings for the garage to retain Tree 14 which was previously proposed to be removed.

It is noted a condition will be placed on any permit requiring replacement planting of canopy trees, and all species to be indigenous varieties.

## 9.1.2

(cont)

### CONCLUSION

The proposed development is consistent with the relevant planning controls and policies, including the State and Local Planning Policies and provisions of the NRZ1 and the SLO2. The proposed form, siting and overall design is considered to be acceptable and will integrate well with the existing built form and character whilst providing for an acceptable landscaping outcome which retains a number of well-established canopy trees and provides for adequate replacement planting opportunities throughout the site.

A total of twenty (20) objections were received as a result of public notice and all of the issues raised in these objections have been discussed in this report.

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

### ATTACHMENT

- 1 Advertising Plans [!\[\]\(75f84b4ab8b0991221f3736f2fcfbedc\_img.jpg\)](#)
- 2 Revised Plans: Post Forum [!\[\]\(e21b7ff1007deb0f05e72e1480f622ee\_img.jpg\)](#)

**9.1.3 677 Whitehorse Road Mont Albert (Lot 1 TP 101739R O) -  
Amendment to Planning Permit (WH/2017/974) to include  
restaurant in the food and drink premises description, to allow  
for the use of the land for the sale and consumption of liquor  
and modification to the operation hours and patron numbers**

FILE NUMBER: WH/2017/974/A  
ATTACHMENT

---

**SUMMARY**

*This application was advertised, and a total of 16 objections were received. The objections raised issues with car parking and the amenity impacts of the amendment application. A Consultation Forum was held on 15 May 2019 chaired by Councillor Barker, at which the issues were explored but no resolution was reached. Councillors Barker and Liu have requested this application to be called into a Council Meeting for a decision. 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/2017/974/A for 677 Whitehorse Road, MONT ALBERT (LOT 1 TP 101739R O) to be advertised and having received and noted the objections is of the opinion that the granting of an amended Planning Permit (WH/2017/974) to include restaurant in the food and drink premises description, to allow for the use of the land for the sale and consumption of liquor and modification to the operation hours and patron numbers is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant an Amendment to Planning Permit under the Whitehorse Planning Scheme to the land described as 677 Whitehorse Road, MONT ALBERT (LOT 1 TP 101739R O) for an amended Planning Permit (WH/2017/974) to include restaurant in the food and drink premises description, to allow for the use of the land for the sale and consumption of liquor and modification to the operation hours and patron numbers, subject to the following amended and additional conditions:**

- **Condition 1 – New condition**

***Before the amended use starts, 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, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***

- a) *Deletion of the outdoor seating area in the front setback from the ‘Red Line Plan’***

***All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit.***

- **Conditions 1 to 5 – Renumbered accordingly**
- **Condition 6 – Amended and renumbered accordingly**

***Unless with the prior written consent of the Responsible Authority, the use of the land may only operate between the hours of:***

- ***Monday– 6am – 8pm.***
- ***Tuesday to Saturday – 6am – 10pm.***
- ***Sunday – 8am- 8pm.***
- ***ANZAC Day and Good Friday – 12 midday to 10pm.***

### **9.1.3**

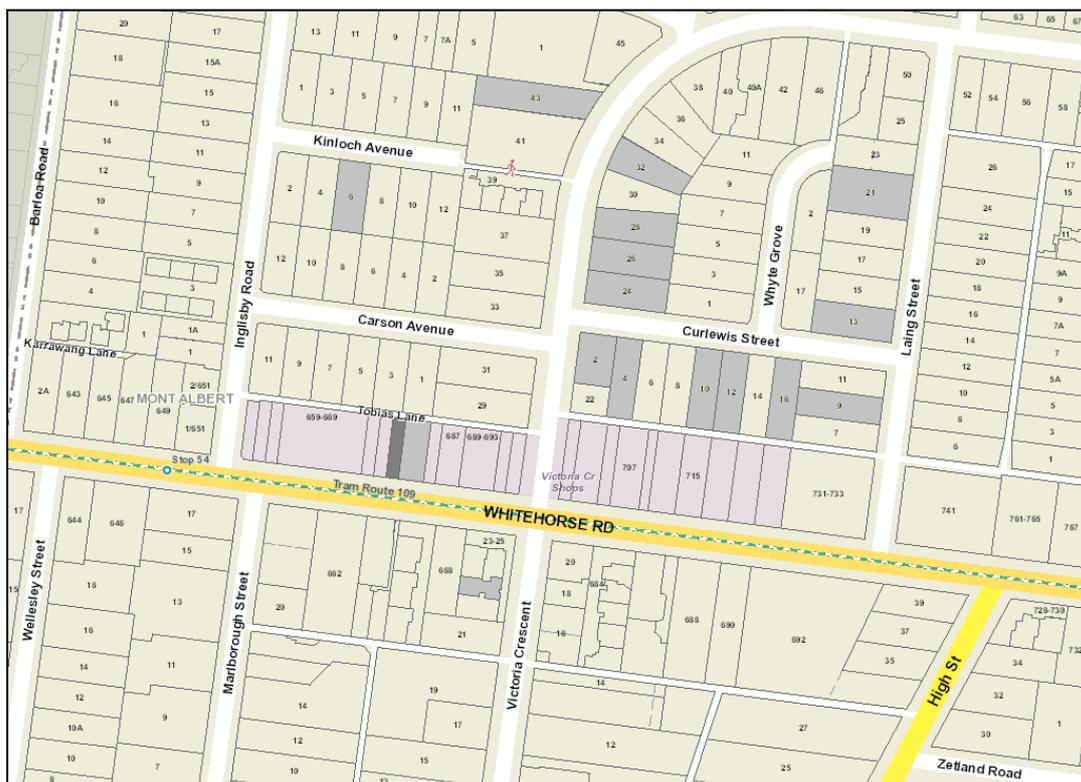
(cont)

- **Condition 7 – Amended and renumbered accordingly**  
*Not more than 50 (dine-in) patrons are permitted on the premises at any one time.*
  - **Condition 8 – New condition**  
*Unless with the prior written consent of the Responsible Authority, the use of the land for the sale and consumption of liquor hereby permitted may only operate between the following hours:*
    - *Monday– 6am – 8pm.*
    - *Tuesday to Saturday – 6am – 10pm.*
    - *Sunday – 8am- 8pm.*
    - *ANZAC Day and Good Friday – 12 midday to 10pm.*
  - **Condition 9 – New condition**  
*No sale of packaged liquor for consumption off the premises is permitted.*
  - **Condition 10 – New condition**  
*The sale and consumption of liquor in association with the use of the land must accord with the endorsed red line plan and must not be altered or modified without the further written consent of the Responsible Authority.*
  - **Condition 11 – New condition**  
*The amenity of the area must not be detrimentally affected by the sale and consumption of liquor as hereby permitted to the satisfaction of the Responsible Authority.*
  - **Condition 12 – New condition**  
*The licensee must not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the license relates during or immediately after the trading hours authorised under the permit to the satisfaction of the Responsible Authority.*
  - **Condition 13 – New condition**  
*Patrons must only enter and exit the premises via Whitehorse Road.*
  - **Condition 14 – New condition**  
*Unless with the prior written consent of the Responsible Authority, vehicle deliveries are only permitted to occur in accordance with the hours of operation specified within the Planning Permit.*
  - **Original permit conditions 7 to 14 – Renumbered accordingly**
- 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.**
-

**9.1.3**  
 (cont)

MELWAYS REFERENCE 46 J8

Applicant:	Professional Consulting Services
Zoning:	Mixed Use Zone
Overlays:	Design and Development Overlay, Schedule 4; Environmental Audit Overlay
Relevant Clauses:	
Clause 11	Settlement
Clause 13	Noise
Clause 15	Built Environment and Heritage
Clause 17	Economic Development
Clause 21.03	A Vision for the City of Whitehorse
Clause 21.07	Economic Development
Clause 22.06	Activity Centres
Clause 32.04	Mixed Use Zone
Clause 52.06	Car Parking
Clause 52.27	Licensed Premises
Clause 65	Decision Guidelines
Ward:	Elgar



	Subject site		16 Objector Properties	 North
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### **9.1.3**

(cont)

#### **BACKGROUND**

##### **History**

Planning Permit WH/2017/974 was issued under delegation on 25 June 2018 allowing for buildings and works to existing building, use of land for food and drink premises, display of business identification signage and reduction of car parking. The accompanying development plans were endorsed on 26 June 2018.

The hours of operation approved by the permit are as follows:

- 6.30am to 6.30pm Monday-Thursday & Sunday.
- 6.30am to 10pm Friday & Saturday.

##### **Proposal**

The application to amend the permit was lodged on 18 March 2019, specifically to increase the patron numbers from 20 to 50, extend the hours of operation for the use, and permit the sale and consumption of liquor as follows:

Proposed hours of operation for use and sale and consumption of liquor:

- 6am to 8pm on Monday.
- 6am to 10pm Tuesday – Saturday.
- 8am to 8pm on Sunday.

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

The subject site is located on the northern side of Whitehorse Road in Mont Albert. The site has a front setback of 3.05 metres to Whitehorse Road, a depth of 30.48 metres and a total site area of 194m<sup>2</sup>. Tobias Lane is located to the rear of the subject site and is accessible via Victoria Crescent and Laing Street. The current site has no on-site car parking spaces. The food and drink premises approved under planning permit WH/2017/974 is currently under construction.

The subject site forms part of the Victoria Crescent Shops located within a small-medium neighbourhood centre which consists of generally single to double storey buildings comprising of a range of uses. The land to the north and the south is primarily residential comprising single and double storey dwellings.

On-street metered car parking is provided directly in front of the subject site and extends along the northern side of Whitehorse Road. The land is well serviced by public transport with a tram stop (Route 109) located approximately 200 metres west of the subject site and runs into the retail core of Box Hill (approximately 1km east from the subject site), with Mont Albert train station located approximately 450 metres to the south.

##### **Planning Controls**

###### Mixed Use Zone

The purpose of the zone is to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality, to provide for housing at high densities, to encourage development that responds to the existing or preferred neighbourhood character and to facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to the zone.

A permit is required to use land for the purposes of a food and drink premises as the leasable floor areas exceeds 150 square metres. The definition of a food and drink premises includes a restaurant (under the nesting diagram in Clause 73.04).

### **9.1.3**

(cont)

#### Design and Development Overlay (Schedule 4)

The purpose of the overlay (DDO4) is to provide for a range of uses that complement the mixed-use function of the locality and to facilitate development of the land.

DDO4 relates to all neighbourhood activity centres across Whitehorse. Each activity centre has prescribed building setbacks and heights based on its locational attributes. The subject site is located within area 2A – small-medium neighbourhood centre on a wide main road. The preferred maximum height limit in this area is 14.5 metres.

The current amendment proposes no buildings or works and as such this Overlay is not relevant to this assessment.

#### Car Parking

The leasable floor area of the food and drink premises (restaurant) is not proposed to be increased and therefore this amendment application does not trigger the car parking requirements under Clause 52.06.

#### Licensed Premises

The purpose of this particular provision is to ensure that licensed premises are situated in appropriate locations, and that the impact of the licenced premises on the amenity of the surrounding area is considered.

The application proposes the use of the land for the sale and consumption of liquor and as such triggers the need for a planning permit.

### **CONSULTATION**

#### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice at the Whitehorse Road frontage. Following the advertising period 16 objections were received.

The issues raised are summarised as follows:

- Amenity and noise impacts from extended hours of operation, patronage and liquor license.
- Licensed premises not consistent with the dry history of the area.
- Parking and Traffic.
- Loss of pedestrian and vehicle safety from increase in traffic.
- Smell.
- Waste.
- Parking restrictions not adequately enforced by Council.

#### **Consultation Forum**

A Consultation Forum was held on 15 May 2019 at Box Hill Town Hall, chaired by Councillor Barker. Approximately 14 objectors attended the meeting.

A large number of concerns were discussed at the forum, including the extent of advertising, the car parking availability in the area, existing amenity impacts, the likely amenity impacts from the extended hours, patronage and from the sale and consumption of liquor. Whilst the discussion clarified the concerns of the objectors, no resolution was achieved.

While no resolutions were reached at the forum, it is noted in an email dated the 17 May 2019, the applicant proposed to reduce the hours of operation for the use and licensed premises on Mondays from 10pm to 8pm, to address some of the objector concerns.

### **9.1.3**

(cont)

#### **Referrals**

This amendment application was not required to be referred to any internal or external departments.

#### **DISCUSSION**

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

The continued use of the land as a food and drink premises is supported by the State and Local Planning Policies. The inclusion of the sale and consumption of liquor in association with the existing restaurant use is also supported by these policies.

The Planning Policy Framework (PPF) contains the relevant business objective at Clause 17.02 – (Commercial), of the Whitehorse Planning Scheme. The policy seeks to encourage development that meets the community's needs whilst providing new uses for the local population. It is considered the amendment will assist in providing a service to local residents in a convenient location whilst generating local employment opportunities and increasing economic viability of the Victoria Crescent Shops located within a small-medium neighbourhood centre.

##### **Licensed Premises**

The proposed sale and consumption of liquor is supported by a number of State planning policies including Clause 11.01-1R (Metropolitan Melbourne), Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) and 17 (Economic development). It is widely accepted that licensed premises contribute to the vibrancy and economic strength of mixed centres, and that well managed licensed premises contribute positively to the surrounding area.

The proposed amendments support relevant local planning policies that encourage a diversity of economic activity within the area. The sale and consumption of liquor will have minimal negative economic or environment impacts on the surrounding area. The site is contained within a small-medium neighbourhood centre with good access to a range of uses and public transport and, on this basis, is an appropriate location for a food and drink premises (restaurant) use, and one that the Planning Scheme envisages to occur within an activity centre.

The sale and consumption of liquor would be in association with a restaurant/food and drinks use; therefore people will be consuming food with alcohol, which results in a low-risk venue for alcohol to be consumed.

The food and drink premises (restaurant) has a direct frontage to Whitehorse Road which focuses customer activity away from the nearby residential zones. Tobias Lane to the rear provides for further separation between the proposed use and residential zones.

The proposal is not considered to add an unreasonable cumulative impact or cluster associated with other licenced premises located within the area. The proposal does not operate past 10pm and there are less than 15 licensed premises (including the proposed premises) within a radius of 500 metres from the subject site.

The decision guidelines of Clause 52.27 require consideration to be given to the proposed licensed premises impact to the amenity of surrounding areas. The cumulative impact is reduced by the variety of licenses and venue types in the immediate vicinity. An absence of late night, high capacity venues within close proximity to this site reduces the cumulative amenity impacts. A number of existing liquor licences associated with other nearby restaurants and cafes exist and provide for the sale and consumption of liquor at premises whose predominant activity, at all times, is the preparation and serving of meals. This reflects the types of food and drink premises within the area, and the types of activities frequented by customers.

### 9.1.3

(cont)

A key consideration in the assessment of this proposal is that the sale and consumption of liquor at this premises is secondary to the serving of food, as compared to those premises where the serving and consumption of alcohol is the primary activity, with food being a lesser consideration. This is an important distinction. The overarching use of the site is one where the café or restaurant function is the reason for patrons wanting to attend the site. The offering of alcohol on site is part of that dining experience. There is no reason to conclude that by allowing alcohol to be served will change how the site is used, nor how the patron will behave.

It is therefore considered the sale and consumption of liquor will have no adverse impacts on the amenity of the area and is an appropriate outcome.

#### **Use**

A variety of uses including a café, delicatessen and sale and consumption of liquor is proposed. Furthermore, the use proposes the sale of takeaway goods including coffee, baked items, fresh milk and bread, take home meals and packaged bottles of wine.

The use is unusual in that, what was proposed originally does not neatly fit into any standard planning scheme definitions, so the 'food and drink premises' definition was applied.

This amendment seeks to increase the hours of operation and patron numbers, which is more akin to a restaurant. Whilst this is reasonable, the planning scheme definition of restaurant does not permit the sale of packaged liquor for consumption off the premises. Whilst the applicant may argue that the use around which they have developed a business model is not a restaurant as they would seek to define it, officers must consider the floor layout and how the use now looks with increased patron numbers. The layout under this amendment will lead to an increased seating capacity in what leads officers to determine the use has become more clearly defined as a restaurant as more of the floor space will be utilised for the serving of meals than what was approved under the original application, and this will be the dominant use of the site.

That said, corralling the use as a restaurant, brings with it prohibitions on the sale of packaged liquor for consumption on the site. Officers are satisfied that if the primary intent of the amendments are to accommodate more patrons for meals and the service of alcohol with those meals, that a prohibition on bottled alcohol (which would be defined as a shop) is reasonable through a permit condition.

#### **Objectors Concerns**

##### Amenity and noise impacts issues from extended hours of operations, patronage and liquor license

The licensee will be required to manage aspects of the liquor license through a number of measures including the Responsible Serving of Alcohol that are managed outside the planning permit process.

Standard liquor licensing conditions will be included within the amended planning permit to mitigate any amenity impacts. Further, new separate requirements imposed by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) in the issuance of their licence will be imposed and compliance with such conditions achieved.

Furthermore, conditions have been included within the amended planning permit to ensure patrons can only enter and exit via Whitehorse Road and vehicle delivery times can only occur within the hours of operation permitted. Additionally, the amenity protection measures detailed in the applicant's planning report including noise attenuation, security and waste management strategies would become an endorsed report to be read in conjunction with the planning permit. This endorsed report can be enforced by Council.

The patron numbers and hours of operation are considered to be reasonable given the site's location within a Mixed Use Zone and abuttal to Whitehorse Road. The hours are also consistent with the ordinary trading hours for a restaurant and cafe licence as suggested by the Victorian Commission for Gambling and Liquor Regulation.

### **9.1.3**

(cont)

#### Failure to correctly advertise application

The planning amendment advertising process was undertaken in accordance with the statutory notice requirements of the *Planning and Environment Act 1987*. A sign was erected on the site frontage and letters were sent to all adjoining owners and occupiers and residents within the immediate area.

#### Crime, anti-social behaviour and security

This is not considered to be a relevant planning consideration. There is no evidence to link an application of a liquor licence associated with a food and drink premises (restaurant) with increased crime rates or reduced safety for residents. The applicant's security management strategies will become an endorsed report to be read in conjunction with the planning permit. This endorsed report can be enforced by Council.

#### Licensed premises not consistent with the dry history of the area

While the surrounding area is a 'dry area', this was amended by a formal statutory poll some years ago, to allow liquor licenses associated with a food and drink premises (restaurant) to be able to be issued. There are existing food and drink premises (restaurant) with liquor licenses located in dry areas and the current proposal is considered to be consistent with these existing uses. The location of the subject site within a dry area does not prevent a planning permit being issued for a licensed premises. Consideration of the liquor licence application is a separate statutory process.

#### Parking/Traffic

The leasable floor area as part of this amendment application is not proposed to be increased and therefore does not trigger the car parking requirements under Clause 52.06 previously approved under the original permit.

#### Car parking restrictions/Damage of vehicles/Loss of pedestrian and vehicle safety from increase in traffic

This is not able to be considered and part of this amendment as the changes relate to the sale and consumption of liquor and changes to patron numbers and operating hours. The ambit of discretion in consideration of the proposed changes does not extend to matters of community behavior.

#### Parking restrictions not adequately enforced by Council

Officers from Council's Community Laws Department will continue to undertake regular inspections of the surrounding road network to ensure compliance with the parking restrictions.

#### Odour

Odour from the kitchen is not a valid planning consideration. The applicant is aware of their obligations to ensure that the site complies with the relevant building and health regulations.

#### Waste

The storage of waste occurs to the rear of the premises. This is not considered to be a relevant planning consideration for this planning permit amendment request.

### **CONCLUSION**

The amendment to Planning Permit WH/2017/974 (Issued for the use of the land for a food and drink premises (restaurant) and to serve and consume liquor and a waiver of the standard car parking rate) for the use of the land for the sale and consumption of liquor and modification to the operation hours and patron numbers is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Mixed Use Zone and Clause 52.27 Licensed Premises.

### 9.1.3 (cont)

The proposed extension of hours of operation and patronage and sale and consumption of liquor in association with a food and drink premises (restaurant) is unlikely to result in unreasonable amenity impacts on the surrounding area, and will provide a reasonable enhancement of the restaurant use.

A total of 16 objections were received as a result of public notice and all of the issues raised have been discussed.

Given the scale and location of the proposed food and drink premises (restaurant) the proposed amendment is unlikely to cause unacceptable amenity impacts.

It is recommended that the amendments be approved.

### ATTACHMENT

- 1 Advertised Plans [!\[\]\(546a7e215a1aa95a1c838d3681e49d59\_img.jpg\)](#)
- 2 Originally Endorsed Plans [!\[\]\(e29a9cc70906597d6f2b54515c0a205f\_img.jpg\)](#)
- 3 Original Planning Permit [!\[\]\(be988c7e70c583ecf2d90f2e7389bc12\_img.jpg\)](#)
- 4 Applicant Planning Report [!\[\]\(dfa78857da8f36db9fbd5b664a458200\_img.jpg\)](#)
- 5 Amended permit conditions as per officer's recommendation [!\[\]\(ebb947e246fcd926986b04bb63906613\_img.jpg\)](#)

## Engineering and Environmental

### 9.1.4 North East Link Environmental Effects Statement

ATTACHMENT

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#### **SUMMARY**

*The State Government recently released the North East Link Environmental Effects Statement (EES) for public comment. The EES outlines the project's construction and operational impacts on the environment and how these impacts will be managed.*

*This report summarises Council's submission regarding the EES and notes the process for Council's submission to be considered at the upcoming Inquiry and Advisory Committee hearing.*

#### **RECOMMENDATION**

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

- 1. Endorse Council's written submission regarding the North East Link Environmental Effects Statement.***
- 2. Continue to strongly advocate through the North East Link Inquiry and Advisory Committee hearing for improved community outcomes as a result of the project.***

---

#### **BACKGROUND**

The State Government has committed to constructing the North East Link (NEL), which will connect the M80 Ring Road in Greensborough to the Eastern Freeway at Bulleen Road. The project includes the widening of the Eastern Freeway between Bulleen Road and Springvale Road.

A number of Council resolutions have been made regarding NEL:

1. Council resolved on 11 December 2017 to oppose the State Government's decision to adopt the alignment of the project (Corridor A).
2. At its meeting on 19 March 2018, Council resolved to host a public forum to hear community views regarding NEL.
3. On 15 October 2018, Council resolved to advocate strongly for improved outcomes for the Whitehorse community as a result of the project.
4. Council resolved on 18 March 2018 to approve budget expenditure to ensure Council has appropriate legal and technical representation at the Inquiry and Advisory Committee (IAC) hearing.

As part of the planning approval process for the project, the project team within the State Government (the North East Link Project (NELP)) prepared the Environmental Effects Statement (EES). The EES outlines the project's construction and operational impacts on the environment and how these impacts will be managed.

#### **DISCUSSION**

The North East Link EES was placed on public exhibition from 10 April to 7 June 2019 and written submissions were invited from community members and professional stakeholders.

Council officers, consultants and legal advisors considered the EES and briefed Councillors regarding matters that impact Whitehorse City Council. A joint written submission was lodged on 7 June 2019 on behalf of Whitehorse City Council, Boroondara City Council and Banyule City Council. The submission covered issues of joint relevance to the three municipalities as well as issues specific to Whitehorse. The Whitehorse specific issues covered matters of concern to Councillors, Council officers and matters that have been raised by community members.

#### **9.1.4**

(cont)

Council's submission recommends that the IAC find that the North East Link project is not justified and should not be approved for a variety of reasons including the reasons summarised below, which are of particular relevance to Whitehorse Council.

1. The EES does not include an adequate assessment of the environmental effects of the project.
2. The benefits which are said to flow from the project are not proven and even if proven are not sufficient to justify the environmental and other costs of the project. The project benefits as stated in the EES, are largely regional and vague and don't address the direct impacts to the Whitehorse community. For example, the EES does not provide an adequate assessment of the social and health impacts of removing vegetation, overshadowing, traffic, air quality and noise in Whitehorse.
3. The Reference Design is a theoretical design and therefore stakeholders are not given the opportunity to comment and debate the actual design.
4. There are deficiencies in the traffic modelling relied upon by the NELP, including a failure to adequately account for queues, delays, congestion, toll avoidance as well as to adequately account for the estimated increase in traffic volumes.
5. Based on the traffic figures in the EES, the proposed Eastern Freeway widening is considered to be overdesigned. The Freeway does not need to be widened to the extent shown in the Reference Design.
6. The aims of project can be achieved with less intrusion into open space, resulting in fewer impacts to vegetation, the Koonung Creek, sports fields, shared use paths, amenity, noise and air quality.
7. The projected increased traffic volumes from the project will impact the EastLink tunnels and it is an error to not consider this impact (including the possible need to duplicate the EastLink tunnels) as part of this project.
8. Traffic volumes are predicted to increase on arterial roads within Whitehorse, particularly north-south roads in the northern half of the municipality. It is unacceptable that there are no proposals to mitigate this situation with intersection upgrades, measures to prioritise buses, and improved walking and cycling infrastructure.
9. The lack of new walking and cycling projects proposed within Whitehorse is disappointing and represents poor transport planning. Council strongly advocates for a significant number of walking and cycling projects to be funded and delivered as part of NEL.
10. There is a lack of complimentary projects identified and committed to in the EES. A number of complimentary projects listed in the Urban Design Strategy are identified for the successful tenderer to 'consider' implementing, rather than mandating their inclusion.
11. Sections of the Koonung Creek are proposed to be enclosed underground which is not supported by Council. The EES fails to adequately assess the value that Council and community members place on having creek environments alongside the Eastern Freeway.
12. Over 25,000 trees are planned to be removed or at risk of being removed throughout the project corridor. Approximately 5,500 of these trees are along the Eastern Freeway between Doncaster Road and Springvale Road.
13. In addition to the permanent acquisition of Council land, other parcels of Council land are proposed for stormwater treatments. This will further decrease usable public open spaces, eg wetlands are proposed for Eram Park.

#### **9.1.4**

(cont)

14. There are significant community impacts from the temporary occupation of open space during the construction phase of the project, eg displacement of sporting clubs, loss of dog-off-lead areas, construction noise, decreased air quality, and visual and amenity impacts.
15. Detailed drainage modelling has not been provided to Council therefore it is unclear if there will be any flooding impact/ adverse effects within Whitehorse (on Council or private land). This data has repeatedly been requested however not provided.
16. The visual impact of freeway interfaces is a concern, particularly for residents who will have their back fences within metres of noise walls.

Council's full submission regarding the EES is contained in Attachment 1.

The IAC has been appointed to consider the written submissions regarding the EES and hear from interested community and professional stakeholders. The hearing is scheduled to commence on 25 July 2019. Council will be represented at the IAC hearing to strongly advocate for improved community outcomes as a result of the North East Link project.

#### **CONSULTATION**

Council hosted a public forum and arranged surveys to gauge community views regarding the North East Link project. Approximately 150 community members attended the forum on 11 September 2018, and Council received 172 survey responses. The results of the engagement activities directly influenced Council's position on the project and guided further advocacy activities to local politicians, the Minister for Transport Infrastructure, the Minister for Transport and State Government officers.

Council arranged advertising through print media, social media and web information to inform the community regarding important stages of the project. Community members were encouraged to consider information on the North East Link website and participate in various community engagement activities arranged by the State Government.

Council officers have participated in the following activities and committees to advocate for improved community outcomes for Whitehorse:

- North East Link Technical Reference Group
- North East Link Community Liaison Group
- North East Link Community Technical Design Group – Walking and Cycling
- North East Link Community Technical Design Group – Engineering
- North East Link Business Liaison Group
- Meetings with sporting clubs impacted by the project
- Fortnightly meetings with State Government officers

#### **FINANCIAL IMPLICATIONS**

At its meeting on 18 March 2019, Council approved the budget allocation of \$550,000 to be expended across 2018/19 and 2019/20. The funding is to ensure Council has appropriate legal and technical advice to prepare the EES written submission and is well represented at the North East Link Inquiry and Advisory Committee.

### **9.1.4** (cont)

#### **POLICY IMPLICATIONS**

The North East Link project has implications for a wide range of Council strategies, including:

- Council Plan
- Open Space Strategy
- Sport and Recreation Strategy
- Sustainability Strategy
- Integrated Transport Strategy
- Cycling Strategy
- Urban Forest Strategy
- Health and Wellbeing Plan
- Whitehorse Planning Scheme

#### **ATTACHMENT**

- 1 Submission regarding North East Link Environmental Effects Statement 

### **9.1.5 Opportunity to participate in a Local Government Power Purchase Agreement (LGPPA)**

FILE NUMBER: 19/124352

#### **SUMMARY**

*The purpose of this report is to obtain Council endorsement to participate in the Victorian Greenhouse Alliance's Local Government Power Purchase Agreement (LGPPA) joint tender seeking an energy supply contract for renewable energy.*

*Power Purchasing Agreements are now a major form of contracting energy supply for private sector and public sector organisations, delivering financial and environmental benefits at the same time.*

*Such an arrangement would diversify Council's energy supply arrangements, reduce the risk of volatile energy prices with regard to future contract commitments which are typically two to three years in nature, and enable progress towards Council's target to become carbon neutral by 2022. As Council's current electricity supply contract involves only non-renewable energy and expires on 30 June 2020, the LGPPA provides an opportunity for Council to purchase renewable energy in time for Council's next energy supply contract.*

*A total of 39 Councils including Whitehorse have participated in the LGPPA expression of interest phase. This has resulted in the development of a business case for proceeding with a joint tender.*

*Detailed analysis of the business case, including an assessment by an independent energy expert consultant has confirmed the benefit of using Power Purchase Agreements (PPAs) for energy supply contracts. PPAs achieve a more competitive price over time than traditional energy supply contracts while providing certainty of supply and long-term costs.*

*Council has been invited to participate in the tender phase of this project and it is recommended that Council participates in the upcoming LGPPA tender.*

#### **RECOMMENDATION**

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

- 1. Endorses its participation in the Local Government Power Purchase Agreement (LGPPA) joint tender for an energy supply contract for renewable energy.**
- 2. Authorises the Chief Executive Officer to sign a Letter of Intent confirming Council's participation in the LGPPA tender, and agrees to pay the required upfront tender administration fee of \$25,000 to cover the one-off costs of preparing detailed tender specifications, tendering, evaluating submissions and awarding contract(s), subject to the LGPPA guaranteeing to achieve savings, and meet tender and contract award timelines that ensure commencement of a new electricity supply contract from 1 July 2020.**
- 3. Endorses the commitment of the electricity load from street lighting and Council's 3 largest electricity-consuming buildings to the LGPPA contract for a period up to 10 years; up to a maximum of 67% of Council's current total electricity consumption (load).**
- 4. Endorses the remaining 33% of Council's electricity load to the next Procurement Australia electricity supply contract (Council's current electricity supply service provider).**
- 5. If the LGPPA fails to guarantee its new electricity supply contract to commence on 1 July 2020, then it authorises the Chief Executive Officer to achieve a suitable alternative electricity supply contract with Procurement Australia, based on 67% of Council's electricity load being sourced through a Power Purchase Agreement.**

## 9.1.5

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6. ***Delegates authority to the Chief Executive Officer to make changes to the mix of Council's electricity accounts (energy load) for the LGPPA or Procurement Australia contract, provided any changes still achieve cost and greenhouse gas savings within the endorsed maximum of 67% of Council's total electricity consumption, for a scenario where the tender response provides a more beneficial arrangement if Council's energy load was adjusted slightly.***
7. ***Receives advice of the final outcome to the LGPPA and Procurement Australia tenders, and if the tender outcome is materially different to the cost saving and greenhouse reduction criteria outlined in this report, then a report be brought back to Council for its further consideration.***

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### BACKGROUND

Council is committed to becoming carbon neutral by 2022. A key measure to help to achieve carbon neutrality is for Council to increase its use of renewable energy as part of its electricity supply arrangements. The commencement of Council's next energy supply contract in 1 July 2020 provides an opportunity to diversify our energy supply mix and increase the proportion of energy sourced from renewables.

While there has been considerable volatility in recent years in the energy market, there are now consistent and reputable industry forecasts which demonstrate that investing in renewable energy is not only beneficial for the environment but also will be financially beneficial for Council.

Central to the story of the rise of electricity prices in Victoria, is the fact that Australia's National Energy Market is in a period of unprecedented transformation which is driving volatility. Three key trends are in the process of re-defining the electricity market:

1. The generation is changing with a shift away from fossil fuels: initially driven by the aging nature of Australia's coal-fired generation fleet, and increasingly by renewable energy reaching cost-parity with fossil fuels, resulting in the decarbonisation of the electricity grid. Global climate commitments and investor pressures are also adding to the pressure to decarbonise the electricity system and accelerating this trend.
2. The grid is decentralising to become more distributed, with multiple sources of generation, storage and demand management
3. The electricity demand is shifting, as more consumer needs are met by on-site renewable generation and demand management

Consequently, businesses are increasingly controlling not just where they source their energy, but also how much they use and when they use it. Power Purchase Agreements are now a major form of contracting energy supply for private sector and public sector organisations, giving businesses more control than with traditional forms of energy contracts as well as delivering financial and environmental benefits.

#### 1. What is a Power Purchase Agreement?

A Power Purchase Agreement or PPA is a contract to buy or sell electricity at an agreed price and for an agreed period of time. Renewable energy PPA's are a financial mechanism where a provider will build, own and operate an energy generation asset on the premises of the client (this is typically solar) or for the Local Government PPA on the owners' site (i.e. a solar or wind farm).

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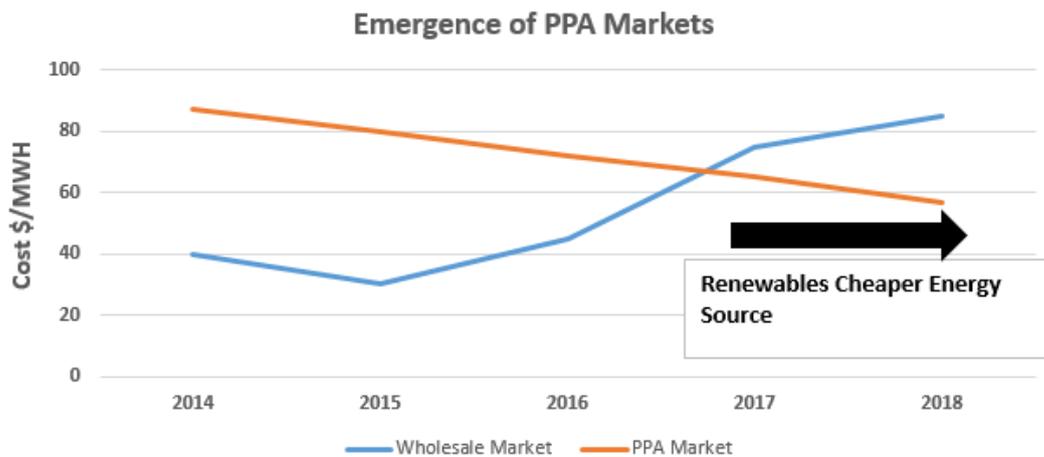
The purpose of a renewable energy PPA includes:

- Creating electricity pricing certainty for a set period of time
- Encouraging new renewable energy investment
- Sourcing the electricity from a renewable source without needing a capital investment (i.e. using existing operating costs to fund the installation)
- Reducing greenhouse gas emissions
- Outsourcing the construction and management of the site
- Including a competitive procurement process

Council has been given the opportunity to participate in a Local Government Power Purchase Agreement (LGPPA) as a mechanism to procure renewable energy to supply electricity for Council's buildings and streetlights.

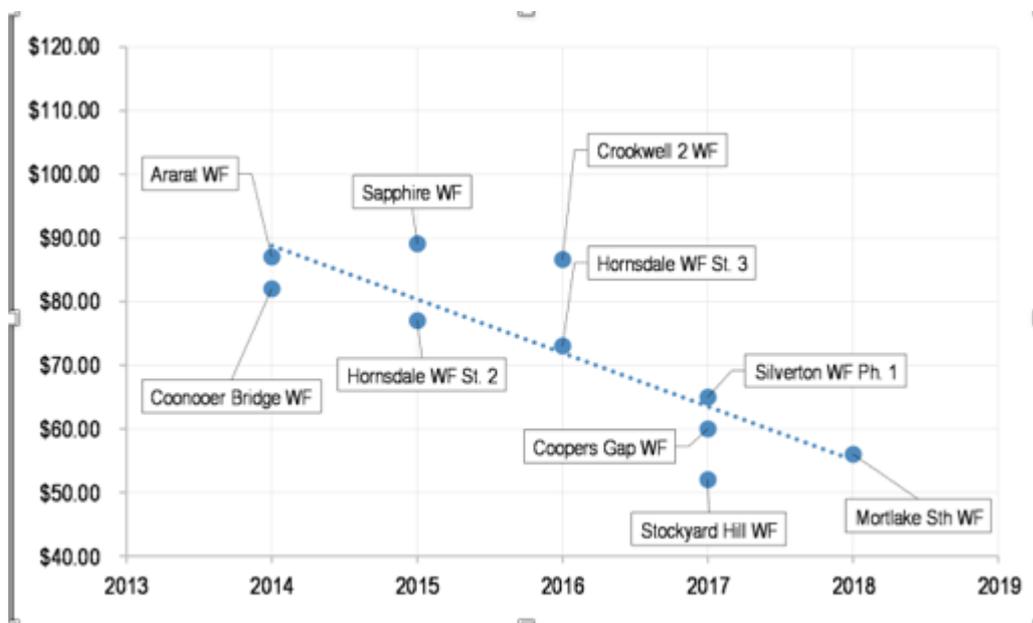
The Victorian Greenhouse Alliances (lead by Darebin City Council) are coordinating the development of a new Local Government Power Purchase Agreement (LGPPA) project currently involving 39 Victorian Councils including Whitehorse. The primary aim of the project is to procure low cost renewable energy to counter the rising cost of non-renewable energy. Participating Councils will save money and reduce greenhouse gas (GHG) emissions by collectively tendering for electricity supply contract(s).

Recent outcomes of PPA's in Australia have been favourable, now achieving cheaper electricity supply prices compared with business as usual electricity contract arrangements.



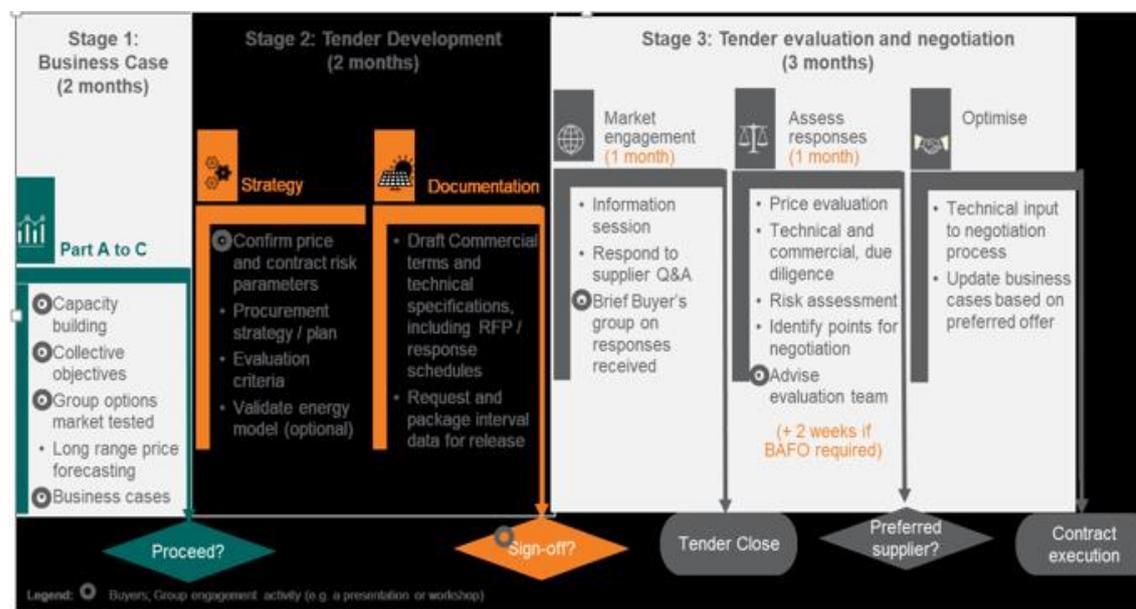
### 9.1.5 (cont)

The following graph shows specific PPA project outcomes between 2013 and 2018, confirming the trend in achieving cheaper PPA outcomes:



The LGPPA procurement project is a staged process:

The LGPPA project is being developed over three stages as follows:



- Stage 1 (August 2018 – May 2019) – Expression of Interest and the development of a Business Case assessing the viability of a LGPPA  
A national leader in PPA's and energy market advisor, Energetics was engaged to develop a business case report.
- Stage 2 (August – September 2019) – Tender Development  
The development of tender specifications and governance arrangements based on the commitments of each Council
- Stage 3 (October 2019 – February 2020) – Tender, Evaluation and contract Award

### **9.1.5**

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To date, Council has participated in Stage 1, expressing interest in the development of a business case that will provide sufficient information to make an informed decision about the value of participating in a joint tender with other Councils for a LGPPA. Participating Councils each contributed \$10,000 in stage 1 to cover the cost of developing the business case and engaging suitably experienced expert consultants to research and analyse the complex electricity market as well as the PPA process and outcomes.

The Stage 1 business case has been completed and Council staff with the assistance of an independent energy consultant Ironbark Sustainability have analysed the business case to determine the value for Whitehorse Council in participating in the LGPPA.

Stages 2 and 3 require Council to consider the outcome of the business case and decide whether to participate in the tender and ongoing contract. If Council wishes to participate in the LGPPA contract, it must nominate the proportion of Council's energy load and the mix of electricity accounts it will commit to this contract. A contribution of \$25,000 is being sought from metropolitan Councils that proceed to tender stage, to cover the cost of developing specifications, tendering and tender evaluation (including independent probity arrangements), and preparing contracts. Payment of an upfront fee to cover the actual tender costs incurred is cheaper than paying a higher ongoing management fee that typically accrues to a much larger amount over time. This is especially true for a longer term contract such as the LGPPA, which is expected to be for a period between 7 to 10 years.

The resulting contract period for the LGPPA is yet to be finalised. The tender offer will seek responses for periods between 5 and 10 years, allowing comparison between tender offers that may be more favourable if the contract term is longer. A longer contract term provides better long-term budget certainty, however this needs to be balanced against the forecasted future electricity prices and the progressive uptake of renewable energy and storage that are expected to moderate future price increases.

The LGPPA contract will be administered on behalf of the participating Councils by the MAV.

#### **Current Council electricity supply contract:**

Council's current energy supply contract is with Procurement Australia (PA), which services multiple Councils as well as private organisations with a range of electricity and gas energy supply contract arrangements. Council's current electricity contract covers a mix of accounts for Council's small and large buildings, and street lighting. All of the electricity under these contracts is currently generated from non-renewable sources. Council previously included a component of electricity supply by buying accredited Greenpower, however this component was ceased in 2017/18 in favour of putting the equivalent funding into energy efficiency and renewable energy projects.

Whitehorse City Council, like most other councils, currently has an energy procurement portfolio which lacks diversity. The bulk of Council's energy is currently purchased through the retail contract with Procurement Australia, with only a small amount of energy generated through Council-installed roof-top solar on its buildings. This lack of diversity exposes Council to financial risk of fluctuating power prices.

This year Council has already experienced financial impacts of rising electricity costs. The cost of electricity in FY16/17-17/18 was \$44 per megawatt hour (MWh) for large market sites (such as Aqualink Box Hill), which increased by 147% to \$109/MWh for FY18/19-19/20. This cost increase has been due to rising wholesale energy prices and network charges. It should be recognised that this refers to the commodity (consumption) element and, after considering network charges, the actual total increase in electricity costs for Council's larger buildings between 2017/18 and 2018/19 was 27%.

### **9.1.5**

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There will be an opportunity for Council to participate in a new Procurement Australia energy supply contract in 2020. Procurement Australia have commenced briefings with Councils about a new energy supply contract that would commence from 1 July 2020, however exact details of what is being offered are yet to be clarified. It is Council's understanding that Procurement Australia may offer a range of energy supply options, including another 'business as usual' electricity contract, a progressive power purchase agreement or a renewable power purchase agreement.

The analysis of the opportunity to participate in the LGPPA took into account that there may be a PPA offer pending from Procurement Australia, however details of what a Procurement Australia PPA might involve are not known at this time.

#### **DISCUSSION**

The analysis of the LGPPA business case and the consideration of the benefits to Council were undertaken with the following objectives:

1. Contribution to Council's emission reduction targets including carbon neutrality by 2022
2. Cost saving for Council's electricity usage
3. Diversifying energy portfolio to reduce risk of price volatility or supply failure
4. Seeking price and long term certainty
5. Long-term benefit must be better than continuing 'business as usual' arrangements

These 5 objectives are the criteria by which Council's participation in the LGPPA is evaluated.

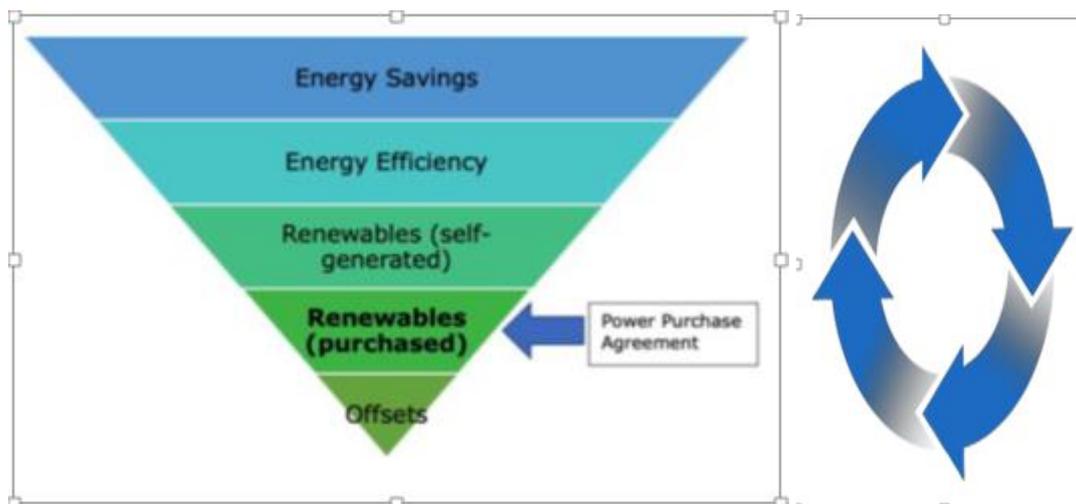
The context within which the business case analysis was completed included:

- An understanding of the electricity market, including forward market price projections
  - The types of energy supply contracts available and potentially available in future years
  - Modelling to demonstrate the best options for Council's different electricity load types (e.g. small or large market, or street lighting), including comparison with 'business as usual' energy arrangements
  - Council's risk appetite
  - Achieving an outcome with balanced economic and environmental drivers
  - Council's previous experience with energy supply contracts
  - Existing power supply composition
1. The LGPPA will avoid greenhouse gas emissions and accelerate progress towards carbon neutrality

Council is committed to reducing its corporate energy consumption by 45% and becoming carbon neutral by 2022.

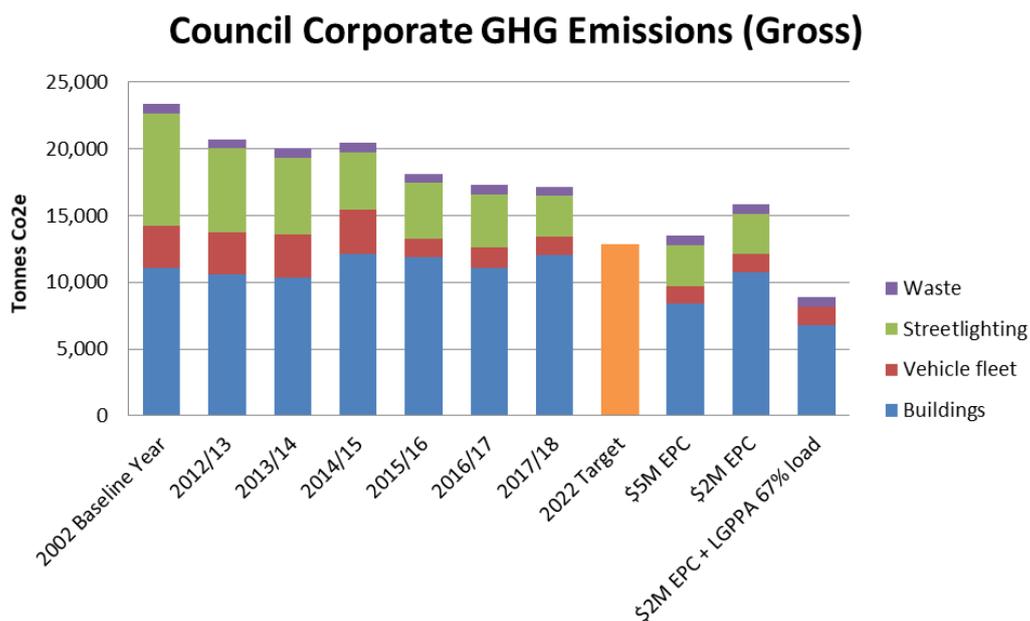
To date, Council's primary approach for achieving emissions reduction has been through energy efficiency measures in Council buildings (e.g. upcoming Energy Performance Contracts), installing energy-efficient street lighting and rooftop solar projects. These energy efficiency and renewable energy installations provide ongoing operational savings, have a favourable payback period, and support the emission reduction hierarchy to make permanent emission savings. Council has endorsed using this hierarchy approach as part of its strategy to become carbon neutral by 2022.

**9.1.5**  
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**Figure 1: Emissions Reduction Hierarchy**

Whilst the energy efficiency and solar installation projects have proven to be very effective in reducing Council’s energy costs and emissions, it is unlikely these measures alone will enable Council to achieve net zero emissions and be carbon neutral by 2022. This is demonstrated in Figure 2 below that includes Council’s current and upcoming major energy reduction projects and how these will impact our emissions profile.



**Figure 2 Council's Corporate Greenhouse Gas Emissions with Preliminary Modelling**

If Council is to significantly reduce its GHG emissions by 2022, Council must divest from fossil fuels for its energy supply. If Council is to achieve its carbon neutral aspirations without having to purchase a large quantity of offsets (which will have further cost implications), an electricity supply contract to purchase renewable energy and accompanying eligible accredited Large-scale Generation Certificates (LGC’s) is beneficial.

### 9.1.5

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Large-scale Generation Certificates (LGC's) are generated by energy systems with a capacity greater than 100kW and generating electricity from an eligible renewable source. LGC's are a commodity that can be traded. Electricity retailers must surrender LGC's equal to a percentage of the MWh consumed by their customers. The Clean Energy Regulator (CER) specifies an increasing annual percentage of renewable power to achieve the national Renewable Energy Target or RET by 2020. Between 2020 and 2030, the RET remains constant and the LGC's will continue to be tradeable.

Retailers typically pass through the cost of these compliance LGC's to their customers as a component on the electricity bill. However, customers may request the option to self-source and surrender LGC's to their retailer or directly to the Clean Energy Regulator. Such voluntary LGC's can then be credited towards the customer's (in this case the Councils) carbon neutral targets.

The LGC's accompanying the LGPPA have been analysed as being the lowest cost tradeable certificates available to offset carbon emissions.

With the proposed energy efficiency measures from an Energy Performance Contract at 8 of Council's large buildings plus a commitment to sourcing electricity supply from renewable generation sources, the combined impact will make a significant contribution towards Council's carbon neutral target. Continuing to invest in further energy-efficiency measures at Council's larger buildings will also help to counter the increase in emissions when additional or larger buildings come online such as the Nunawading Community Hub and redeveloped Whitehorse Centre.

The LGPPA is expected to be Australia's largest PPA of its kind, demonstrating leadership and commitment to sustainability. This equates to 25% of Victorian Councils' annual electricity supply, enough power to run 21,000 homes and abate 130,000 tonnes CO<sub>2</sub>e annually.

#### 2. The LGPPA will deliver electricity cost savings and increased budget certainty

The business case modelling by industry energy experts Energetics shows that wholesale electricity prices are expected to decrease in the short term due to the current level of planned renewable energy infrastructure, but prices over time will progressively increase.

The modelling considered a range of factors influencing the electricity market over the next 10 years including:

- possible price spikes when ageing coal-fired power stations close,
- increased price of gas-fired electricity generation due to the rising cost of gas,
- predicted changes to the grid and energy storage with more decentralised power generation, and
- changes to energy demand and peak usage in a changing climate.

Detailed cost-modelling undertaken for the LGPPA developed a modelling tool that enabled individual Councils to apply their electricity loads and costs, and then compare potential LGPPA prices with expected business as usual (BAU) costs over time.

The business case cost modelling considered three scenarios for an energy future with either low, medium or high amounts of renewable energy generation coming online. A low renewable energy scenario is one in which renewable targets, investment incentives and policy framework for renewables are relatively low, and the volume of renewable energy generation only represents a small proportion of the overall energy generation (ie. the current situation).

The current scenario is deemed to be 'low' due in part to stagnation in national energy policy and lack of long-term incentives or legislated higher targets for renewables. While there are renewable energy generation proposals working their way through the approvals and financing phases, adding the volume of proposed projects to existing and committed renewable projects will still result in the overall proportion of renewables being about 20% of the total energy supply.

### 9.1.5 (cont)

A mid-renewables scenario would be one with a higher volume of committed renewable energy generation projects and advanced renewable projects actually under construction and/or operational. The volume of renewable energy supply versus demand for power would be 30% or more of the total energy generated, supported by a clearer long-term energy policy and higher energy reduction targets by 2030 to drive investment in renewables.

A 'high' renewables scenario would be one with a significant volume of operational, advanced and committed renewable projects supported by robust renewable energy policy and high renewable targets (50%+) by 2030. A high scenario would require substantial investment in renewable energy storage (batteries & hydro) in the next few years and the early closure of coal-fired electricity generators to lift the proportion of renewables generation to at least 50% of the overall electricity generation. Based on the current status, this is highly unlikely to be achieved within the next 10 years.

For the purposes of modelling using a slightly conservative approach, the cost comparisons for Whitehorse have assumed a 'medium' level of renewable energy growth (mid-renewables) over the entire 10-year forecast period.

Industry cost modelling outlines the forecast trend for electricity prices in Victoria until 2030 as per the graph below in Figure 7. The blue line reflects the expected electricity price for a mid-renewables scenario. Electricity prices are expected to reduce in the near term before increasing from around 2021/22, with spikes in price rises due to major changes in electricity generation infrastructure (as noted on the graph below).

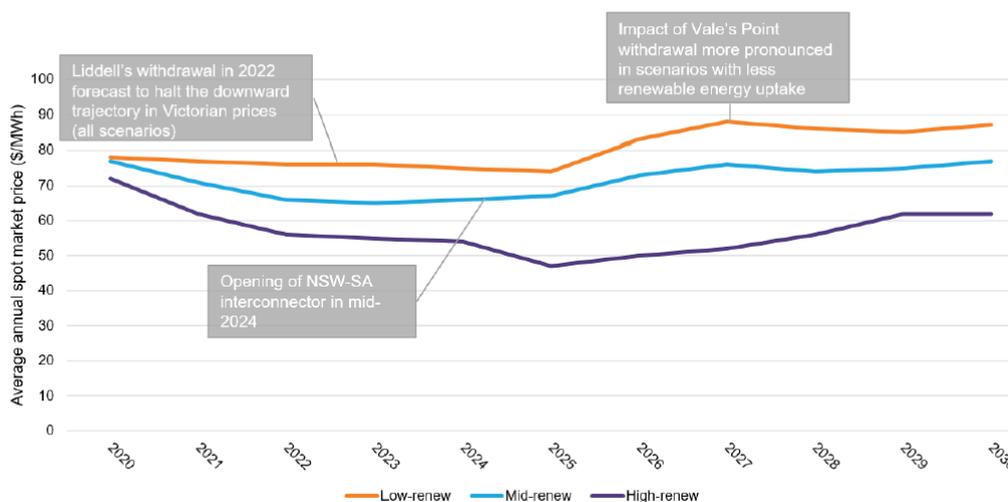


Figure 7: Victoria's wholesale price forecast (nominal \$/MWh)

In 2014, CSIRO modelling of future electricity prices followed a similar curve of short term decline in prices as more renewables came online followed by a progressive increase in prices as above. The cost to build new renewable energy generators has declined in recent years, however it is expected to 'bottom out' sometime soon. There will always be certain capital and operational costs associated with building and operating renewable energy generators, as well as costs such as connecting to distribution networks, purchasing land, and gaining large-scale finance. This makes it difficult to determine when is the best time to go to the market to obtain the best electricity price, or to predict the 'bottom' of the market.

The business case also modelled "fixed" price and "partially fixed" contract options against reputable industry future price predictions. This was compared with the expected price of 'business as usual' electricity pricing arrangements.

The business case cost modelling showed that an LGPPA electricity supply contract will be financially beneficial to Council under its obligation to become carbon neutral by 2022.

### **9.1.5**

(cont)

Additionally the long-term nature of fixed price LGPPA contracts provides budget certainty for Council, particularly in light of the long term cost curve for traditional coal and gas fired power generation. Including a component of supply based on partially-fixed electricity supply for Council buildings is expected to be beneficial to take advantage of the declining cost of building renewable energy facilities. LGPPA's typically need to cover the initial capital cost of building new renewable generation capacity, and is therefore more affordable over a 7 to 10-year timeframe to allow the generator to amortise their costs.

#### **Risks can be reduced by using the LGPPA**

The proposed LGPPA includes consideration of the key risks involved in setting up and managing a PPA based on renewable energy generation. The LGPPA will use the learnings from previous Australian PPA's to minimise risk to participating Councils. The business case includes commentary about risks, and concludes that the LGPPA can be set up in a manner that minimises risks and provides a greater overall benefit for Councils.

Some of the risks considered include:

- Continuity of electricity supply - The successful retailer will be required to guarantee electricity supply to all Councils at all times, which can be achieved by them having arrangements with multiple renewable generators and a mix of renewable technologies. Retailer capacity, reliability and proved performance will be key tender evaluation criteria.
- Market volatility and price shocks (eg. spikes in prices due to impact of closure of ageing generation infrastructure or supply shortages). A combination of fixed price and partially fixed price arrangements will, in the case of fixed price, smooth out fluctuations over time; and in the case of partially fixed, take advantage of falling electricity prices.
- A longer contract term (7 – 10 years) can balance out market fluctuations, and having multiple supply sources reduces exposure to any failure with one form of technology. The risk of exposure to the market fluctuations sits largely with the retailer, not the Councils.
- Project failure – we are not contracting directly with the renewable generator, but with a proven retailer. The retailer will need to have more than one generator & type of renewable source in their portfolio to satisfy the requirements of this contract.
- Proven performance of PPA's – the outcomes of previous PPA's, including the Melbourne Renewable Energy Project with Melbourne, Port Phillip, Moreland and Yarra Councils consistently achieve better outcomes than 'business as usual'. The LGPPA involving 39 Councils will need a significant electricity supply capacity and therefore is more likely to attract reputable and suitably experienced tenderers.
- Contractual – the contract will be based on comprehensive contract documents and governance arrangements. The successful retailer will have undergone thorough evaluation and credit checks to be appointed.
- The tender parameters include a requirement that the tender will only proceed to a contract with a supplier(s) if the preferred tender meets a pricing parameters that the Net Present Cost impact over the life of the contract is no more than Business as Usual, based on the (conservative) mid-renewables scenario.

#### **The LGPPA business case is sound and has been independently reviewed**

The LGPPA business case concluded that participating Councils would achieve financial and emission savings from the LGPPA. Energy market experts Energetics undertook extensive modelling involving a range of different scenarios and assumptions, including suggestions for hedging against risk and price volatility. The modelling also considered different types of energy load provided by the participating Councils for their small or large buildings, as well as street lighting.

### **9.1.5**

(cont)

Independent energy consultant Ironbark Sustainability (Ironbark) was engaged by Council to apply Council's energy load mix to the overall business case, and check through the assumptions underpinning the business case. Ironbark confirmed the validity of the business case and its recommendations.

Specifically, Ironbark's assessment found:

- The modelling is sound and based on reasonable assumptions.
- This PPA will de-risk the potential for increasing energy contract costs for the contract period for all load types.
- For large and small market sites, the 7-10 year cost is likely to be lower than business as usual (BAU) and lower than current contract pricing.
- For street lighting the pricing is within the range expected for BAU but will reduce the potential upward price risks. Cost modelling for a fixed price arrangement looks favourable.

Ironbark recommended that Council consider committing its street lighting accounts to the LGPPA on a fixed-price basis, (at least) two of its largest buildings on a partially-fixed price basis, and that a fixed-price arrangement for all of Council's smaller buildings would be beneficial.

Ironbark further recommended that Council includes the purchase of Large-scale Generation Certificates within the LGPPA, as this will make a material contribution towards Council's carbon neutral target at low cost.

#### ***Recommended electricity load for the LGPPA***

In line with the Energetics modelling in the business case and review by independent consultants Ironbark Sustainability, it is recommended that Council commit the following electricity accounts (consumption load) to the LGPPA:

- 100% of the street lighting accounts on a fixed-price basis (28% of Council's total electricity load)
- The accounts for the 3 largest electricity-consuming Council buildings – Aqualink Box Hill, Aqualink Nunawading and the Civic Centre, on a partially-fixed basis (39% of Council's total electricity load)
- For all of these accounts, that Council acquires the Large-scale Generation Certificates available within the LGPPA

It was considered preferable to not include Council's small electricity market sites in the LGPPA. These sites include a range of leased and Council-owned facilities, including Council-owned sporting facilities leased by community organisations and sporting clubs. Factors such as the possible impact on lease arrangements and whether clubs might wish to pursue their own electricity contracts need further consideration.

The recommended electricity load from street lighting and the 3 largest Council buildings represents 67% of Council's total electricity load.

It is prudent not to commit 100% of Council's electricity load to the LGPPA. Consideration of the remaining 33% of Council's electricity load can be made once more detailed information is available with regard to:

- Next Procurement Australia energy supply contract,
- Outcomes of the EPC process
- Assessment of the proposed PPA and future opportunities to participate in PPA's
- Assessment of innovate progressive contracts
- Assessment of future innovation in energy efficiency measures such as batteries and
- Ongoing assessment of current solar arrangements

### **9.1.5**

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The Energetics modelling of the electricity market included consideration of current contract arrangements in the marketplace. The LGPPA proposal compared favourably with these, and the timing and details give Council certainty that a definite PPA offer will be available to Council in time before the expiry of the Council's current electricity contract in June 2020.

Council has engaged Ironbark Sustainability to review Council's approach to reducing its energy consumption and becoming carbon neutral by 2022, and identify opportunities for Council to optimise its energy performance and source. The outcome of this review will provide a good context to assess the next electricity contract offer from Procurement Australia and decide on the best contract arrangement for the remaining 33% of Council's electricity load.

#### **CONSULTATION**

Council has been attending LGPPA workshops and information sessions with the other participating Councils, energy experts Energetics, and representatives from the Victorian Greenhouse Alliances to gain a good understanding of this proposed electricity supply contract arrangement.

Council has also engaged its own independent energy consultant Ironbark Sustainability to review the outcomes of the business case from a Whitehorse perspective.

Collaborating with other Councils to achieve economies of scale and delivering environmental outcomes at a competitive price are consistent with the expectations of the Whitehorse community. Residents urged Council to take action on climate change, invest more in renewable energy, and show environmental leadership during the community consultation phases when developing Council's Sustainability and Waste strategies

#### **FINANCIAL IMPLICATIONS**

Council's annual budget for electricity is approximately \$1.72M. Council's electricity bills are generally made up of 3 components:

1. Retail (55%) to cover the wholesale cost of generation plus retailer margin. This component is contestable.
2. Network charges (35%) – the so called poles and wires cost. This component is a set charge and is not contestable
3. Environmental charges (10%) – charges related to Federal and State Government policies ( non-contestable)

The LGPPA can only influence the first and third components, not the network charges which are fixed regardless of the type of electricity contract. The business case indicates that annual savings using the LGPPA could be of the order of 11% to 19% of this non-fixed component.

The cost to date for Council to participate in this multi-Council project is \$10,000. The resulting business case has been invaluable in providing Council with data and information that will guide the next procurement arrangement for electricity supply.

The next tender phase of the project is anticipated to cost \$25,000 to cover all of the tendering costs, from preparation of specifications, going to market, evaluating the tender and engaging independent expert technical and probity advice throughout. This cost may reduce, depending on the number of Councils that proceed to the final tender phase. Any surplus funds will be returned to the contributing Council. There is a significant cost to run a multi-Council highly technical and complex tender for services valued at an estimated \$88M annually, and to satisfy the necessary governance and performance criteria.

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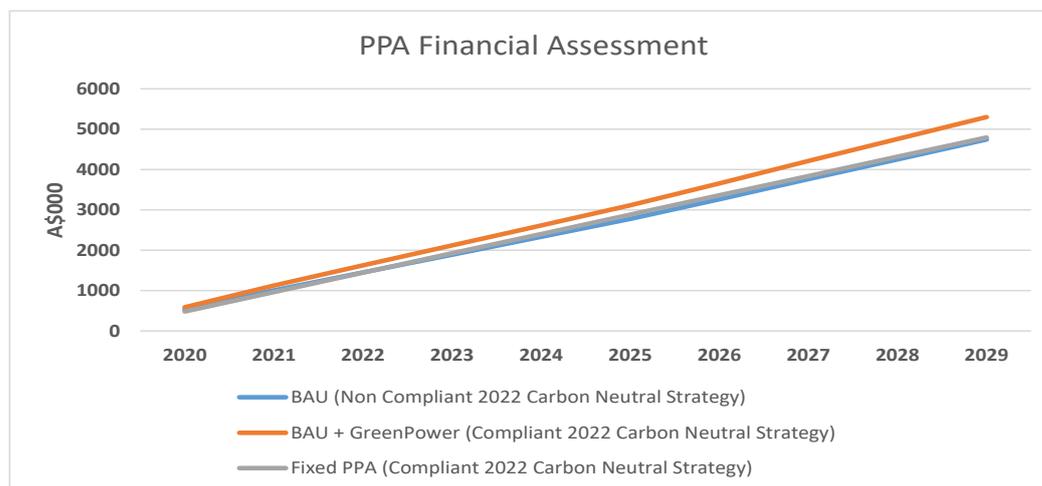
The following table provides indicative electricity commodity costs (for the non-fixed component of the electricity bill) comparing business as usual with the fixed and partially

Mid-Renewables Financial Assessment		Business As Usual	PPA	
			Fixed	Partially Fixed
Commodity Cost (1), (2), (3)	\$/MWH	78	67	65
Green Cost (Greenpower / LGC's) (4)	\$/MWH	14	9	9
<b>Total Commodity &amp; Green / LGC Cost (5)</b>	<b>\$/MWH</b>	<b>92</b>	<b>76</b>	<b>74</b>
<b>Anticipated Load</b>				
Large Sites	MWH	3661	3661	3661
Unmetered (Street Lighting)	MWH	2668	2668	2668
<b>Total (6)</b>	<b>MWH</b>	<b>6329</b>	<b>6329</b>	<b>6329</b>
Financial Cost - Year 1	\$'000	585	481	471
<b>Financial Cost - Contract Accumulation (10 Years) (7)</b>	<b>\$'000</b>	<b>5302</b>	<b>4796</b>	<b>4827</b>

- (1) Business As Usual - mix of Peak and Off Peak. GreenPower was ceased June 30, 2018 on the premise of moving towards and applying other sustainability measures
- (2) PPA - inherent retailer mark-up of approx. 34% for risk as Indirect-Supply Contract vests project risk and some market risk to the retailer
- (3) Rates for Business as Usual and Partially Fixed are for short term
- (4) Green / LGC - assumes 100% Emissions neutral for the load (over and above compliance responsibilities)
- (5) Commodity Cost & Green / LGC - represents approx. 60% of total energy bill. All other network charges and compliance charges are the same irrespective of contract type
- (6) Load assignment - recommended 67% of total Whitehorse load
- (7) Cost - estimates based on Energetics financial modelling which requires further and more robust analysis

The costs shown in the table will vary over the period of the contract. The cost modelling over the expected period of the LGPPA contract is very complex therefore this extract of figures is indicative for the purpose of showing a like-for-like comparison. The total cost modelling confirms the relative financial benefit of the LGPPA compared with business as usual.

The commodity cost in the first line of the table above compares the base cost without any allowance for purchasing additional carbon offsets either through greenpower (which Council previously purchased) or LGC's. The second line in the table shows the 'green' or carbon offset component. The third line total adds the base cost to the carbon offset cost, to give an overall comparison. The LGPPA costs for commodity and carbon offsets are expected to be more beneficial than business as usual over the next 10 years, as per the following graph:



The LGPPA is expected to deliver cost savings of between 11% and 19% compared with a business as usual (BAU) electricity contract arrangement. The tender criteria will include a requirement for the final offer to be within agreed price parameters such as Net Present Cost of the PPA offer may not exceed BAU.

### **9.1.5** (cont)

The 100% renewable energy LGPPA includes the purchase of Large-scale Generation Certificates (LGC's). To achieve Council's carbon neutral target in 2022, it will be necessary to purchase accredited carbon offsets for the residual amount of emissions after energy efficiency measures have been taken into account. To remain carbon neutral after 2022, accredited offsets need to be purchased each year. The LGC's available in the LGPPA 100% renewable contract have been assessed as being one of the cheapest ways of purchasing accredited carbon offsets, cheaper even than international carbon credits.

The 7 to 10 year likely contract period for an LGPPA will provide budget certainty for Council at a cheaper price than business as usual.

#### **POLICY IMPLICATIONS**

Power Purchase Agreements (PPAs) help to meet the sustainability objectives and strategies of the *Council Plan 2017-2021* and the targets and actions in Council's *Whitehorse Sustainability Strategy 2016-2022*. Participation in larger-scale energy-saving projects through regional partnerships 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.

## Business and Economic Development

### 9.1.6 Whitehorse Industrial Precinct Economic Review

ATTACHMENT

#### SUMMARY

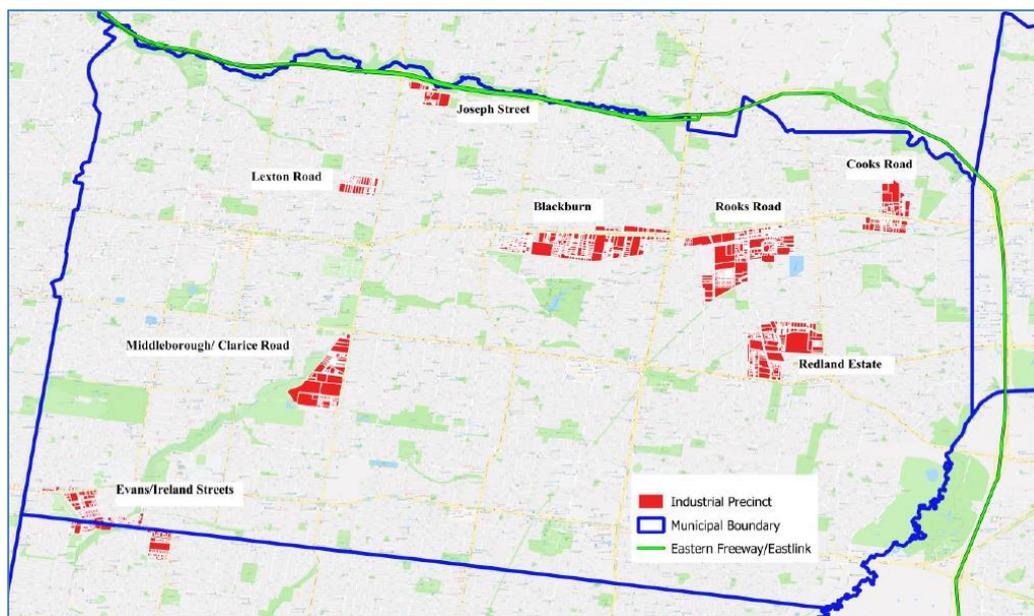
During the construction of North East Link, approximately 80 businesses will be acquired in the Bulleen Industrial Precinct (City of Manningham). Council received funding from the North East Link Project (NELP) to conduct an economic review of the eight Whitehorse Industrial Precincts to assist in identifying relocation options. This report presents a summary of findings prior to the report's release to NELP.

#### RECOMMENDATION

***That Council note the 2019 Whitehorse Industrial Precinct Economic Review.***

#### BACKGROUND

The City of Whitehorse has eight industrial precincts across the municipality



The most recent study of the industrial precincts undertaken by Council was the *Whitehorse Industrial Strategy 2011*. The purpose of the strategy was to provide a framework for on-going employment and business investment in eight key industrial areas located within the City of Whitehorse.

Over the past 10 years, industry restructuring has redefined the role of industrial precincts and the types of businesses that locate within them. The decline in manufacturing employment in Victoria has been offset by the growth in employment in the construction sector which has been driven by population growth.

## **9.1.6**

(cont)

### **DISCUSSION**

During the construction of the North East Link, approximately 80 businesses will be acquired in the Bulleen Industrial Precinct (City of Manningham). The successful relocation of displaced businesses would reduce disruption to these firms and their customers and workers. NELP is assessing industrial and commercial land and precinct opportunities to help businesses identify potential relocation options.

The Investment and Economic Development (I&ED) Unit secured funding of \$50,000 (inc GST) from NELP, to engage the services of a consultant to conduct an economic review of the eight industrial precincts in the City of Whitehorse. The review assessed the economic role, performance and future direction of the industrial precincts in the City of Whitehorse and identified suitable precincts that would provide an opportunity for new businesses moving to the area.

In summary, the review identified:

- Whitehorse industrial precincts and other middle suburban industrial areas, are strategically important in accommodating higher value adding businesses close to the markets they service, while also providing local employment opportunities.
- Many of the Whitehorse industrial precincts are well serviced by public transport and/ or in close proximity to major arterial roads when compared to competing industrial areas in other municipalities.
- The combined Whitehorse industrial precincts currently have a vacancy rate of 2.6%, indicating that the current building stock is generally well matched to the needs of businesses.
- Whitehorse has a limited supply of vacant development sites, and relies upon the reuse and redevelopment of existing properties to accommodate business and employment growth.
- The future challenge for Whitehorse's industrial precincts is how best to continue to evolve to meet the changing location and accommodation requirements of future businesses.
- Each of Whitehorse's industrial precincts are unique in terms of their location, building stock and business mix which enhances the accommodation options for potential new businesses.

### **CONSULTATION**

As part of this review, a business survey was undertaken by I&ED Unit to assist identifying the types of industries represented, employment make up, factors influencing choice of location and overall confidence of the businesses surveyed. Whilst the response rate was relatively low (73), the data collected did give some insight into the types of businesses within the precincts, with the overall outlook of businesses being positive.

### **FINANCIAL IMPLICATIONS**

The consultant report was funded through a \$50,000 funding agreement with NELP.

Business consultation survey funded through the I&ED Unit's operational budget was \$2,025

As per the funding agreement with NELP, a summary document will be produced for potential businesses at a cost of \$1500

## **9.1.6**

(cont)

### **POLICY IMPLICATIONS**

The Whitehorse Industrial Precinct Review is supported by the **Whitehorse Economic Development Strategy 2014-2019**:

4.3.3: Support a high value adding manufacturing sector to give direction for future industrial growth.

### **ATTACHMENT**

- 1 Industrial Precinct Economic Review Report [⇒](#) 

## 9.2 INFRASTRUCTURE

### 9.2.1 Tender Evaluation (Contract 30164) Provision of Maintenance Trade Services

---

#### SUMMARY

*This report considers tenders received for the Provision of Maintenance Trade Services and to recommend the appointment of three qualified contractors to a preferred supplier panel to undertake specified reactive maintenance, programmed maintenance and minor capital works for Council buildings and associated infrastructure under a Schedule of Rates contract.*

*The report recommends the acceptance of the tenders from, Building Impressions, Ducon Maintenance Pty Ltd and Bay Building Services Pty Ltd.*

*The contract is for a fixed term of three years with an option to extend the contract for one further two year period.*

*The estimated contract expenditure over the three years of the fixed contract term is \$12,000,000 GST inclusive.*

#### RECOMMENDATION

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

- 1. Accept the tender and sign the formal contract document for Contract 30164 for the Provision of Maintenance Trade Services received from Building Impressions (ABN 79 862 472 790), of 21 Ceylon Street, Nunawading, VIC 3131, trading as Building Impressions Pty Ltd; Ducon Maintenance Pty Ltd (ABN 79 150 941 174), of 2/55 Whiteside Road, Clayton South, VIC 3169, trading as Ducon Building Solutions; Bay Building Services Pty Ltd (ABN 34 101 675 530), of 16 North Drive, East Bentleigh, VIC 3165, trading as Bay Building Services Pty Ltd.***
- 2. Authorise the Chief Executive Officer to award an extension of this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial three year contract term in accordance with the contract provisions.***
- 3. Note the estimated contract expenditure of \$12,000,000 GST inclusive, over the three year fixed term of the contract.***

---

#### BACKGROUND

Council maintains an extensive network of assets including 371 buildings and associated infrastructure. To enable Council to offer quality services and programs to the community, we require an efficient and cost effective all-hours service to provide reactive and programmed maintenance as well as minor works to these buildings.

The current contract for the Provision of Painting, Glazing and Make Safe Services is due to expire on 30 September 2019.

This expanded Schedule of Rates contract will ensure Council can continue to provide the existing service, and grow its capacity to undertake minor capital renewals works including fitouts, modifications and refurbishments. The previous contract title has been changed to Provision of 'Maintenance Trade Services' to more accurately capture the variety of additional trades required and attract suitable tenderers to make a submission.

The range of services included in the new Provision of Maintenance Trade Services contract allows for reactive maintenance, programmed maintenance and minor capital replacement/renewal services for building assets located on Council land.

## 9.2.1

(cont)

### DISCUSSION

Following discussions with internal stakeholders, it was determined that the tender and contract would specify the provision of Maintenance Trade Services to include the following service requirements for buildings on Council land:

- Reactive Maintenance and Repair Work;
- Programmed Maintenance and Preventative Maintenance;
- Emergency call-out Services; and
- Quoted Capital Works Projects.

Tenders were advertised in The Age newspaper on Saturday 13 April 2019 and were closed on Wednesday 8 May 2019. 21 tenders were received and six were assessed as non-conforming.

The 15 conforming tenders were evaluated against the following criteria:

- The Tender Offer;
- Demonstrated Experience and Knowledge;
- Quality of Work;
- Available Resources; and
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

A comprehensive analysis of the 15 conforming submissions was evaluated by the Tender Evaluation Panel using a 'Weighted Attribute Method'. Scores were based on the quality of the tender response and the level of compliance with the contract requirements to determine the overall capability of contractors and best value outcome for Council.

As a Schedule of Rates contract, estimates of annual contract expenditure were developed using recent workloads for reactive, programmed and capital renewal works multiplied by the tendered rates for labour and materials. This allowed the Tender Offer to be equitably scored.

The four highest scoring tenderers were then shortlisted and interviews were conducted with Building Impressions, Ducon Maintenance, Bay Building Services and Aesthetics Property Services on the 28 May 2019 and 29 May 2019.

During the interview, initial scores were validated and the capabilities of the tenderers were able to be updated and/or confirmed.

At the time of interview, Aesthetics Property Services was not able to demonstrate its experience, capabilities and resources to service all tender requirements, and therefore did not progress to the next stage of Reference Check.

Reference checks were conducted with all nominated referees for Building Impressions, Ducon Maintenance and Bay Building Services, in particular Local Councils that have utilised these tenderers for similar services.

At the conclusion of the evaluation process it was determined that the tenders received from Building Impressions, Ducon Maintenance and Bay Building Services were most capable of meeting all Council's contract requirements and offered the best overall value to Council.

All three recommended tenderers have many years' experience working for local government. They are also well equipped to comply with Council's safe work method procedures. They have the technical expertise, availability and administration support to meet Council's after hour requirements. These skill sets were confirmed during the interview and reference check processes.

The three recommended tenderers will form the preferred supplier panel and be allocated reactive, programmed and quoted capital works in accordance with agreed schedule of rates, availability and capability considerations.

## 9.2.1

(cont)

### CONSULTATION

Consultation on the structure and specifications for this contract occurred with representatives from several council units including, Finance, Facilities Maintenance, and Leisure and Recreation Services ensuring that this contract will meet the current needs of all areas within Council.

The tender evaluation panel was made up of representatives from, Facilities Maintenance, Leisure and Recreation Services and Occupational Health and Safety (OH&S) teams.

A detailed assessment of the three recommended contractors' OH&S Management System manual was conducted by Council's OH&S team and was found to meet Council's requirements and expectations.

### FINANCIAL IMPLICATIONS

The contract for the provision of Maintenance Trade Services is based on a Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

The services delivered under this contract will be primarily funded from the Facilities Maintenance Department's annual Operational and Capital Works budgets. Other department's operational and capital works budget were also considered based on past expenditure.

The estimated total Council wide expenditure over the initial three year term of the contract for the provision of Maintenance Trade Services is estimated to be \$12,000,000 GST inclusive.

	<b>Expenditure</b>	<b>Budget</b>
Estimated Expenditure over three years including GST:		
• Reactive Maintenance and Repair Work;	\$ 1,800,000	
• Programmed Maintenance and Preventative Maintenance;	\$ 1,000,000	
• Emergency call-out Services	\$ 100,000	
<b>Total Estimated Operational Expenditure (inc GST)</b>	<b>\$ 2,900,000</b>	
<b>Estimated Operational Budget</b>		\$ 2,900,000
Estimated Capital Works (inc GST)	\$ 9,100,000	
<b>Estimated Capital Works Budget</b>		\$ 9,100,000
<b>Total</b>	<b>\$ 12,000,000</b>	<b>\$ 12,000,000</b>

## 9.2.2 Tender Evaluation (Contract 30140) Elgar Park South Pavilion Redevelopment and MACC Store

ATTACHMENT

### SUMMARY

*To consider tenders received for the provision of Elgar Park South Pavilion Redevelopment & MACC Store and to recommend the acceptance of the tender received from Melbcon, trading as Melbcon Pty Ltd, for the amount of \$3,430,573 including GST and to consider the overall project expenditure.*

### RECOMMENDATION

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

- 1. Accept the tender and sign the formal contract document for Contract 30140 for the Elgar Park South Pavilion Redevelopment & MACC Store received from Melbcon Pty Ltd, (ABN 89 094 370 457), of 333 Maroondah Highway, Croydon, VIC 3136, trading as Melbcon Pty Ltd, for the tendered amount of \$3,430,573 including GST;***
- 2. Agree to increase the overall project budget by \$1,056,773 including GST to a total of \$4,796,773 including GST.***

### BACKGROUND

Elgar Park is a 12 hectare municipality gateway located North West of the City of Whitehorse at the corner of Elgar and Belmore Roads, bounded by the Eastern Freeway.

The park contains four sporting ovals, a synthetic hockey pitch, two sporting pavilions (North and South pavilions), St Johns Ambulance hall, playground, public toilets, the Box Hill Miniature Railway and a densely vegetated native bush-land located at its peripheries along the Koonung Creek and Bushy Creek.

The existing South Pavilion is home to a tenant football club, a tenant cricket club and provides a curators equipment store for use by Mont Albert Cricket Club (MACC) as a satellite venue. The existing South Pavilion will be demolished in order to make way for the new pavilion within a similar building footprint and location.

The design will be complimentary to the new refurbished North Pavilion and incorporates a large angular multipurpose function room maximising available space and championing views to adjoining ovals, covered spectator viewing areas, kitchen, four changing rooms, amenities, club and community store rooms, public accessible toilets and ESD Design features. The contract also includes provision of a new stand-alone (MACC) storage structure.

### DISCUSSION

Six pre-qualified tenderers were selected from the State Government's Construction Supplier (CSR) Register to tender for the project. Benefits to Council for utilising the CSR Register are:

- Better project outcomes by using pre-qualified suppliers;
- Reduced tendering costs;
- Effective and streamlined process for selecting suppliers while maintaining competition;
- Framework to enhance supplier performance and value-for-money.

## **9.2.2**

(cont)

The list of tenderers were selected using the following criteria:

- Project expertise with projects within \$2.5M to \$10M range
- Proven experience with the construction of pavilions within sporting precincts
- Previous local government experience
- Strong market reputation
- Customer services focus
- Proven ability to deliver quality project outcomes

The following six shortlisted contractors were invited to tender:

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

The select tender was advertised on Thursday 4 April 2019 and closed on Wednesday 8 May 2019. Five (5) tender submissions were received.

The tenders were evaluated against the following criteria:

- Financials;
- Project Methodology;
- Resources and Previous Relevant Experience;
- Reference Checks; and
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

The tender evaluation panel met on Friday 10 May 2019 to assess the submissions. The two highest scoring tenderers were shortlisted and interviewed by the tender evaluation panel on Tuesday 14 May 2019.

Following a detailed assessment and clarifications to confirm tender prices, Melbcon Pty Ltd was considered to provide the best value for money for the pavilion project.

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

## **CONSULTATION**

Council officers have consulted extensively with tenant sporting clubs, Parkswide, Planning and Recreation, Engineering, Town Planning, Design Architect and sub-consultants with respect to:

- Facility design to best satisfy current and future requirements
- Architectural design elements consistent with surrounding environment
- Implementation of Council's adopted Elgar Park Master Plan
- Inclusive sporting facilities

As a result of the above consultation and as the design development process unfolded, a revised footing structure was designed to meet the needs of the highly reactive clay and fill site. This revised footing structure will mitigate the risks experienced in the North Pavilion during construction with delays pertaining to the foundation works (block work, suspended slab methodology). Subsequently, the structural slab and structural steel (tying/binding pavilion structure to slab) has also been designed in response to the soil conditions and nominated footings structure. An additional \$366,890 in funding is requested for these works.

## 9.2.2

(cont)

Throughout the design phase of the pavilion, double glazed windows were adopted to compliment the solar panels and to encourage greater energy savings. Given the isolated nature of the Pavilion, inclusion of security roller shutters was specified. The North Pavilion also has the same specification. An additional \$174,540 in funding is requested for these works. Additional switchboard requirements to facilitate future sportsground lighting, provision of the new MACC storage structure, security lighting and increased conduits for electrical connections from the existing substation have also been incorporated into the design for adequate futureproofing. There is also an increase in size due to sports ground lighting power requirements from anticipated 80amps to 150amp 3 phase. Each ground also required a CT meter and CT chamber and separate switchboard increasing the overall dimensions of the switchboard.

Further to this, the existing sewer infrastructure requires upgrading from 100mm to 150mm to service the new facility. The current 100mm earthenware pipe is tree root damaged and the 100mm sizing is insufficient to support the increased quantity of fixtures. Due to Tree Protection Zones nominated by the Arborist, replacing the existing pipe is not an option and therefore a new connection and sewer route is required to service both North and South Pavilions. An additional \$158,280 in funding is requested for both of these upgrade works.

### FINANCIAL IMPLICATIONS

The construction program will run over two (2) financial years. Works completing in FY 2019/2020 will be funded by Capital Works Program account V594 (Elgar Park South Pavilion).

	Budget	Expenditure
Capital Works Funding (V594)	\$3,400,000	
<b>Total Budget</b>	<b>\$3,400,000</b>	
Preferred tenderer's lump sum offer (including GST)		\$3,430,573
Less GST		-\$311,870
Net cost to Council		\$3,118,703
Contingencies		\$311,000
Consultant Costs		\$250,000
Authority Fees (5% of construction cost)		\$169,000
Landscaping – batters, turf, planting		\$45,000
Loose Furniture (Multipurpose Room)		\$10,000
Permits and Levy		\$10,000
PM Fees (FY 2018/2019 & 2019/20)		\$202,000
Temporary Accommodation		\$60,000
Substation Relocation Cost (estimate) Early Works Package, separate Contract		\$185,000
<b>Total Expenditure (excl. GST)</b>		<b>\$4,360,703</b>
<b>Council Budget Shortfall (excl. GST)</b>	<b>\$960,703</b>	

The additional funding requirements above the allocated 2019/20 budget sum relate to the following factors:

Item	Cost
Cost increase by User Requests	\$31,458
Cost increase by Scope Development	\$711,716
Cost increase by Statutory Compliance	\$71,850
Cost increase by Project Costs	\$43,301
<b>Total</b>	<b>\$858,325</b>

### ATTACHMENT

1 June 2018 to Jan 2019 Comments 

## **9.3 HUMAN SERVICES**

### **9.3.1 Pavilion Development Policy**

ATTACHMENT

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#### **SUMMARY**

*Officers have developed a policy that provides a consistent framework for the development of community pavilions including a funding contribution schedule. Council endorsement of this policy will provide officers the mandate to continue working in collaboration with sporting clubs to redevelop sporting pavilions across the municipality.*

#### **RECOMMENDATION**

***That Council adopt the Pavilion Development Policy (Attachment 1) to guide the development of pavilions at seasonally allocated sites across the municipality.***

---

#### **BACKGROUND**

Council is committed to facilitate active and healthy communities through the provision of community pavilions that support local sporting clubs.

The current Pavilion Development Guidelines were developed over 10 years ago and have served Council well, with the redevelopment of approximately 10 pavilions.

It is now timely to review the Guidelines to ensure that they meet current demand, community expectation and relevant statutory requirements.

Officers propose that the current Pavilion Guidelines become a policy that guides the development of sporting pavilions at seasonally allocated sites across the City of Whitehorse.

The Pavilion Development Policy aims to provide facility standards to guide the development of pavilions and outlines a framework for the funding contributions towards pavilions.

The Pavilion Development Policy will guide Council investment to ensure that future works achieve maximum benefit and usage.

#### **DISCUSSION**

Back in the mid 2000's Council took a concerted approach to redevelop sport pavilions to meet the changing expectations of the community.

Facility Guidelines were developed to assist officers to deliver a consistent approach to the roll out of pavilion redevelopments. Over time the Guidelines have evolved to include learnings from each pavilion redevelopment, changes in the Building Code and the need to address community expectations e.g. Female Friendly Facilities. Over the past seven years State Sporting Associations (e.g. AFL 2012, Cricket 2015) have begun to develop their own facility standards which have been used to inform the Council's Pavilion Guidelines.

In order to provide clarity for clubs about what Council will include in any pavilion redevelopment, the policy outlines the pavilion components that Council will fund as 'standard' and the 'non standard' components that the Club will be expected to fund. It is intended for the policy to be administered with flexibility. The policy provides flexibility for the design project group, including representatives of the tenant sporting clubs, to design a pavilion that meets the site specific requirements. For instance there may be physical site constraints that will influence the size of the pavilion or some sporting codes will require the full allocation of storage rooms due to the nature of the larger equipment / kit bags required to operate their club activities or the space allocated for the time keepers room could be incorporated into the multi-purpose room.

### 9.3.1

(cont)

The significant changes proposed in the new Pavilion Development Policy include:

- Change rooms increased from 40m<sup>2</sup> to 45m<sup>2</sup> consistent with AFL Facility Standards.
- Increase in umpires change room to accommodate mix gender officials.
- Multi Purpose Room increased from 70m<sup>2</sup> to 100m<sup>2</sup> to facilitate broader community use.
- Increase in club storage from 12m<sup>2</sup> to 30m<sup>2</sup> for each tenant club
- Provision of storage to facilitate use by other community groups during the week.
- Increase in the size of the kitchen from 15m<sup>2</sup> to 30m<sup>2</sup>.
- Minor increase of other rooms including timekeepers, rubbish storage, cleaners room etc.

Non-standard room components are subject to Council approval and will be supported with consideration to physical land constraints and the Club's commitment to fund the works. Non-standard items may include larger room components than the level committed by Council (i.e. Multi-Purpose Room larger than 100m<sup>2</sup>), bar, meeting room, office, ice baths etc.

#### CONSULTATION

The policy has been developed with consideration to State Sporting Association facility guidelines, regular review of the past pavilion redevelopment projects, benchmarking with similar Council's and feedback from relevant officers.

#### FINANCIAL IMPLICATIONS

This policy will assist with the development of pavilion designs and construction costs which in turn will inform the annual capital works budget. Pavilion budgets will vary based on site conditions, scope of works and will be subject to price escalations. Based on current market rates pavilions can cost between \$3M - \$6M.

#### POLICY IMPLICATIONS

Council has developed the *Whitehorse Recreation Strategy (2015 – 2024)* to guide the delivery of sport and recreation over a ten year period.

The *Pavilion Development Policy* is a recommendation (Action 25) from Council's *Recreation Strategy (2015 – 2024)*.

The *Pavilion Development Policy* should be read in conjunction with the *Sporting Facilities Guide – Seasonal and Casual Users (SFG)*. The SFG outlines the terms and conditions under which sporting and recreation clubs occupy Council's sporting facilities on a seasonal basis.

#### ATTACHMENT

- 1 Pavilion Development Policy 

## 9.3.2 Sporting Facilities Guide Review

ATTACHMENT

### **SUMMARY**

*The draft Sporting Facilities Guide – Seasonal and Casual Users (SFG) was released for community comment. The SFG provides the framework for the use, management and development of Council’s seasonally allocated sports fields and pavilions. The SFG has been revised considering feedback and Council’s endorsement of the revised SFG is being sought.*

### **RECOMMENDATION**

***That Council:***

- 1. Endorse the revised Sporting Facilities Guide – Seasonal and Casual Users (Attachment 3)***
- 2. Advise submitters and key stakeholders of Council’s decision.***

### **BACKGROUND**

Council at its Ordinary Meeting on 10 December 2018 endorsed release of the draft Sporting Facilities Guide – Seasonal and Casual Users (SFG) for community comment. The draft SFG incorporated 27 proposed changes including those relating to legislative requirements, feedback from sporting clubs, community and Councillors, as well as current practice.

The SFG was released for community comment over a four week period, commencing Monday 25 February and concluding Monday 25 March.

Community feedback has been considered and the document has been revised in context of the feedback received.

### **DISCUSSION**

The SFG provides the framework for the use, management and development of Council’s seasonally allocated sports fields and pavilions. The SFG does not govern leased facilities i.e. athletic facilities, tennis clubs, lawn bowls, basketball stadiums etc. The purpose of this document is to provide a framework for active booked use of Council’s sports fields and pavilions by incorporated user groups where fees and charges apply.

Council at its Ordinary Meeting of 10 December 2018 endorsed release of the draft SFG which incorporated twenty seven (27) proposed changes for public comment via a community consultation process.

Following a range of consultation methods including an online survey, posters displayed at sporting reserves and Leader advertisements a total of 34 submissions were received arising from the community consultation process. Overall feedback regarding the SFG was supportive of the proposed changes with nineteen (19) of the proposed changes being accepted and eight (8) of the proposed changes attracting comment from various user groups.

### **9.3.2**

(cont)

Key feedback included the following:

- The proposed addition of a Standards of Behaviour and a Club Sanctions section were widely supported.
- Responses to Section 4.3 – Invoicing for Finals, suggested the wording within the section required amending to allow flexibility for Council to charge the tenant club or association.
- Section 5.8 – Casual Use of Pavilions. Following the adoption of Motion 7.1 – Diversity of Use of Sporting Pavilions at the Special Committee Meeting of Council on 13 May 2019 Council are undertaking work to consider different models to explore opportunities to encourage and facilitate greater utilisation and diversity of uses of sporting pavilions into the future. This piece of work is referred to in the SFG under this clause.
- The amendments to Section 6.2.1.4 - Sports Field Floodlight Times of Use and Section 7.1.2 – Sports Field Usage Times, to extend sports field floodlight times from 8.30pm to 9pm was also varied, however the majority of respondents supported the proposed change.
- Section 6.2.9 – Reserve and Sports Field Fencing received mixed responses, with clubs expressing a desire to have reserve fencing for the purpose of collecting an entry fee. This has been balanced against the need to keep sports fields open to the community.
- Support for proposed changes to section 7.2.2 – Liquor Licence was varied. The majority of respondents supported the proposed changes to allow tenant clubs to consume alcohol outside the pavilion in accordance with the permitted hours of alcohol consumption inside the pavilion indicated in table 8 of the SFG, however, tighter control to reduce the impact on the residents was also suggested by residents.

As a result of the feedback received, eight amendments have been made to the draft SFG and are listed in Attachment 1 – ‘Sporting Facilities Guide Summary of Community Consultation Responses’.

A list of combined community feedback can be found in Attachment 2.

The revised SFG is provided in Attachment 3.

### **CONSULTATION**

A community consultation process was undertaken over a four week period commencing Monday 25 February and concluding Monday 25 March. The process encouraged clubs, sporting associations, community members and other community groups to provide feedback on the draft SFG via an online survey or via a written submission. Information on the draft SFG and a link to the online survey were distributed to 72 Local Sporting Clubs, 20 Sporting Associations, 13 Parkland Advisory Committees, 51 Schools and 1021 Residents and Home Owners (abutting Council’s sports fields).

Furthermore, 89 posters were placed at 27 of Council’s seasonally allocated sports fields to promote the opportunity to receive feedback from casual users. Additional advertising was undertaken to capture the wider community through Facebook posts, Whitehorse Leader advertisements and an advertisement in the March edition of the Whitehorse News.

The online survey was viewed on 531 occasions, with a total of 34 public submissions received. Feedback was received via the online survey, email and one written submission.

The Whitehorse Sport and Recreation Network (WSRN) was also consulted on the draft SFG and feedback was constructive and overall supportive. All feedback received from the WSRN is located in Attachment 1.

A summary of the respondent’s represented user groups and the combined community feedback can be found in Attachment 2.

## 9.3.2

(cont)

### FINANCIAL IMPLICATIONS

The SFG provides a fee schedule in Attachment 3, Appendix 7, for the casual and seasonal use of Council's sports fields and pavilions. The fees listed within the SFG are reflective of Council's annual budget. Based on feedback received, a new set of fees has been developed for tenant clubs' casual use of sports fields. This has been calculated as a pro rata charge based on the seasonal fees and charges.

In order to improve risk mitigation measures, Council will now take on the responsibility for some infrastructure improvements at sporting reserves i.e.: Synthetic Cricket Wickets, Coaches Boxes/Dugouts which has financial implications for Council that are reflective of current practice. These costs are covered in existing budgets.

### POLICY IMPLICATIONS

The SFG references the future development of two proposed Policies including:

- Policy governing the use of flood lights (including night competition) "Floodlighting – Outdoor Sport and Recreation Policy" referred to in section 6.2.1.1 – Installation and Capital Costs; and
- Whitehorse Planning Scheme amendment and development of a Council Policy governing advertising signage on Council's sports fields referred to in section 7.10 – Advertising Signage.

### ATTACHMENT

- 1 Summary of Community Consultation Responses [⇒](#) 
- 2 Combined Community Feedback [⇒](#) 
- 3 Revised Sporting Facilities Guide [⇒](#) 

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### 9.3.3 Community Grants 2019-20

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#### **SUMMARY**

*This Report presents to Council, the Whitehorse Community Grant recommendations for the 2019/20 financial year, as determined by the Councillor Assessment Panel, comprising of: Cr Bill Bennet (Mayor), Cr Tina Liu, Cr Denise Massoud, Cr Sharon Ellis and Cr Prue Cutts. The recommendations of the Councillor panel are presented as an Appendix to this Report.*

*As part of Council's audit process, Price, Waterhouse, Coopers (PWC) undertook a review of the Whitehorse Community Grants program. PWC were extremely favourable in their evaluation of the Program and suggested some amendments to further enhance this highly regarded Program which provides support to over 200 not for profit (small and medium) community organisations. The recommendations of the review are detailed in the Discussion section of this Report, under the title of Price, Waterhouse, Cooper review and Recommendations.*

#### **RECOMMENDATION**

***That Council:***

- 1. *Allocates the 2019-20 Whitehorse Community Grants in accordance with:***
    - a) Appendix A Cash Grants (Annual Grants),***
    - b) Appendix B (Partnership Grants),***
    - c) Appendix C (Discount Support Hall Hire)***
    - d) Appendix D (Discount Support Free Tipping)***
  
  - 2. *Endorse the recommendations of the review, outlined in the "Discussion" section of this Report under the title of "Price, Waterhouse, Cooper (PWC) Review and Recommendations"***
- 

#### **BACKGROUND**

Whitehorse City Council supports not-for-profit community groups and organisations to provide a wide range of services, programs and initiatives to benefit the Whitehorse community, through its Community Grants Program.

For the 2019/20 financial year, the Whitehorse Community Grants Program received 242 applications from 176 community groups, for both cash and discount support grants.

The Councillor Assessment Panel met on Friday 7 June 2019 to consider the annual community cash grant applications and subsequently to determine the Councillor recommendations, which are included as *Appendix A* to this report.

#### **Smarty Grants**

This was the first year Council has utilised an online application program, titled *SmartyGrants*, to accept and manage grant applications for the Community Grants program (cash grants and discount support). The introduction of the new system has been smooth, and will further streamline the process in ensuing years.

The online program allows Community Groups to submit applications and acquittals online, and allows Council to communicate with grant applicants instantly. The system also provides an excellent audit trail for the Grants Program.

### **9.3.3**

(cont)

Two information and training sessions were held with community organisations which were well attended with over 50 organisations attending the sessions. Officers also provided over the phone, and face to face support to community organisations as they were filling in their forms. The new system did not deter organisations from applying for a community grant and in fact, Council received slightly more applications this year, than last year.

#### **DISCUSSION**

The Community Grants Program is divided into three separate components:

1. Cash Grants - Annual
2. Partnership Funding
3. Discount Support - Hall Hire & Free Tipping

#### **Cash Grants - Annual Grants**

Annual Cash Grants (Minor Grants Up to \$5,000 & Major Grants \$5001 to \$20,000) were considered by the Councillor Panel on Friday 7 June, 2019. The Panel recommendations are detailed in *Appendix A*.

For the 2019/2020 financial year the Councillor Panel recommendations amount to a total of \$168,002.

#### **Discount Support Hall Hire**

Discount Support relates to discounted hall hire charges at Council owned and operated venues. If community groups meet the criteria, Discount Support Hall Hire is automatically granted. Groups applying for a discount on hall hire charges have already been notified in writing of their success or otherwise and this information is included in *Appendix C*. The Discount Support Hall Hire budget for the 2019/2020 financial year is \$301,003

Further applications for Discount Support Hall Hire will be received by Council as the year progresses and are approved if organisations/groups meet the criteria, up to the budgeted allocation. There are three levels of discount support based on group type: 90% for seniors groups, 75% for service clubs and 50% for all other organisations. Discount Support Hall Hire also includes the option of one free hall hire fundraising event annually, per organisation.

#### **Discount Support Free Tipping**

Council offers discount support to not for profit community groups for free tipping at Council's Recycling and Waste Centre. A nominal amount of \$110 has been allocated to each free tipping pass. Each trailer load of waste is weighed and the actual cost based on the tonnage rate applied, is recorded against the Community Grants Program. A total of 288 tipping passes are recommended for the 2019/20 financial year and the groups are listed in *Appendix D*. The budget for Discount Support Free Tipping is \$33,150.

### **9.3.3**

(cont)

#### **Partnership Grants**

As a result of a review of the Community Grants program (described later in the Report) it is recommended Council extend the Partnership Grants for 2 years to bring them into alignment with the strategic directions of the new Council Plan.

Partnership Grants include:

- 10 Neighbourhood & Community Houses.
- Asian Business Association of Whitehorse Inc
- Whitehorse Community Chest Inc.
- Whitehorse Pre School Association Inc
- Mitcham Community House - Family Violence Program for Women
- Family Access Network-Life Skills Program for Young Men & Women
- Uniting Care - East Burwood Centre - Emergency Relief Provision

Partnerships grants have been budgeted for in the 2019/2020 financial year and are detailed in Appendix B.

#### **Price Waterhouse Cooper (PWC) Review and Recommendations**

As part of Council's Audit process, PWC undertook a review of the Whitehorse Community Grants program. PWC were extremely favourable in their evaluation of the program and suggested some amendments to further enhance the Program, being one of Council's highly regarded programs, providing support to over 200 not for profit (small and medium) community organisations.

The recommendations (detailed below) aim to further strengthening the program, will be implemented in a staged manner over the forthcoming 12 months, including:

#### **Recommendations:**

1. Promotion:
  - Increasing promotion of the many fabulous funded outcomes of the Program, to the broader community.
2. Greater Linkages between the Council Plan and the Program:
  - Creating greater linkages between the community grants program and the Council Plan strategic directions
  - The new Council Plan informing the direction and priorities of both the broader community grants program, as well as the partnership grants
  - Greater emphasis on organisations demonstrating how their initiatives closely align with the Council Plans' strategic directions
  - Objectives and priority themes to be updated in line with Council priorities and emerging broader priorities and trends
  - Further developing our evaluation framework in line with the Council Plan
  - Increasing the focus on being responsive to emerging trends and needs as well as being innovative
3. Partnership Grants:
  - Extending Partnership Grants for two years to align with the new Council Plan and its strategic directions.

### 9.3.3

(cont)

#### 4. Cash Grants:

- Changing the cash grants categories to build in a seed funding category
- Reduce the maximum grant to \$10,000, smaller programs to a maximum of \$3000, admin and resources to \$1000 and equipment grants to \$1000 (this will take effect in 2020 round)
- Have a focus on innovation and creativity to meet community needs

#### CONSULTATION

The 2019-20 Whitehorse Community Grants program was advertised extensively within the municipality:

- In the Whitehorse News,
- On Council's web site, Facebook page and on-hold messages
- In the Whitehorse Leader and Asian Multimedia newspapers
- Through advertisements and press releases
- Through videos of previous successful applicants telling their stories

Officers from various service areas across Council were consulted in regard to their initial assessment of each grant application.

As previously detailed, Council Officers held two Information/Training Sessions in February 2019 with over 50 organisations attending, to explain the new SmartyGrants system to community groups/organisations. In addition, over the phone and face to face support was also provided.

#### Over the next 12 months:

An important part of the continuous improvement process and implementing the proposed changes over the next 12 months, is trialling the changes with the community and seeking their input and feedback in regard to those changes as well as the Program overall.

#### FINANCIAL IMPLICATIONS

The Overall Community Grant Budget for the 2019/20 financial year is shown below:

2019/2020 Financial Year – Cash and Discount Support	TOTAL GRANTS BUDGET (CASH AND DISCOUNT SUPPORT)
Cash Grants (Annual & Partnership Grants)	\$890,675
Discount Support Hall Hire	\$301,003
Discount Support Free Tipping	\$33,150
<b>TOTAL OVERALL GRANTS BUDGET</b>	<b>\$1,224,828</b>

The Cash Grant Budget for the 2019/20 financial year is shown below:

2019/2020 Financial Year – Cash Grants	CASH GRANT BUDGET
Partnership Grants	\$722,574
Annual Grants considered by Councillor Panel	\$168,101
<b>TOTAL CASH GRANTS BUDGET</b>	<b>\$890,675</b>

### 9.3.3

(cont)

The Cash Grant recommendations by the Councillor Panel totalled \$168,002 which is \$99 under the budget allocation of \$168,101, leaving \$99 to be allocated should any requests be received during the remainder of the 2019/2020 financial year.

The community grant amounts in this report do not include GST.

#### POLICY IMPLICATIONS

The Community Grants have been advertised, assessed and recommended in line with the Whitehorse Council Plan and Council's long term vision and goals.

#### APPENDIX A – ANNUAL CASH GRANTS

Applicant	Recommended Funding
Family Access Network	\$20,000.00
Eastern Emergency Relief Network Inc	\$12,500.00
Taiwanese Business Association of Melbourne	\$10,800.00
Box Hill Community, Information & Support Inc	\$10,000.00
Mitcham Community Meal	\$10,000.00
Eastern Volunteer Resource Centre Inc.	\$10,000.00
Centre for Holistic Health	\$5,600.00
Scope (Aust) Ltd	\$5,000.00
Greek Orthodox Community Box Hill and Districts Inc	\$5,000.00
Box Hill Historical Society	\$4,851.00
Chinese Parents Special Support Network	\$4,000.00
Mullum Mullum Festival	\$3,500.00
Kara House	\$3,360.00
Buckanbe Park Advisory Committee	\$2,700.00
Whitehorse Friends for Reconciliation Inc	\$2,500.00
St John Ambulance Australia (Vic)	\$2,241.00
Link Health and Community	\$2,000.00
Whitehorse Historical Society Inc	\$2,000.00
The Welcome Dinner Project	\$2,000.00
Greek Orthodox Community Box Hill and Districts Inc	\$1,650.00
U3A Box Hill Inc.	\$1,500.00
Dream Stitches Migrant and Refugee Women's Sewing Program Incorporated	\$1,500.00
Rangeview Preschool Association	\$1,500.00
Australian Quilters Association Inc	\$1,500.00
Nunawading Toy Library Inc	\$1,500.00
Whitehorse District Scouts	\$1,488.00
Box Hill Community Gardens Inc.	\$1,440.00
Bennettswood Bowling Club	\$1,440.00
Eastmont Preschool	\$1,398.00
Eastern Emergency Relief Network Inc	\$1,396.00

### 9.3.3

(cont)

<b>Applicant</b>	<b>Recommended Funding</b>
Chinese Stroke Support Group Inc.	\$1,300.00
Life Activities Club Whitehorse Inc.	\$1,250.00
Whitehorse Chinese Senior "YUYI" Friendship Association	\$1,200.00
Sudanese Saturday School	\$1,000.00
Whitehorse Orchestra	\$1,000.00
Community of Cypriots of the Eastern Suburbs Elderly Citizens Club	\$1,000.00
Australian Jiangxi Association Inc.	\$1,000.00
Lions Club of South Vermont Inc	\$1,000.00
U3A Nunawading Inc.	\$1,000.00
Bipolar Life Victoria Inc.	\$1,000.00
Timorese Taiwan Alumni Association	\$1,000.00
Woodhouse Grove Kindergarten	\$944.00
Mitcham Angling Club	\$900.00
Yarran Dheran Advisory Committee	\$872.00
1st Nunawading Scout Group	\$860.00
Fanghua Senior Arts Performance Club Incorporated	\$800.00
Senior Citizens Club of Nunawading	\$750.00
Peranakan Association Australia Inc.	\$750.00
Circolo Pensionati Italiani Nunawading and Box Hill	\$750.00
Probus Club of Blackburn Central Inc.	\$750.00
Senior Citizen of the Greek Community of Forest Hill	\$750.00
The Australian Children's Choir Inc	\$730.00
Combined Probus Club of Burwood Inc	\$700.00
1st Mitcham Scout Group	\$665.00
Nunawading Hungarian Senior Citizens club Inc	\$600.00
Greek Elderly Citizens Club of Nunawading	\$500.00
1st Heatherdale Scout Group	\$500.00
1st Mont Albert Scout Group	\$500.00
Box Hill North Scouts	\$500.00
Jing Song Senior Chinese Men's Incorporation	\$500.00
Jasmine Senior Dance Group Incorporated	\$500.00
Jing Song Senior Chinese Men's Incorporation	\$500.00
Nieuw Holland Dutch Social Club Inc.	\$500.00
Blackburn South Ladies Prous Club Inc	\$500.00
Communities' Council on Ethnic Issues (Eastern Region) Inc	\$500.00
Melbourne Legacy	\$500.00
Whitehorse Arts Association Inc.	\$500.00
Ladies Probus Club Of Blackburn Lake Inc.	\$500.00

**9.3.3**  
 (cont)

<b>Applicant</b>	<b>Recommended Funding</b>
Maroondah Singers	\$500.00
Melbourne Korean Seniors Citizens Community Incorporated	\$500.00
Chinese Health Foundation of Australia	\$500.00
The Ladies Probus Club of Box Hill South Inc.	\$500.00
1st Tally Ho Scout Group	\$490.00
Eckersley Uniting Tennis Club Inc include suburb	\$480.00
Box Hill Italian Senior Citizens Club Inc	\$400.00
Probus Club of Kerrimuir	\$397.00
Chinese Cancer and Chronic Illness Society of Victoria	\$300.00
Surrey Hills Baptist Children's Centre	\$300.00
Combined Probus Club of Burwood East Inc.	\$200.00
<b>Total Annual Cash Grants</b>	<b>\$168,002</b>

**APPENDIX B – PARTNERSHIP GRANTS**

	<b>ORGANISATION</b>	<b>Partnership Grants 2019/2020</b>
	<b>PARTNERSHIP</b>	
1	Asian Business Association of Whitehorse Inc	\$24,366.78
2	Avenue @ Eley Neighbourhood House	\$37,887.90
3	Bennettswood Neighbourhood House	\$30,579.60
4	Box Hill South Neighbourhood House	\$30,579.60
5	Burwood Neighbourhood House	\$30,579.60
6	Clota Cottage Neighbourhood House Inc	\$30,579.60
7	Kerrimuir Neighbourhood House	\$30,579.60
8	Koonung Cottage Community House	\$30,579.60
9	Louise Multicultural Centre	\$27,532.86
10	Mitcham Community House	\$37,887.90
11	Vermont South Community House	\$37,887.90
12	Whitehorse Community Chest Inc.	\$14,500.32
13	Whitehorse Pre School Association	\$31,553.70
14	Mitcham Community House Family Violence Program	\$17,665.38
15	Family Access Network - Life Skills Program	\$37,401.36
16	Uniting Care East Burwood Centre Emergency Relief	\$26,703.60
17	EACH Ltd Provision of Family Support and Counselling Services	\$245,708.70
	<b>TOTAL PARTNERSHIP GRANTS</b>	<b>\$722,574</b>

**9.3.3**  
(cont)

**APPENDIX C – DISCOUNT SUPPORT HALL GRANTS – HIRE**

<b>Discount Support Hall Hire</b>	<b>Value of Support</b>
Victoria Hua Xin Association	\$2,300.90
Chinese Parents Special Support Network (CPSSN)	\$255.91
Whitehorse Chinese Senior 'You Yi' Friendship Association	\$1,719.00
Communities Council on Ethnic Issues (Eastern Region) Inc.	\$340.90
Friends of Whitehorse Test	\$2,250.00
City of Whitehorse Band	\$1,960.00
Chinese Nurse Association Australia - Melbourne	\$752.50
The Victorian Samoan Advisory Council (VICSAC) Inc	\$1,317.73
Whitehorse Toastmasters Club	\$367.50
The Rotoract Club of Whitehorse	\$2,420.00
Japan Club of Victoria	\$3,695.25
Sathya Sai Organisaition	\$8,804.12
Probus Club of Mitcham Nunawading	\$3,988.66
Whitehorse Arts Association	\$381.82
Probus Club of Mitcham Orchards Inc.	\$3,173.76
Orchid Species Society of Victoria	\$735.00
Box Hill Community Gardens Inc	\$145.62
The Melbourne Audio Club Inc	\$2,045.46
Brotherhood Karyas Olympou	\$406.66
Taiwanese Womens Dancing Club	\$1,863.44
The Hispanic Society Inc	\$1,938.42
The Marquetry Society of Victoria Inc	\$884.00
R&S Chrysler Valiant Car Club of Victoria Inc	\$539.00
Combined Probus Club of Whitehorse Inc	\$1,698.00
Nunawading Community Gardens Inc	\$636.00
Ladies Probus Club of Vermont South	\$1,697.50
Combined Probus Club of Blackburn South Inc	\$2,205.00
The Boite Vic Inc	\$1,005.00
Whitehorse Toastmasters Club	\$4,261.38
Whitehorse Film Society Inc	\$3,409.10
Box Hill Art Group	\$7,324.08
Box Hill Art Group	\$381.82
Vermont Garden Club	\$1,213.00
Greek & Cypriot Elderly Citizens Club of Whitehorse & Districts	\$7,938.00
The Melbourne Chinese Choir	\$1,196.00
Contemporary Women Painters	\$1,976.00
Melbourne Taiwan Ladies Association Inc	\$1,593.31
Designer Art Shop Inc	\$533.14

### 9.3.3

(cont)

<b>Discount Support Hall Hire</b>	<b>Value of Support</b>
The Needlework Tapestry Guild of Victoria Inc	\$5,138.12
Box Hill Hand Spinners & Weavers Inc	\$3,406.00
Alcoholics Anonymous	\$1,527.50
Greek Elderly Citizens Club of Nunawading Inc	\$6,350.40
Probus Club of Forest Hill	\$1,587.60
Circolo Pensionati Italiani - Nunawading Box Hill Inc	\$7,585.20
Box Hill Art Group	\$4,703.00
Box Hill Clayworkers	\$4,374.74
Box Hill Russian Senior Citizens Club	\$3,521.70
Nunawading U3A	\$1,401.30
Box Hill Ballet Association	\$10,045.78
Box Hill Ballet Association Inc	\$0.00
Rotary Club of Box Hill Central Inc	\$1,870.00
Papermakers of Victoria Inc	\$771.82
Box Hill Chorale Inc	\$2,531.36
Vermont Cancer Research Fundraising Group Inc	\$2,727.28
Eastern Suburbs Scale Modelling Club Inc	\$519.90
Whitehorse Orchestra Inc	\$3,601.50
Melbourne Numismatic Society Inc	\$286.00
The Hong Kong Club Inc	\$2,425.50
Eastern & Mountain District Radio Club	\$1,704.55
Youth Bands Program Inc	\$2,572.50
The Victorian Bulb Society Inc	\$882.00
Box Hill Life Drawing Group	\$375.00
Eastern Districts Aquarium Society	\$1,547.72
Eastern Districts Aquarium Society	\$0.00
Australian Red Cross - Blackburn Unit	\$2,908.19
Australian Red Cross - Blackburn Unit	\$0.00
Bipolar Life Victoria Inc	\$225.00
Knitting for the Needy Community Support Group Inc	\$681.82
Taiwanese Association of Australia Melbourne Chapter Inc	\$169.10
Blackburn Calisthenics Inc	\$4,400.00
Your Music Inc	\$138.18
Whitehorse Cycling Inc	\$294.10
Nunawading U3A	\$19,999.00
Contemporary Women Painters	\$381.82
Eastern District Budgerigar Society	\$1,176.00
Jing Song Senior Chinese Men's Incorporation	\$2,250.00
Rotary Club of Forest Hill	\$2,000.00

**9.3.3**  
 (cont)

<b>Discount Support Hall Hire</b>	<b>Value of Support</b>
Rangeview Primary School	\$2,950.00
Hand Tool Preservation Association of Australia Inc	\$260.00
Nova Music Theatre	\$20,000.00
Melbourne Chinese U3A	\$8,593.20
P:olish Seniors Citizens Club of Doncaster	\$7,232.40
Pope Road Kindergarten	\$2,910.00
Sathya Sai	\$2,548.00
Senior Citizens Club of Nunawading	\$7,430.40
Swiss Yodel Choir Matterhorn Inc	\$196.00
The Association of Independent Retirees - Melb, Eastern Branch	\$1,697.85
The Community of Cypriots of the Eastern Suburbs	\$7,105.10
Vermont Floral Art Group	\$1,347.50
Whitehorse Chinese Senior You Yi Friendship Assoc	\$3,326.40
Whitehorse Cyclists Inc	\$539.00
Perwira Incorporated	\$4,615.50
Babirra Music Theatre	\$20,000.00
House of Persia Community Centre	\$4,158.00
Bor Youth association	\$2,618.00
<b>Total Discount Support Hall Hire to date - more applications will come in to the end of calendar year</b>	<b>\$282,960.01</b>

**9.3.3**  
 (cont)

**APPENDIX D – DISCOUNT SUPPORT FOR FREE TIPPING**

<b>Organisation Name</b>	<b>Value of Support</b>
Eastern Emergency Relief Network Inc	\$5,500.00
RSPCA Vic	\$5,500.00
Doncare Community & Counsell	\$2,640.00
LinC Whitehorse Inc	\$2,200.00
Nillumbik Community Health Service Trading as Carrington Health	\$1,320.00
Lions Club of South Vermont Inc	\$1,320.00
Lions Club of Blackburn North	\$1,320.00
Rotary Recycle Inc	\$1,320.00
Alkira Centre Box Hill	\$1,320.00
Rotary Club of Mitcham	\$1,320.00
Nunawading Community Gardens Inc	\$1,320.00
1st Bennettswood Scout Group	\$440.00
1st Tally Ho Scout Group	\$440.00
Laburnum Girl Guides	\$440.00
1st Mont Albert Scout Group	\$440.00
9th Box Hill Scout Group	\$440.00
Pope Road Kindergarten	\$440.00
Burwood Community Garden Inc	\$440.00
Surrey Hills Baptist Children's Centre	\$440.00
Whitehorse Arts Association Incorporated	\$440.00
1st/8th Blackburn Scouts - Scouts Victoria	\$440.00
Rangeview Preschool Association	\$440.00
1st Nunawading Scout Group	\$440.00
1st Mitcham Scout Group	\$440.00
Whitehorse District Scouts	\$440.00
Box Hill Community Gardens	\$440.00
<b>Total Discount Support Free Tipping</b>	<b>\$31,680.00</b>

## **9.4 CORPORATE**

### **9.4.1 Senior Officer Expenses Reporting**

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#### **SUMMARY**

*A Councillor motion in December 2018 requested investigation of the implications of reporting aggregated or individual expenses by Senior Officers reporting to the Chief Executive Officer (CEO) in the Annual Report. This was investigated and legal advice confirmed that individualised expense reporting may impinge on the realm of the CEO's responsibility for all employment matters for the organisation and privacy concerns exist including if aggregated listing is pursued.*

#### **RECOMMENDATION**

*That Council notes, that based on:*

- 1. The requirements of the Local Government Act in regard to the responsibilities and obligations of the Chief Executive Officer in the management of staff*
- 2. The legal advice in regard to the potential breach of the privacy provisions if there is individualised reporting of senior officer expenses and*
- 3. Accountable and audited internal processes, procedures and policies in place*

*Not proceed further.*

---

#### **BACKGROUND**

On 10 December 2018 Motion 119 (Cr Barker as amended) was passed by Council seeking a report on the practicality of an aggregated listing of Senior Officers that are direct reports to the CEO and their total expenses by category in the 2018/19 Annual Report. In the second part of the amended motion a report was requested on the practicality of listing expenses on an individual basis for all Senior Officer that are direct reports to the CEO being included in the Council Annual report. The motion requested in the report advice on any employment conditions or legal implications from this action.

#### **Notice of Motion No 119 Cr Barker**

*That Council:*

Moved by Cr Barker, Seconded by Cr Davenport

- 1. Resolves to include an aggregated listing of the Senior Officers that are direct reports to the CEO and their total expenses by category (conferences, training and functions, travel, meals and accommodation, motor vehicle and cab charges or equivalent) in the 2018/19 annual report.*
- 2. Receives a report on the practicality of listing expenses on an individual basis for all Senior Officers that are direct reports to the CEO being included in the Council Annual report and whether there are any employment conditions or legal implications.*

#### **AMENDMENT**

Moved by Cr Munroe, Seconded by Cr Massoud

*That Council:*

- 1. Receives a report on the practicality of an aggregated listing of the Senior Officers that are direct reports to the CEO and their total expenses by category (conferences, training and functions, travel, meals and accommodation, motor vehicle and cab charges or equivalent) in the 2018/19 annual report.*

**9.4.1**  
(cont)

- 2. *Receives a report on the practicality of listing expenses on an individual basis for all Senior Officers that are direct reports to the CEO being included in the Council Annual report and whether there are any employment conditions or legal implications.***

***The Mayor indicated that he would put the Amendment to Item 6.3 Notice of Motion No 119 Cr Barker to the vote in parts***

***The Mayor put Item 6.3 (1) of the Notice of Motion to the vote which was then CARRIED***

***The Mayor put Item 6.3(2) of the Notice of Motion to the vote which was then CARRIED***

Officers sought legal advice on this matter. It was sufficiently complex advice to warrant the attendance of the lawyer who provided the advice to brief councillors on this issue. On Monday 8 July 2019 Kate Oliver attended Council to outline in detail the advice provided in this report.

## **DISCUSSION**

The provision of detailed expenses of Senior Officers is not a requirement in the State Public Service. This requirement also does not exist elsewhere in the Local Government sector of Victoria.

Officers investigated the practicalities of the suggestion and also sought legal advice on the employment implications and any other legal considerations.

In terms of practicalities the Australian Accounting Standards and the Chart of Accounts used at Whitehorse do not make the extraction of this data simple. It is currently aggregated in Departmental expenses and would take an estimate of a minimum of approximately one week's work per annum to extract the information for the individuals concerned. For maximum efficiency this work would be best completed on a quarterly basis. There would also be Manager time required to review the documentation on a quarterly basis. The time estimate relates to the various categories of accounts that would need to be examined namely conferences, training and functions, travel, meals and accommodation, motor vehicle and cab charges or equivalent which are reported in different accounts and would require some scrutiny where an individual Senior Officer expenses may also be combined with another officers expenses for the same event.

Legal advice was sought on any employment or governance related matters of such an action.

In general and summary the advice examined:

- 1. *Declining Permission to have Expenses Individually Listed***

This is not a current requirement in the Whitehorse Senior Officer Template contract for officers to provide this information so there is currently no compulsion for an officer to comply with this request. On the contrary Council has an obligation to comply with Privacy and Data Protection requirements under the PDP Act 2014.

- 2. *Privacy and Data Protection Act and de-identification***

As only seven Senior Officers are contemplated for this requirement de-identification may not be sufficient to protect the privacy of individuals and avoid potential breaches of the PDP Act for Council.

**9.4.1**  
 (cont)

3. CEO Functions

Provision of this information for the seven Senior Officers reporting to the CEO may impinge of the sole responsibility of the CEO for ‘appointing, directing, managing and dismissing’ employees. Provision of individual details would stray into the management of employees which is exclusively the domain of the CEO. This would go beyond the role and powers of Council in relation to the management of the organisation.

4. Alterations to Senior Officer Contracts

As the Senior Officer Contract used at Whitehorse does not deal with this issue Deeds of Variation would be required to amend the terms of each of the seven Senior Officer contracts. Costs of preparing and executing the Deeds would need to be considered.

5. Transparency vs. Approval

It is the CEO’s responsibility to attend to administrative matters concerning employees such as approval of expenditure. Demanding details of the expenditure of individual Senior Officers would be beyond Council’s broad strategic role under the LG Act. The CEO manages the relationship with employees on behalf of Council and provides information to Council on the broad parameters of expenditure on employees. This does not involve provision of information that could identify individual employees. If expenses were deemed to be unreasonable it would be up to the CEO to identify and manage the individual.

In summary the lawyers advised:

- *It is open to Council to demand/require information about aggregated expenses of Senior Officers to be reported to it – i.e. the total expenses paid or reimbursed;*
- *Reasonable for Council to seek that information in a form that is broken down by category of expense – e.g. ‘conference’, ‘travel’ etc.; and*
- *Inappropriate, and beyond Council’s role under the LG Act, for Council to demand/require details of each Senior Officer’s expenditure, such that each Senior Officer is identified by name (or in some other way), as that would impermissibly encroach on the CEO’s role in managing staff.*

Currently Council maintains an Interstate Travel Register which is a requirement of the LG Act.

**CONSULTATION**

Consultation has occurred with the Departments of Finance and Corporate Performance and People and Culture. Legal advice was also sought on this issue and an outline of that advice is included above.

**FINANCIAL IMPLICATIONS**

There are some time implications in preparing these reports to the same categories as currently required for Councillors in the Annual Report. An estimate of the time taken is set out and costed below. This would be undertaken by existing staff but noting the annual accounts production is a very time scarce process with strict accuracy and time deadlines. This additional reporting activity would place more pressure on the same two staff.

	<b>Budget</b>	<b>Expenditure</b>
One week – Accounts Payable Supervisor per annum		\$1,700.00
Review – Manager		\$300.00
<b>Total Expenditure</b>		<b>\$2,000.00</b>

**9.4.1**  
(cont)

There are also financial implications of changing the existing contracts of the relevant Senior Officers to incorporate this requirement which would require legal advice on a template Deed of Rescission and then the time taken in People and Culture to execute all of these documents. This is a one off requirement and is estimated to be one senior Human Resource Officer's time plus legal advice totalling **\$4,000**.

**POLICY IMPLICATIONS**

There are policy implications for this initiative which relate to the inclusion of this requirement in employment contractual documents and in the Employee Code of Conduct for any breaches of this requirement.

## 9.4.2 Electoral Representation Review - Preliminary Submission

FILE NUMBER: SF16/745#02  
ATTACHMENT

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### SUMMARY

*Council endorsement is sought for the Preliminary Submission to be lodged with the Electoral Representation Review for Whitehorse that is being currently undertaken by the Victorian Electoral Commission (VEC).*

### RECOMMENDATION

#### *That Council:*

- 1. Adopts the attached Preliminary Submission to be submitted with the Victorian Electoral Commission as a part of the Electoral Representation Review for Whitehorse;***
- 2. Notes that the submission outlines 5 possible electoral structures that Whitehorse has assessed ranging from 9 to 11 Councillors and indicating that the Preferred Option of Council is a structure of 11 Councillors with 5 wards comprising 4 wards represented by 2 Councillors and 1 ward represented by 3 Councillors; and***
- 3. Is of the view that such a structure will provide good governance and serve the community up to the date of the next Review that is scheduled to occur prior to the 2032 Council election.***

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### BACKGROUND

Electoral Representation Reviews are conducted by the VEC at least every 12 years to review a Council's electoral structure that comprises the number of Councillors; the type of wards i.e. single member or multi member; ward boundaries and as a secondary aspect to the review, ward names.

The inaugural review was conducted for Whitehorse in 2007 and recommended no change to the structure of 10 Councillors with 5 wards – each ward represented by 2 Councillors. That structure has remained in place since 1996 when Commissioners adopted it for the initial election of Councillors in March 1997.

The VEC will follow a detailed process for the review and such will include an information session; calls for preliminary submissions on possible structures; release of options for public comments; consideration of response submissions on those options; and a final report recommending to the Minister for Local Government an electoral structure.

Preliminary submissions – the subject of this report - are required to be lodged by Wednesday 31 July 2019 with the Victorian Electoral Commission.

### DISCUSSION

The State Government announced on 17 June that within the provisions of the Local Government Bill 2019 it proposes to mandate that by the 2024 elections all Councils will have a single member ward structure. Ramification of this provision is that the other structure currently available to metropolitan Councils multi member wards would be replaced with a one-size fit all approach.

Clarification with the VEC on the announcement indicates that the VEC is proceeding with the scheduled reviews on the basis of current legislative provisions and not proposed ones, which in turn means the issue of a multi member ward structure is still very much on the table as an appropriate option.

## **9.4.2** (cont)

Two issues are central to the preliminary submission stage, namely:-

1. The number of Councillors; and
2. The ward structure – with emphasis on how it falls within the ambit of the prescribed percentage variation of voters per Councillor when compared with the average number of voters per Councillor across the municipality. The variation tolerance is + or – 10% from the average.

### Number of Councillors

As a “rule of thumb” the higher the voter population of a municipality the higher the number of Councillors. As highlighted within the Preliminary Submission the VEC compares the number of voters represented per Councillor across all metropolitan Councils. Whitehorse currently is in a middle position being placed 12 out of 22 Councils, with a ratio of a Councillor representing 11,771 voters. Future population and voter population forecasts indicate a spike in population numbers over the next 6 years affecting the equity in voter representation.

To provide quality representation for future residents it is proposed that Whitehorse look towards increasing the number of Councillors from 10 to 11.

### Ward Structure

Two ward structures are pertinent for metropolitan Councils – single member wards or multi member wards. Each structure has its own pros and cons dependent upon the municipality.

Whitehorse has considered 5 possible ward structures ranging from 9 Councillors through to 11 Councillors. The Preliminary Submission highlights each of these structures and given Council's view on the number of Councillors three options of 11 Councillors were considered.

An eleven single member ward option was considered and it was noted it would conform to the statutory variation between the wards only for 2020 elections. The projected spike in future voter number would require review of the boundaries before the elections in 2024 and 2028. Council therefore considers this to be a non-favoured option.

An option of 4 wards represented by 3 wards with 3 Councillors and 1 ward with 2 Councillors was considered to be an option that would work for Whitehorse. It caters for the voter population growth keeping within tolerance levels up to 2032.

Whitehorse's Preferred Option is of 5 wards represented by 4 wards with 2 Councillors and 1 ward with 3 Councillors. This option provides: the most easily identifiable boundaries with all being main roads; the best configuration for the percentage variation levels between the wards as none exceeds either plus or minus 6.5% through to 2031; and it most closely replicates the current ward boundaries providing less confusion on any changes and a degree of continuity for residents.

## **CONSULTATION**

The VEC conducts all public consultation and media releases for the review. An information session was held for the community on Tuesday 2 July 2019 at the Civic Centre in the Council Chamber.

## **FINANCIAL IMPLICATIONS**

Council will meet the costs associated with the review and the VEC have indicated these will be up to \$50,000.

## **POLICY IMPLICATIONS**

Not applicable.

**9.4.2**  
(cont)

**CONCLUSION**

Whitehorse contends that its Preferred Option of 11 Councillors with 5 wards represented by 4 wards returning 2 Councillors and 1 ward returning 3 Councillors provides an option that will cater for the 2020, 2024 and 2028 Council elections and further provides the community with an effective and accountable system of representation.

**ATTACHMENT**

- 1 Electoral Representation Review - Preliminary Submission Final [⇒](#) 

### 9.4.3 Delegated Decisions May 2019

#### **SUMMARY**

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

#### **RECOMMENDATION**

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

<b>DELEGATION</b>	<b>FUNCTION</b>	<b>Number for May 2018</b>	<b>Number for May 2019</b>
Planning and Environment Act 1987	Delegated Decisions	151	170
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	NI
Subdivision Act 1988		27	76
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	61	59
Liquor Control Reform Act 1998	Objections and Prosecutions	1	Nil
Food Act 1984	Food Act Orders	5	Nil
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	0	1
Local Government Act 1989	Temporary Rd. Closures	7	8
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	4	4
	Property Sales and Leases	3	3
	Documents to which Council seal affixed	1	1
	Vendor Payments	1773	1362
	Parking Amendments	4	14
	Parking Infringements written off (not able to be collected)	248	314

### 9.4.3

(cont)

#### DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS MAY 2019

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

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/213	31-05-19	Application Lapsed	9-11 Prospect Street Box Hill Vic 3128	Elgar	Construct and display a major promotion sign	Advertising Sign
WH/2019/238	28-05-19	Application Lapsed	934-940 Whitehorse Road Box Hill Vic 3128	Elgar	Construct & Display of Signage	Advertising Sign
WH/2019/260	23-05-19	Application Lapsed	1208 Riversdale Road Box Hill South Vic 3128	Riversdale	Vegetation removal	Special Landscape Area
WH/2019/279	24-05-19	Application Lapsed	25 Trafalgar Street Mont Albert Vic 3127	Elgar	Removal of one (1) tree	VicSmart - Tree
WH/2019/301	13-05-19	Application Lapsed	25 Churinga Avenue Mitcham Vic 3132	Springfield	2 lot subdivision	VicSmart - Subdivision
WH/1993/8060 80/A	06-05-19	Delegate Approval - S72 Amendment	195-197 Whitehorse Road Blackburn Vic 3130	Central	To use and develop the land for a Child Care Centre for no more than 50 children	Permit Amendment
WH/2002/1329 7/K	10-05-19	Delegate Approval - S72 Amendment	502-514 Burwood Highway Vermont South Vic 3133	Morack	Amendment for vegetation management for Use and development of a Retirement Village comprising not more than 217 dwellings, with altered access to a Road Zone Category 1, native tree removal and deletion of part of a carriageway easement	Permit Amendment
WH/2012/295/ A	14-05-19	Delegate Approval - S72 Amendment	2a Cadorna Street Box Hill South Vic 3128	Riversdale	Construction of three (3) double storey dwellings	Permit Amendment
WH/2013/449/ C	14-05-19	Delegate Approval - S72 Amendment	131-173 Central Road Nunawading Vic 3131	Springfield	Use and development for a retirement village with associated convenience shop, food and drink premises (cafe) and place of assembly, removal of vegetation, car parking reduction and waiver of loading bay requirements	Permit Amendment

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2013/750/A	03-05-19	Delegate Approval - S72 Amendment	104 Main Street Blackburn Vic 3130	Central	Buildings and works for the construction of a two storey building (plus basement)	Permit Amendment
WH/2014/106/B	27-05-19	Delegate Approval - S72 Amendment	19 Devon Drive Blackburn North Vic 3130	Central	Construction of three double storey dwellings and buildings and works within 4m of trees	Permit Amendment
WH/2014/1223/A	23-05-19	Delegate Approval - S72 Amendment	845-851 Whitehorse Road Box Hill Vic 3128	Elgar	Construction of mixed use building comprising three towers between 19-38 stories in height, use of the land for accommodation (dwellings and hotel), childcare centre and reduction of the car parking requirements of Clause 52.06	Permit Amendment
WH/2014/123/A	31-05-19	Delegate Approval - S72 Amendment	102 Main Street Blackburn Vic 3130	Central	Construction of eight dwellings (comprising two double storey dwellings and six single storey dwellings) and works within 4 metres of trees protected under the SLO9.	Permit Amendment
WH/2015/530/D	24-05-19	Delegate Approval - S72 Amendment	19 Premier Avenue Mitcham Vic 3132	Springfield	Construction of two double storey dwellings	Permit Amendment
WH/2016/1005/A	21-05-19	Delegate Approval - S72 Amendment	8-10 Monomeeth Drive Mitcham Vic 3132	Springfield	Construction of 18 warehouses and reduction in car parking and loading bay widths	Permit Amendment
WH/2016/1149/A	24-05-19	Delegate Approval - S72 Amendment	826-828 Whitehorse Road Box Hill Vic 3128	Elgar	Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), use of land for accommodation, and associated reduction of car parking requirements	Permit Amendment
WH/2016/228/A	30-05-19	Delegate Approval - S72 Amendment	55 Witchwood Crescent Burwood East Vic 3151	Riversdale	Construction of two (2) double storey dwellings and removal of vegetation	Permit Amendment
WH/2016/285/A	14-05-19	Delegate Approval - S72 Amendment	14 La Frank Street Burwood Vic 3125	Riversdale	Construction four double storey dwellings	Permit Amendment

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2016/456/C	15-05-19	Delegate Approval - S72 Amendment	47/31-37 Norcal Road Nunawading Vic 3131	Springfield	Buildings and works for a warehouse mezzanine floor	Permit Amendment
WH/2016/456/D	23-05-19	Delegate Approval - S72 Amendment	31-39 Norcal Road Nunawading Vic 3131	Springfield	Buildings and works for a warehouse development, use of the land for a food and drink premises and offices, internally illuminated signage, reduction in the standard car parking requirement and native vegetation removal	Permit Amendment
WH/2016/651/B	07-05-19	Delegate Approval - S72 Amendment	14 Box Avenue Forest Hill Vic 3131	Morack	Construction of three double storey dwellings	Permit Amendment
WH/2017/166/A	21-05-19	Delegate Approval - S72 Amendment	1 Corlett Street Mont Albert North Vic 3129	Elgar	- Removal of underground rain water tank for townhouse 1 and townhouse 2. - removal of tree (acer palmatum) in front of townhouse 2. - proposed 1200mmh rendered and steel front fence for townhouse 2.	Permit Amendment
WH/2017/245/A	14-05-19	Delegate Approval - S72 Amendment	8 Phyllis Court Vermont Vic 3133	Morack	Construction of two (2) double storey dwellings on a lot	Permit Amendment
WH/2017/330/B	07-05-19	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
WH/2017/550/A	14-05-19	Delegate Approval - S72 Amendment	69 Rostrevor Parade Mont Albert North Vic 3129	Elgar	Construction of 3 double storey dwellings	Permit Amendment
WH/2018/15/A	06-05-19	Delegate Approval - S72 Amendment	20 Oak Street Surrey Hills Vic 3127	Riversdale	Amendment of plans for Planning permit WH/2018/15 for Construction of 2 double storey dwellings including basement level and tree removal to include deletion of basement level alteration of balconies and setbacks, alterations to internal layout and landscaping	Permit Amendment

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/563/A	07-05-19	Delegate Approval - S72 Amendment	20 Garden Street Box Hill North Vic 3129	Elgar	Removal of one tree - tree 3 within the significant landscape overlay	Permit Amendment
WH/2018/564/A	07-05-19	Delegate Approval - S72 Amendment	20 Garden Street Box Hill North Vic 3129	Elgar	Removal of one tree - tree 4 within the significant landscape overlay	Permit Amendment
WH/2018/565/A	07-05-19	Delegate Approval - S72 Amendment	20 Garden Street Box Hill North Vic 3129	Elgar	Removal of one tree - tree 5 within the significant landscape overlay	Permit Amendment
WH/2018/566/A	07-05-19	Delegate Approval - S72 Amendment	20 Garden Street Box Hill North Vic 3129	Elgar	Removal of one tree - tree 6 within the significant landscape overlay	Permit Amendment
WH/2018/567/A	07-05-19	Delegate Approval - S72 Amendment	20 Garden Street Box Hill North Vic 3129	Elgar	Removal of one tree - tree 7 within the significant landscape overlay	Permit Amendment
WH/2018/568/A	07-05-19	Delegate Approval - S72 Amendment	20 Garden Street Box Hill North Vic 3129	Elgar	Removal of one tree - tree 8 within the significant landscape overlay	Permit Amendment
WH/2018/569/A	06-05-19	Delegate Approval - S72 Amendment	20 Garden Street Box Hill North Vic 3129	Elgar	Removal of one tree - tree 9 within the significant landscape overlay	Permit Amendment
WH/2018/602/A	14-05-19	Delegate Approval - S72 Amendment	87 Benwerrin Drive Burwood East Vic 3151	Riversdale	Construction of two (2) double storey dwellings on a lot & buildings and works within 4 metres of protected vegetation	Permit Amendment
WH/2017/968	15-05-19	Delegate NOD Issued	14-14a Station Street Blackburn Vic 3130	Central	Development of the land for the construction of a four storey building (and basement), buildings and works (DDO8) and tree removal (SLO9)	Multiple Dwellings
WH/2018/1005	16-05-19	Delegate NOD Issued	1 Harrow Street Blackburn South Vic 3130	Riversdale	Construction of 2 double storey dwellings and tree removal	Multiple Dwellings
WH/2018/1022	07-05-19	Delegate NOD Issued	15-33 Alfred Street Blackburn Vic 3130	Central	Use and development of a minor sports and recreation facility.	Industrial
WH/2018/1033	06-05-19	Delegate NOD Issued	69 Tyne Street Box Hill North Vic 3129	Elgar	Construction of three double storey townhouses and tree removal	Multiple Dwellings

**9.4.3**  
 (cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/1158	07-05-19	Delegate NOD Issued	11 Gissing Street Blackburn South Vic 3130	Central	Construction of two (2) double storey dwellings with vegetation removal and buildings and works within 4 metres of protected vegetation	Multiple Dwellings
WH/2018/1197	13-05-19	Delegate NOD Issued	45 Creek Road Mitcham Vic 3132	Springfield	Construction of Two (2) Double Storey Dwellings and Buildings and Works within the Significant Landscape Overlay - Schedule 9	Multiple Dwellings
WH/2018/1264	28-05-19	Delegate NOD Issued	10 Davy Lane Forest Hill Vic 3131	Morack	Construction of two double storey dwellings at the rear of the existing dwelling. Buildings and works within 4 metres of vegetation.	Multiple Dwellings
WH/2018/1299	16-05-19	Delegate NOD Issued	30-32 Lexton Road Box Hill North Vic 3129	Elgar	Buildings and works for the development of a two storey office, warehouse and the use of land for an office	Industrial
WH/2018/130	23-05-19	Delegate NOD Issued	8 Mccubbin Street BURWOOD VIC 3125	Riversdale	Construction of eight double storey dwellings, tree removal and works within 4m of trees	Multiple Dwellings
WH/2018/1333	22-05-19	Delegate NOD Issued	15 Surrey Street Box Hill South Vic 3128	Riversdale	Construction of 3 double storey dwellings and removal of vegetation	Multiple Dwellings
WH/2018/1392	08-05-19	Delegate NOD Issued	24 Witchwood Crescent Burwood East Vic 3151	Riversdale	Removal of three (3) trees	Special Landscape Area
WH/2018/1402	24-05-19	Delegate NOD Issued	85 Watts Street Box Hill North Vic 3129	Elgar	Development of the land for two (2) double storey dwellings including associated buildings and works within 4 metres of protected trees	Multiple Dwellings
WH/2018/426	01-05-19	Delegate NOD Issued	13 Patricia Street Box Hill Vic 3128	Elgar	Demolition of existing dwelling to construct one (1) single and double storey dwelling including associated buildings and works within 4 metres of protected SLO9 trees	Heritage

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/874	09-05-19	Delegate NOD Issued	2 Manniche Avenue Mont Albert North Vic 3129	Elgar	Construction of two attached double storey dwellings (one with basement) and tree removal within the Significant Landscape Overlay	Multiple Dwellings
WH/2018/895	06-05-19	Delegate NOD Issued	8 Mardion Drive Nunawading Vic 3131	Springfield	The construction of two double storey dwellings and buildings and works within 4 metres of vegetation and vegetation removal.	Multiple Dwellings
WH/2018/910	13-05-19	Delegate NOD Issued	2 Robert Street Burwood East Vic 3151	Morack	Construction of two, two storey dwellings and associated removal of trees within the Significant Landscape Overlay Schedule 9	Multiple Dwellings
WH/2018/926	08-05-19	Delegate NOD Issued	11 Fulton Crescent Burwood Vic 3125	Riversdale	Buildings and Works for the Construction of Three (3) Double Storey Dwellings	Multiple Dwellings
WH/2018/995	22-05-19	Delegate NOD Issued	63 Eley Road Box Hill South Vic 3128	Riversdale	Construction of two double storey dwellings and tree removal.	Multiple Dwellings
WH/2019/104	23-05-19	Delegate NOD Issued	25 Deanswood Road Forest Hill Vic 3131	Central	Buildings and works for the construction of one (1) single storey dwelling with vegetation removal and buildings and works within 4 metres of protected vegetation	Special Landscape Area
WH/2019/237	13-05-19	Delegate NOD Issued	10 Halley Street Blackburn Vic 3130	Central	Removal of one (1) tree	Special Landscape Area
WH/2019/94	15-05-19	Delegate NOD Issued	1/21 Cook Road Mitcham Vic 3132	Springfield	Use of the land for a service industry (automotive locksmith) and reduction of associated car parking requirements.	Industrial
WH/2017/6	07-05-19	Delegate Permit Issued	266 Burwood Highway Burwood Vic 3125	Riversdale	Development of the land for a six storey apartment building, including associated tree removal, creation of access into a Road Zone Category 1 and buildings and works.	Multiple Dwellings

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2017/845	10-05-19	Delegate Permit Issued	26 Belgravia Avenue Mont Albert North Vic 3129	Elgar	Construction of three double storey dwellings and buildings and works within 4m of protected trees.	Multiple Dwellings
WH/2018/1104	01-05-19	Delegate Permit Issued	7 Chapman Street Blackburn North Vic 3130	Central	Development of the land for two (2) double storey dwellings including associated buildings and works within 4 metres of protected trees, tree removal and alteration of side easement	Multiple Dwellings
WH/2018/1157	22-05-19	Delegate Permit Issued	2 Handel Court Blackburn Vic 3130	Central	Construction of a dwelling within 4 metres of protected vegetation under the Significant Landscape Overlay 2 (SLO2).	Special Landscape Area
WH/2018/1238	06-05-19	Delegate Permit Issued	15 Cosgrove Street Vermont Vic 3133	Morack	Removal of protected trees and buildings and works within 4 metres of protected SLO9 tree	Special Landscape Area
WH/2018/1266	07-05-19	Delegate Permit Issued	36 Packham Street Box Hill North Vic 3129	Elgar	Three lot subdivision	Subdivision
WH/2018/1339	24-05-19	Delegate Permit Issued	652 Canterbury Road Vermont Vic 3133	Morack	Buildings and works associated with Section 2 Use (Place of Assembly - Men's Shed)	Residential (Other)
WH/2018/1347	10-05-19	Delegate Permit Issued	853 Whitehorse Road Box Hill Vic 3128	Elgar	Use and development of land for a land sales office.	Other
WH/2018/1400	22-05-19	Delegate Permit Issued	17 Naples Street Box Hill South Vic 3128	Riversdale	Single new dwelling, demolition of existing dwelling, tree removal and works within 4 metres of protected trees.	Special Landscape Area
WH/2018/1405	15-05-19	Delegate Permit Issued	1/7 Pearce Street Burwood Vic 3125	Riversdale	Removal of 2 trees	Special Landscape Area
WH/2018/1419	22-05-19	Delegate Permit Issued	43 Greenwood Street Burwood Vic 3125	Riversdale	Construction of two (2) double storey dwellings with associated buildings and works within 4 metres of protected vegetation and vegetation removal	Multiple Dwellings
WH/2018/545	06-05-19	Delegate Permit Issued	1 Henry Street Box Hill Vic 3128	Elgar	Development of the land for three new dwellings, including associated buildings and works.	Multiple Dwellings

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/622	03-05-19	Delegate Permit Issued	545-563 Station Street Box Hill Vic 3128	Elgar	Concurrent Planning Permit and Certification Application to subdivide the building currently under construction in accordance with the attached Plan of Subdivision PS 746096X Stage 1	Subdivision
WH/2018/927	07-05-19	Delegate Permit Issued	1047 Whitehorse Road Box Hill Vic 3128	Elgar	35 lot subdivision based on development permit	Subdivision
WH/2019/122	06-05-19	Delegate Permit Issued	14 Fisher Street Forest Hill Vic 3131	Springfield	Tree removal and buildings and works within 4 metres of protected trees	Single Dwelling < 300m2
WH/2019/129	07-05-19	Delegate Permit Issued	20 Barry Road Burwood East Vic 3151	Morack	Vegetation removal (7 trees)	Special Landscape Area
WH/2019/13	07-05-19	Delegate Permit Issued	15 Hiddleston Avenue Box Hill South Vic 3128	Riversdale	Two lot subdivision	Subdivision
WH/2019/143	31-05-19	Delegate Permit Issued	12-14 Nelson Road Box Hill Vic 3128	Elgar	Multi level subdivision of approved development permit number WH 2015 715	Subdivision
WH/2019/146	22-05-19	Delegate Permit Issued	14 Harris Street Blackburn North Vic 3130	Central	Buildings and Works and Removal of Two (2) Trees	Special Landscape Area
WH/2019/157	24-05-19	Delegate Permit Issued	117 Springfield Road Blackburn North Vic 3130	Central	Construct and display two (2) business identification signs	Advertising Sign
WH/2019/164	13-05-19	Delegate Permit Issued	21 The Ridge Blackburn Vic 3130	Central	Removal of two (2) SLO2 trees	Special Landscape Area
WH/2019/165	14-05-19	Delegate Permit Issued	3/2-4 Clarice Road Box Hill South Vic 3128	Riversdale	Change of use for the purpose of an education centre	Industrial
WH/2019/170	14-05-19	Delegate Permit Issued	45 Cumming Street Burwood Vic 3125	Riversdale	Three lot subdivision	Subdivision
WH/2019/185	10-05-19	Delegate Permit Issued	78 Middleborough Road Burwood East Vic 3151	Riversdale	Construct and display business identification signs, internally illuminated signs, promotion signs and a sky sign	Advertising Sign
WH/2019/190	08-05-19	Delegate Permit Issued	22 Baranbali Drive Vermont South Vic 3133	Morack	Buildings and works within 4 metres of protected vegetation	Special Landscape Area
WH/2019/203	01-05-19	Delegate Permit Issued	39 Boisdale Street Surrey Hills Vic 3127	Riversdale	Two (2) lot subdivision	Subdivision

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2019/204	07-05-19	Delegate Permit Issued	28 Royton Street Burwood East Vic 3151	Riversdale	2 Lot Subdivision	Subdivision
WH/2019/207	15-05-19	Delegate Permit Issued	39 Robinlee Avenue Burwood East Vic 3151	Morack	Removal of Five (5) Trees within the Significant Landscape Overlay - Schedule 9	Special Landscape Area
WH/2019/223	07-05-19	Delegate Permit Issued	14 Ashley Street Box Hill North Vic 3129	Elgar	Two lot subdivision	VicSmart - Subdivision
WH/2019/225	06-05-19	Delegate Permit Issued	896 Station Street Box Hill North Vic 3129	Elgar	Proposed 2 Lot Subdivision	Subdivision
WH/2019/232	13-05-19	Delegate Permit Issued	19 Cromwell Street Burwood Vic 3125	Riversdale	3 Lot Subdivision	Subdivision
WH/2019/259	06-05-19	Delegate Permit Issued	21 Wellard Road Box Hill South Vic 3128	Riversdale	2 lot subdivision	VicSmart - Subdivision
WH/2019/261	06-05-19	Delegate Permit Issued	5 Tasman Avenue Nunawading Vic 3131	Springfield	Buildings and works within 4 metres of protected SLO9 tree	VicSmart - General Application
WH/2019/264	06-05-19	Delegate Permit Issued	72-74 Winfield Road Balwyn North Vic 3104	Elgar	2 lot subdivision	Subdivision
WH/2019/277	31-05-19	Delegate Permit Issued	3/2 Tyrrell Avenue Blackburn Vic 3130	Central	Removal of two (2) trees	Special Landscape Area
WH/2019/302	23-05-19	Delegate Permit Issued	349 Whitehorse Road Nunawading Vic 3131	Springfield	Removal of protected tree	VicSmart - Tree
WH/2019/328	20-05-19	Delegate Permit Issued	1201-1205 Riversdale Road Box Hill South Vic 3128	Riversdale	Buildings and works to construct a front fence, disabled access ramp including associated buildings and works within 4 metres of SLO9 trees	VicSmart - General Application
WH/2019/330	24-05-19	Delegate Permit Issued	2/418 Mont Albert Road Mont Albert Vic 3127	Elgar	Buildings and works to extend one dwelling on a lot of less than 300 square metres	Single Dwelling < 300m2
WH/2019/336	14-05-19	Delegate Permit Issued	253a Burwood Highway Burwood East Vic 3151	Morack	Buildings and works within 4 metres of protected vegetation	VicSmart - General Application
WH/2019/339	13-05-19	Delegate Permit Issued	560 Burwood Highway Vermont South Vic 3133	Morack	3 lot subdivision	Subdivision
WH/2019/340	08-05-19	Delegate Permit Issued	9 Havelock Street Burwood Vic 3125	Riversdale	3 lot subdivision	Subdivision
WH/2019/361	13-05-19	Delegate Permit Issued	3 Tudor Street Burwood Vic 3125	Riversdale	3 lot subdivision	Subdivision
WH/2019/366	06-05-19	Delegate Permit Issued	37 Fuchsia Street Blackburn Vic 3130	Central	Removal of a tree	VicSmart - Tree

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2019/369	08-05-19	Delegate Permit Issued	12 Alexander Street Box Hill Vic 3128	Elgar	Demolition and buildings and works (shed) in HO(242)	VicSmart - General Application
WH/2019/372	14-05-19	Delegate Permit Issued	2/129 Junction Road Nunawading Vic 3131	Springfield	Removal of one tree	VicSmart - Tree
WH/2019/374	13-05-19	Delegate Permit Issued	60 Relowe Crescent Mont Albert North Vic 3129	Elgar	4 lot subdivision	Subdivision
WH/2019/375	10-05-19	Delegate Permit Issued	1 Banksia Street Blackburn Vic 3130	Central	Buildings and works within 4 metres of protected SLO9 trees	VicSmart - General Application
WH/2019/38	17-05-19	Delegate Permit Issued	18 Prince Street Box Hill South Vic 3128	Riversdale	Subdivision into two lots and removal of the drainage and sewerage easement which lies within the land	Subdivision
WH/2019/380	03-05-19	Delegate Permit Issued	12 Grange Road Blackburn South Vic 3130	Riversdale	Removal of one (1) tree	VicSmart - Tree
WH/2019/382	07-05-19	Delegate Permit Issued	24 Lincoln Avenue Mont Albert North Vic 3129	Elgar	2 lot subdivision	VicSmart - Subdivision
WH/2019/383	24-05-19	Delegate Permit Issued	1/8 Forster Street Mitcham Vic 3132	Springfield	Removal of one tree	VicSmart - Tree
WH/2019/384	24-05-19	Delegate Permit Issued	1/8 Forster Street Mitcham Vic 3132	Springfield	Removal of 1 tree	VicSmart - Tree
WH/2019/385	16-05-19	Delegate Permit Issued	4 Christina Street Burwood Vic 3125	Riversdale	Removal of tree	VicSmart - Tree
WH/2019/387	16-05-19	Delegate Permit Issued	2/2 Barker Street Blackburn South Vic 3130	Central	Removal of one tree	VicSmart - Tree
WH/2019/388	16-05-19	Delegate Permit Issued	2/2 Barker Street Blackburn South Vic 3130	Central	Removal of one tree	VicSmart - Tree
WH/2019/396	03-05-19	Delegate Permit Issued	21 Chester Street Surrey Hills Vic 3127	Riversdale	Buildings and works within 4 metres of protected vegetation	VicSmart - General Application
WH/2019/397	10-05-19	Delegate Permit Issued	6 Eckersley Court Blackburn South Vic 3130	Central	Removal of one (1) SLO2 tree	VicSmart - Tree
WH/2019/398	07-05-19	Delegate Permit Issued	104 Elgar Road Box Hill South Vic 3128	Riversdale	Two lot subdivision	VicSmart - Subdivision
WH/2019/400	07-05-19	Delegate Permit Issued	205 Springfield Road Blackburn North Vic 3130	Central	2 lot subdivision	Subdivision
WH/2019/402	15-05-19	Delegate Permit Issued	11 Edyvean Street Surrey Hills Vic 3127	Riversdale	Removal of SLO9 tree	VicSmart - Tree
WH/2019/404	23-05-19	Delegate Permit Issued	27 Parer Street Burwood Vic 3125	Riversdale	Removal of one (1) tree	VicSmart - Tree
WH/2019/405	24-05-19	Delegate Permit Issued	27 Parer Street Burwood Vic 3125	Riversdale	Removal of one (1) tree	VicSmart - Tree
WH/2019/407	16-05-19	Delegate Permit Issued	11 Pickford Street Burwood East Vic 3151	Morack	Removal of one tree	VicSmart - Tree

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2019/408	14-05-19	Delegate Permit Issued	10 Mitchell Street Blackburn North Vic 3130	Central	Removal of one protected tree in the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2019/411	23-05-19	Delegate Permit Issued	3/29 James Street Box Hill Vic 3128	Elgar	Removal of One Tree within the Significant Landscape Overlay (SLO9).	VicSmart - Tree
WH/2019/414	07-05-19	Delegate Permit Issued	4 Busana Way Nunawading Vic 3131	Springfield	2 lot subdivision	VicSmart - Subdivision
WH/2019/416	31-05-19	Delegate Permit Issued	3 Koroit Street Nunawading Vic 3131	Springfield	Removal of one tree	VicSmart - Tree
WH/2019/417	13-05-19	Delegate Permit Issued	352 Middleborough Road Blackburn Vic 3130	Central	2 lot subdivision	Subdivision
WH/2019/427	14-05-19	Delegate Permit Issued	40 Shawlands Avenue Blackburn South Vic 3130	Central	Removal of one protected tree in the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2019/429	13-05-19	Delegate Permit Issued	47 Rostrevor Parade Mont Albert North Vic 3129	Elgar	2 Lot Subdivision	Subdivision
WH/2019/431	14-05-19	Delegate Permit Issued	5 Meerut Street Mitcham Vic 3132	Springfield	Buildings and works (upgrade roof tiles and install solar panels)	VicSmart - General Application
WH/2019/435	23-05-19	Delegate Permit Issued	36 Haines Street Mitcham Vic 3132	Springfield	Buildings and works in HO45 and within 4m of protected tree	VicSmart - General Application
WH/2019/436	23-05-19	Delegate Permit Issued	29 Romoly Drive Forest Hill Vic 3131	Central	Two lot subdivision	Subdivision
WH/2019/441	28-05-19	Delegate Permit Issued	79 Orient Avenue Mitcham Vic 3132	Springfield	Removal of one protected tree in the SLO9	VicSmart - Tree
WH/2019/442	23-05-19	Delegate Permit Issued	12 Alandale Road Blackburn Vic 3130	Central	Removal of one (1) SLO2 tree	VicSmart - Tree
WH/2019/443	23-05-19	Delegate Permit Issued	11 Cromwell Street Burwood Vic 3125	Riversdale	Remove one tree	VicSmart - Tree
WH/2019/449	23-05-19	Delegate Permit Issued	35 Mccubbin Street BURWOOD VIC 3125	Riversdale	4 lot subdivision	Subdivision
WH/2019/452	16-05-19	Delegate Permit Issued	225 Springfield Road Blackburn North Vic 3130	Central	Two lot subdivision	VicSmart - Subdivision
WH/2019/464	28-05-19	Delegate Permit Issued	43 Beaver Street Box Hill South Vic 3128	Riversdale	Construction of a front fence within 4 metres of protected trees	VicSmart - General Application

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2019/465	30-05-19	Delegate Permit Issued	2 Eyre Street Burwood Vic 3125	Riversdale	Three lot subdivision	Subdivision
WH/2019/477	23-05-19	Delegate Permit Issued	5 Dalroy Crescent Vermont South Vic 3133	Morack	Two lot subdivision	VicSmart - Subdivision
WH/2019/486	31-05-19	Delegate Permit Issued	2 Whyte Grove Mont Albert Vic 3127	Elgar	Buildings and works within 4 metres of protected vegetation	Special Landscape Area
WH/2019/507	30-05-19	Delegate Permit Issued	28 Christina Street Burwood Vic 3125	Riversdale	Two lot subdivision	VicSmart - Subdivision
WH/2019/509	28-05-19	Delegate Permit Issued	14 Boondara Road Mont Albert North Vic 3129	Elgar	Two lot subdivision	VicSmart - Subdivision
WH/2019/59	06-05-19	Delegate Permit Issued	8 Kent Close Blackburn North Vic 3130	Central	Removal of three (3) trees ( 3, 4 and 5)	Special Landscape Area
WH/2019/62	28-05-19	Delegate Permit Issued	32 Bonview Crescent Burwood East Vic 3151	Riversdale	Construction of two (2) double storey dwellings with associated buildings and works and removal of four (4) trees	Multiple Dwellings
WH/2019/88	20-05-19	Delegate Permit Issued	1201-1205 Riversdale Road Box Hill South Vic 3128	Riversdale	Removal from Title of the drainage and sewerage easement shown as E-1 on lot 20 on LP9025.	Subdivision
WH/2018/1024	28-05-19	Delegate Refusal Issued	18 Glen Ebor Avenue Blackburn Vic 3130	Central	Construction of 4 double storey dwellings and associated tree removal	Multiple Dwellings
WH/2018/1027	06-05-19	Delegate Refusal Issued	18 Tyrrell Avenue Blackburn Vic 3130	Central	Construction of four dwellings comprising three double storey dwellings and one single storey dwelling and associated tree removal	Multiple Dwellings
WH/2018/1057	16-05-19	Delegate Refusal Issued	7 Ayr Street Blackburn South Vic 3130	Central	Construction of two, two storey dwellings	Multiple Dwellings
WH/2018/1063	10-05-19	Delegate Refusal Issued	15 Glen Road Mitcham Vic 3132	Springfield	Construction of two double storey dwellings and removal of protected trees	Multiple Dwellings
WH/2018/1129	21-05-19	Delegate Refusal Issued	22 O'shannessy Street Nunawading Vic 3131	Springfield	Construction of two, two storey dwellings and associated removal of trees under the Significant Landscape Overlay Schedule 9	Multiple Dwellings

**9.4.3**  
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1172	30-05-19	Delegate Refusal Issued	80 Dunloe Avenue Mont Albert North Vic 3129	Elgar	Construction of Six Dwellings on a Lot, Removal of Vegetation and Reduction in Statutory Car Parking Requirement	Multiple Dwellings
WH/2018/1383	02-05-19	Delegate Refusal Issued	902 Station Street Box Hill North Vic 3129	Elgar	Use and development of a child care centre and associated tree removal, display of business identification signs and alteration of access to a road in a Road Zone Category 1	Child Care Centre
WH/2018/381	06-05-19	Delegate Refusal Issued	24 Nicholson Street Nunawading Vic 3131	Springfield	Construction of two dwellings, tree removal and buildings and works within 4m of protected vegetation in the SLO9.	Multiple Dwellings
WH/2019/250	01-05-19	Delegate Refusal Issued	10 Mersey Street Box Hill North Vic 3129	Elgar	Removal of one protected tree within the frontage of the site.	VicSmart - Tree
WH/2019/349	08-05-19	Delegate Refusal Issued	11 Susanne Avenue Nunawading Vic 3131	Springfield	Removal of protected tree	VicSmart - Tree
WH/2019/381	16-05-19	Delegate Refusal Issued	59 Main Street Blackburn Vic 3130	Central	Removal of a tree	VicSmart - Tree
WH/2019/422	10-05-19	Delegate Refusal Issued	3 Ferncroft Street Vermont Vic 3133	Morack	Removal of one (1) SLO9 tree	VicSmart - Tree
WH/2019/444	23-05-19	Delegate Refusal Issued	24 Wellard Road Box Hill South Vic 3128	Riversdale	Removal of one (1) tree	VicSmart - Tree
WH/2019/457	30-05-19	Delegate Refusal Issued	8 Richardson Street Box Hill South Vic 3128	Riversdale	Removal of Tree 11 (Maple Tree) from the site.	VicSmart - Tree
WH/2019/459	24-05-19	Delegate Refusal Issued	25-29 Brougham Street Box Hill Vic 3128	Elgar	Removal of one protected tree in the SLO9	VicSmart - Tree
WH/2019/358	30-05-19	No Permit Required	15/125-129 Hawthorn Road Forest Hill Vic 3131	Morack	Proposed veranda to unit 15.	Single Dwelling < 300m2
WH/2019/394	20-05-19	No Permit Required	26 Lindau Drive Vermont South Vic 3133	Morack	Construction of front fence within 4 metres of protected trees in the SLO9	VicSmart - General Application
WH/2019/412	23-05-19	No Permit Required	3/29 James Street Box Hill Vic 3128	Elgar	Removal of one tree	VicSmart - Tree
WH/2019/438	14-05-19	No Permit Required	2/51 Springfield Road Box Hill North Vic 3129	Elgar	New front fence	Multiple Dwellings

**9.4.3**  
(cont)

<b>Appl No.</b>	<b>Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
WH/2018/963	31-05-19	Withdrawn	270 Canterbury Road Forest Hill Vic 3131	Central	Car wash use and buildings and works	Business
WH/2019/218	01-05-19	Withdrawn	28/31-37 Norcal Road Nunawading Vic 3131	Springfield	Internal works comprising of an extension to the mezzanine floor of the existing warehouse	Industrial
WH/2019/275	03-05-19	Withdrawn	31-39 Norcal Road Nunawading Vic 3131	Springfield	Construction of a mezzanine within the warehouse	Industrial
WH/2019/323	08-05-19	Withdrawn	42 Graham Place Box Hill Vic 3128	Elgar	Construction of two, two storey dwellings and associated vegetation removal within the Significant Landscape Overlay 9	Multiple Dwellings
WH/2019/354	01-05-19	Withdrawn	44/31-37 Norcal Road Nunawading Vic 3131	Springfield	Buildings and works to install 2 internal walls within an existing warehouse to create a dry storage and office area for the running of a small landscaping business.	VicSmart - General Application
WH/2019/356	21-05-19	Withdrawn	103/712 Station Street Box Hill Vic 3128	Elgar	Use of an 'Office' (i.e. 'Real estate agency')	Change of Use
WH/9999/30	29-05-19	Withdrawn	9 Sevenoaks Road Burwood East Vic 3151	Morack	Size reduction of upper floor addition WH/2013/869	Permit Amendment
WH/9999/31	29-05-19	Withdrawn	78 Middleborough Road Burwood East Vic 3151	Riversdale	Amend endorsed plans associated with Planning Permit WH/2017/52	Permit Amendment
WH/9999/32	28-05-19	Withdrawn	116 Mahoneys Road Forest Hill Vic 3131	Central	Amend the windows (east and west elevation) of unit 2 under the approved planning permit WH/2016/1084	Permit Amendment

### 9.4.3

(cont)

#### BUILDING DISPENSATIONS/APPLICATIONS MAY 2019

Address	Date	Ward	Result
34 Holland Road, Blackburn South	14-05-19	Central	Consent Granted 80,79,76
66 Edinburgh Road, Blackburn South	22-05-19	Central	Consent Granted 85
7 Southey Street, Blackburn North	09-05-19	Central	Consent Granted 80
8 Dobell Street, Blackburn South	30-05-19	Central	Consent Granted 76
13 Mansfield Street, Blackburn South	01-05-19	Central	Consent Refused 80
7 Southey Street, Blackburn North	09-05-19	Central	Consent Refused 74
96 Surrey Road, Blackburn North	14-05-19	Central	Consent Refused 74
1124-1126 Whitehorse Road, Box Hill	21-05-19	Elgar	Consent Granted 116
13 Malvern Road, Mont Albert	15-05-19	Elgar	Consent Granted 92
14 Aspinall Road, Box Hill North	23-05-19	Elgar	Consent Granted 92,89,76
38 Heathfield Rise, Box Hill North	27-05-19	Elgar	Consent Granted 89
5 Birkby Street, Box Hill North	01-05-19	Elgar	Consent Granted 79
52a Shannon Street, Box Hill North	14-05-19	Elgar	Consent Granted 79
757 Station Street, Box Hill	23-05-19	Elgar	Consent Granted
820-824 Whitehorse Road, Box Hill	22-05-19	Elgar	Consent Granted 116
9 Leopold Crescent, Mont Albert	02-05-19	Elgar	Consent Granted 85,79,80
10 Morack Road, Vermont	17-05-19	Morack	Consent Granted 79,76
13 Felgate Parade, Vermont South	02-05-19	Morack	Consent Granted 74
199 Morack Road, Vermont South	13-05-19	Morack	Consent Granted 97
2 Ruby Street, Burwood East	16-05-19	Morack	Consent Granted 74
28 Marleigh Street, Vermont	14-05-19	Morack	Consent Granted 92
32 Robinlee Avenue, Burwood East	28-05-19	Morack	Consent Granted 74,89
39 Jolimont Road, Forest Hill	27-05-19	Morack	Consent Granted 76
6 Great Western Drive, Vermont South	14-05-19	Morack	Consent Granted 89
7 Cedar Court, Forest Hill	31-05-19	Morack	Consent Granted 79,74
28 Marleigh Street, Vermont	14-05-19	Morack	Consent Refused 89
18 Lindisfarne Drive, Burwood East	09-05-19	Riversdale	Consent Granted 74
23 Florence Road, Surrey Hills	22-05-19	Riversdale	Consent Granted 80
28 Sartori Street, Burwood East	16-05-19	Riversdale	Consent Granted 74
32 Cadorna Street, Box Hill South	16-05-19	Riversdale	Consent Granted 89
33 Wellard Road, Box Hill South	27-05-19	Riversdale	Consent Granted 74,76,80
58 Russell Street, Surrey Hills	02-05-19	Riversdale	Consent Granted 89
65 Parer Street, Burwood	09-05-19	Riversdale	Consent Granted 82
7 Highview Grove, Burwood East	16-05-19	Riversdale	Consent Granted 74
20 Beech Street, Surrey Hills	17-05-19	Riversdale	Consent Refused 89
7 Highview Grove, Burwood East	16-05-19	Riversdale	Consent Refused 81
7 Taylor Avenue, Burwood East	16-05-19	Riversdale	Consent Refused 74,79
4 Marcus Court, Forest Hill	14-05-19	Springfield	Consent Granted 79
42 Alwyn Street, Mitcham	29-05-19	Springfield	Consent Granted 76,79,81,74,80
47 Doncaster East Road, Mitcham	22-05-19	Springfield	Consent Granted 79,74,76
14 Nara Road, Mitcham	02-05-19	Springfield	Consent Refused 74

### 9.4.3

(cont)

#### DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS MAY 2018

Under the Planning and Environment Act 1987 – Nil

#### REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION MAY 2019

Contract Number	Service
30163	Mitcham Shopping Centre Streetscape Renewal Works (Stage 4)
30154	Morton Park Carpark Upgrade
30160	Grace Street Road Reconstruction
30150/3	Electrical Installation and Maintenance Services

#### REGISTER OF PROPERTY DOCUMENTS EXECUTED MAY 2019

Property Address	Document Type	Document Detail
<b>Licenses</b>		
Part 379-399 Whitehorse Road, Nunawading	Licence	Farmers' Market - Exercise of Option To Renew
Part 2 Hanover Road, Vermont South (Sportlink)	Licence	As an office and administrative store room
Part 2 Hanover Road, Vermont South (Sportlink)	Licence	To operate occasional child care

#### REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL MAY 2019

Instrument of Sub-Delegation CEO to Staff: 17.05.19

#### PARKING RESTRICTIONS APPROVED BY DELEGATION MAY 2019

**Address:** **Yarra Bing Crescent, Burwood:** whole of street – both sides  
**Previously:** 17 'Unrestricted' parking spaces  
**Now:** 17 '2-Hour Area, 8am to 6pm, Monday to Friday' parking spaces

**Address:** **Burn Nar Look Drive, Burwood:** whole of street – both sides  
**Previously:** 30 'Unrestricted' parking spaces  
**Now:** 30 '2-Hour Area, 8am to 6pm, Monday to Friday' area parking spaces

**Address:** **Whitehorse Road service road, Box Hill:** from 51m west of Dorking Road to 67m west of Dorking Road – north side  
**Previously:** 2 '1/4-Hour, 8am - 9.15am & 3pm to 6pm, School Days' parking spaces  
**Now:** 2 'Bus Zone, 8.30am to 4pm, Monday to Friday, School Days' parking spaces

**Address:** **Graham Place, Box Hill:** from Whitehorse Road service road to 34m north of Whitehorse Road service road – east side  
**Previously:** 4 '1-Hour, 7am to 9am, Monday to Friday' parking spaces  
**Now:** 4 '1/4-Hour, 8am - 9.15am & 3pm to 6pm, School Days' parking spaces

### 9.4.3

(cont)

**Address:** **Grace Street, Mont Albert:** from western boundary of 8 Grace Street to eastern boundary of 8 Grace Street – north side

**Previously:** 2 '2-Hour, 7:30am to 7:30pm, Monday to Friday' parking spaces

**Now:** 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

**Address:** **Park Street, Surrey Hills:** from Chestnut Street to 15 m west of intersection – east side

**Previously:** 1 'Unrestricted' parking space

**Now:** 1 'No Stopping' parking space

**Address:** **Monica Street, Burwood:** from northern boundary to southern boundary of 2 Monica Street – east side

**Previously:** 2 '1/2-Hour Area, 7.30am to 9pm, Monday to Saturday' parking spaces

**Now:** 2 Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

**Address:** **Mitcham Road, Mitcham:** from 5m south of the northern boundary of 520 Mitcham Road to 37m south of the northern boundary of 520 Mitcham Road – west side

**Previously:** 4 'Unrestricted' parking spaces

**Now:** 4 'No Stopping' parking spaces

**Address:** **Brentford Square, Forest Hill:** from 28m south of Canterbury Road to 45m south of Canterbury Road – west side

**Previously:** 6 '1-Hour, 9am to 5pm, Monday to Friday' parking spaces

**Now:** 6 'Loading Zone, 7am to 9am, Monday to Friday & 1-Hour, 9am to 5pm, Monday to Friday' parking spaces

**Address:** **Canterbury Road, Mont Albert:** from western boundary of 677 Canterbury Road to 6m east of the eastern boundary of 677 Canterbury Road – north side

**Previously:** 2 '15-minute, 8am to 4pm, Monday to Saturday & 8am to 6pm, Saturday to Sunday' parking spaces

**Now:** 2 'Unrestricted' parking spaces

**Address:** **Nurlendi Road, Vermont:** from 20m south of the southern boundary of 2 Nurlendi Road to 146m south of the southern boundary of 2 Nurlendi Road – west side

**Previously:** 12 '2-minute, 8-9.15am & 3-4pm, School Days' parking spaces

**Now:** 12 'No Parking, 8-9.15am & 3-4pm, School Days' parking spaces

**Address:** **Nurlendi Road, Vermont:** from 20m south of the southern boundary of 2 Nurlendi Road to northern boundary of 2 Nurlendi Road – west side

**Previously:** 4 '2-Hour, 8am to 6pm, Monday to Friday' and '1-Hour, 8am to 1pm, Saturday' parking spaces

**Now:** 4 'No Parking, 8-9.15am & 3-4pm, School Days' parking spaces

**Address:** **Nurlendi Road, Vermont:** from 10m south of Webb Court to 36m south of Webb Court – east side

**Previously:** 1 'No Stopping, 8am to 4pm' parking space

**Now:** 1 'No Stopping' parking space

**Address:** **Nurlendi Road, Vermont:** from Cantley Lane to southern boundary of 14 Nurlendi Road – west side

**Previously:** 2 'Unrestricted' parking spaces

**Now:** 2 'No Parking, 8-9.15am & 3-4pm, School Days' parking spaces

**9.4.3**

(cont)

**VENDOR PAYMENT SUMMARY – SUMS PAID DURING MAY 2019**

<b>Date</b>	<b>Total Issued</b>	<b>Payments (direct debit, cheques or electronic funds transfer)</b>	<b>Transaction Type EFT/CHQ/DD</b>
01/05/2019	\$2,145.00	1	EFT
02/05/2019	\$8,817.52	17	EFC
02/05/2019	\$56,032.69	40	CHQ
02/05/2019	\$1,705,923.07	230	EFT
03/05/2019	\$8,817.52	17	EFC
09/05/2019	\$5,307.34	10	EFC
09/05/2019	\$8,257.61	23	CHQ
09/05/2019	\$931,538.89	179	EFT
09/05/2019	\$327.41	1	EFT
10/05/2019	\$1,119.91	3	EFC
13/05/2019	\$279.09	1	EFC
16/05/2019	\$24,631.30	13	EFC
16/05/2019	\$60,572.27	40	CHQ
16/05/2019	\$1,526,390.50	210	EFC
23/05/2019	\$16,261.34	11	EFC
23/05/2019	\$239,248.83	39	CHQ
23/05/2019	\$1,014,287.45	200	EFT
23/05/2019	\$89,559.18	1	EFT
03/06/2019	\$6,266.04	8	EFC
30/05/2019	\$138,244.53	52	CHQ
30/05/2019	\$5,289,932.55	264	EFT
30/05/2019	\$2,684.50	1	EFT
30/05/2019	\$1,239.00	1	EFT
<b>GROSS</b>	<b>\$11,137,883.54</b>	<b>1362</b>	
<b>Monthly Lease Payments</b>	<b>\$31,743.79</b>		
<b>Direct Debit Payments</b>	<b>\$174,925.82</b>		
<b>CANCELLED PAYMENTS</b>	<b>-\$82,735.77</b>	<b>-49</b>	
<b>NETT</b>	<b>\$11,261,817.38</b>	<b>1313</b>	

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#### **9.4.4 Appointment of Authorised Officer under the Planning and Environment Act 1987**

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##### **SUMMARY**

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

##### **RECOMMENDATION**

***That Council resolve to appoint Cameron Wilcox and Nathan Rooke as Authorised Officers pursuant to the Planning and Environment Act 1987 and that the Council Common Seal be affixed to the Instrument of Appointment (provided as Appendix 1).***

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##### **BACKGROUND**

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

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

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

##### **DISCUSSION**

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

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

##### **CONSULTATION**

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

##### **FINANCIAL IMPLICATIONS**

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

##### **POLICY IMPLICATIONS**

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

**9.4.4**  
(cont)

**APPENDIX 1**

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

In this instrument "**officer**" means -

**Cameron Wilcox**  
**Nathan Rooke**

**By this instrument of appointment and authorisation** Whitehorse City Council -

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

**It is declared that** this instrument -

- a) Comes into force immediately upon its execution;
- b) Remains in force until varied or revoked.

This instrument is authorised by a resolution of the **Whitehorse City Council** on **15 July 2019**

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

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Chief Executive Officer

Date: \_\_\_\_/\_\_\_\_/2019

**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)

**RECOMMENDATION**

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

**10.2    Recommendation from the Special Committee of Council  
Meeting of 8 July 2019**

Nil

### 10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
15.06.19 9:00-12:30pm	<b>Advisory Committee for the review of the Chief Executive Officer's Development</b> CEO Interviews	<b>Advisory Committee Members</b> Cr Bennett (Mayor & Chair) Cr Davenport Cr Massoud Cr Munroe <b>Others Present</b> Cr Barker Cr Cutts Cr Ellis Cr Liu Cr Carr Cr Stennett	Nil	Nil	Nil
01.07.19 6:30-9:30pm	<b>Strategic Planning Session</b> <ul style="list-style-type: none"> <li>• Whitehorse Business Group Annual Presentation</li> <li>• Suburban Rail Loop (SRL) Project</li> <li>• Local Government Act Reform</li> <li>• Tally Ho Major Activity Centre – Review of the Commercial 1 Zone</li> <li>• Capital Works Update</li> <li>• Financial Report as at 31 May 2019</li> </ul>	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	(ACEO) P Warner J Green T De Fazio H Rowlands D Shambrook P Tully A Egan A North S Tierney (AGMCS) S Cann (AGMI) S Belmore	Nil	Nil
03.07.19 6:30-8:00pm	<b>Whitehorse Performing Arts Centre Architect Presentation</b> Architect Presentation	Cr Bennett (Mayor & Chair) Cr Carr Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green S Cann T Wilkinson A De Fazio S Belmore S Price	Nil	Nil

**10.3**  
 (cont)

<b>Meeting Date</b>	<b>Matter/s Discussed</b>	<b>Councillors Present</b>	<b>Officers Present</b>	<b>Disclosures of Conflict of Interest</b>	<b>Councillor /Officer attendance following disclosure</b>
<b>08.07.19</b> 6:30-10:00pm	<b>Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>• Special Committee Agenda 15 July 2019 and Other Business</li> <li>• Draft Council Agenda</li> <li>• Presentations</li> </ul>	Cr Bennett (Mayor & Chair) Cr Barker Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green (AGMI) S Belmore T Wilkinson (AGMCS) S Cann A De Fazio R Skocir P Bennett I Kostopoulos I Barnes K Sinclair N Hirst L Morris H Rowlands P Tully D Shambrook D Seddon	Cr Ellis & Cr Liu declared an indirect Conflict of interest in Community Grants Report Item 9.3.3. <ul style="list-style-type: none"> <li>• Cr Ellis declared a conflict of interest given her connection with the Alkira Centre</li> <li>• Cr Liu declared a conflict of interest given her connection with the Taiwanese Business Association of Melbourne</li> </ul>	Cr Ellis & Cr Liu having declared an indirect conflict of interest Community Grants Report Item 9.3.3 and left the meeting prior to discussion on each item and returned at the conclusion of the item.

**RECOMMENDATION**

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

**11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

**RECOMMENDATION**

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

**12 CONFIDENTIAL REPORTS**

**13 CLOSE MEETING**