



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

Monday 23 April 2018

at 7:00pm

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

Ms Noelene Duff
Chief Executive Officer

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Meeting opened at 7.00pm

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

1 PRAYER

1a Prayer for Council

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

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

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

Amen.

1b Aboriginal Reconciliation Statement

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

2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 19 March 2018.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Bennett

That the minutes of the Ordinary Council Meeting 19 March 2018 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

Nil

6 NOTICES OF MOTION

Nil

7 PETITIONS

7.1 Petition relating to 451-453 Belmore Road, Mont Albert North (Lots 14 & 15 LP 29915 ECSS).

Cr Barker tabled a petition signed by 113 signatories requesting that Council oppose the construction of a Child Care Centre at 451-453 Belmore Road, Mont Albert North (Lots 14 & 15 LP 29915 ECSS).

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council receive the petition and that it be referred to the General Manager City Development for appropriate action and response.

CARRIED UNANIMOUSLY

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

- 9.1.1 74 Main Street, BLACKBURN (LOT 3 LP 17854)– Amendment to Application WH/2015/583 (for building /works for development of land for the construction of two (2) double storey dwellings and removal of vegetation), comprising relocation of an internal fence and variation of first floor room layouts and window location in Dwellings 1 and 2.**

FILE NUMBER: WH/2015/583/A
ATTACHMENT

SUMMARY

This application was advertised, and a total of twenty-three (23) objections were received. The objections raised issues with vegetation removal, impact on vegetation to be retained, landscaping opportunity and overlooking/amenity impacts. A Consultation Forum was not held as issues raised in objections could not be overcome through consideration of this amendment. This report assesses the amendment against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the amendment be supported, subject to conditions.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council:

- A. Being the Responsible Authority, having caused amendment to Application WH/2015/583/A for 74 Main Street, BLACKBURN (LOT 3 LP 17854) to be advertised and having received and noted the objections is of the opinion that the granting of an Amendment to Planning Permit WH 2015/583 (for building/works for the construction of two (2) double storey dwellings and removal of vegetation) to allow relocation of an internal fence and variation to first floor layout and window location for Dwellings 1 and 2 is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant an amended Permit under the Whitehorse Planning Scheme to the land described as 74 Main Street, BLACKBURN (LOT 3 LP 17854) for amendment to permit WH/2015/583 (for building/works for the construction of two (2) double storey dwellings and removal of vegetation), to allow relocation of an internal fence and variation to first floor room layout and window location for Dwellings 1 and 2, subject to the following additional condition and consequential re-numbering of conditions:**
 - 1p) Demonstrated compliance with ResCode Standard B22 (Overlooking Objective) for all first floor habitable room windows of Units 1 & 2.**
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**

CARRIED UNANIMOUSLY

9.1.1 (cont)

MELWAYS REFERENCE 47 K12

| | |
|-------------------|---|
| Applicant: | Lead Design |
| Zoning: | Neighbourhood Residential Zone – Schedule 1 |
| Overlays: | Significant Landscape Overlay – Schedule 2 |
| Relevant Clauses: | <p>Clause 11 Settlement</p> <p>Clause 12 Environment and Landscape Values</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 16 Housing</p> <p>Clause 21.05 Environment</p> <p>Clause 21.06 Housing</p> <p>Clause 22.03 Residential Development</p> <p>Clause 22.04 Tree Conservation</p> <p>Clause 32.09 Neighbourhood Residential Zone, Schedule 1</p> <p>Clause 42.03 Significant Landscape Overlay, Schedule 2</p> <p>Clause 52.06 Car Parking</p> <p>Clause 55 Two or More Dwellings on a Lot or Residential Buildings</p> <p>Clause 65 Decision Guidelines</p> |
| Ward: | Central |

Table format and font review required



| | | | | | |
|--|--|--------------|--|---|--|
| | | Subject site | | 23 Objector Properties (19 outside of map) |  North |
|--|--|--------------|--|---|--|

9.1.1

(cont)

BACKGROUND

History

Planning Permit WH/2015/583 was issued by Council on 15 August 2016 allowing for Development of Land for the Construction of Two (2) Double Storey Dwellings and Removal of Vegetation within a Significant Landscape Overlay.

More specifically the permit allowed for:

- The construction of two (2) double storey dwellings in a tandem (front-rear) arrangement, with Dwelling 1 (front dwelling) to be accessed by newly created crossover located along the sites north-eastern boundary and Dwelling 2 (rear dwelling) to be accessed via existing concrete crossover located along the sites south-eastern boundary.
- The removal of 22 trees.

The Site and Surrounds

The subject site is located on the western side of Main Street in Blackburn, approximately 400 metres north from the intersection with Canterbury Road. The site currently contains a single storey dwelling and a number of medium to upper canopy trees which are spread across the land.

The land is generally rectangular in shape with an angled frontage of 24.38 metres in width, varying depths of 46.29 metres (northern boundary) to 48.09 metres (southern boundary) and an overall site area of approximately 1147m². A 1.83 metre wide drainage easement is located along the western (rear) boundary.

The surrounding area is residential in nature generally comprising single and double storey dwellings, with two public reserves in the vicinity to the north of the subject site, being Furness Park and Kalang Park. There is a strong landscape character in the area with mature vegetation in the front and around buildings on most lots.

Immediately north of the subject site is a single storey dwelling located at 72 Main Street, whilst immediately south of the subject site are two single storey brick dwellings (76 Main Street and 2/1A Molleton Street, respectively) and one double storey dwelling (1/1A Molleton Street).

Planning Controls

In accordance with Clause 32.09-5 (Neighbourhood Residential Zone) of the Whitehorse Planning Scheme, a Planning Permit was originally required to construct two or more dwellings.

In accordance with Clause 42.03 (Significant Landscape Overlay – Schedule 2) of the Whitehorse Planning Scheme, a Planning Permit was required under the original application to remove, destroy or lop a tree with a single trunk circumference greater than 0.5 metre, at a height of one metre above ground level. A planning permit was also required under the SLO2 for the following:

- The proposed building is setback at a minimum 9 metres which is less than the as-of-right requirements of 11 metres for a double storey dwelling,
- The site coverage for the buildings at ground level is 35% which exceeds the as-of-right requirements of 33% at ground floor level.
- The extent of hard surfaces and impervious areas are 18% which exceeds the as-of-right requirements of 17%. It is noted that hard surfaces in service yards has also not been declared and would add to the impervious area totals.

9.1.1

(cont)

- The total area of all buildings and hard surfaced and impervious areas is 53% which is greater than the as-of-right requirements of 50%.

The current amendment seeks to change minor components of the approved development, however these amendments do not trigger approval in their own right under the overlay or the zone, and as such are not relevant to the overall assessment of the proposed changes.

PROPOSAL

The application seeks to amend the approved development so as to allow for:

- Relocation of approved internal 1.8 metre high paling fencing of Dwelling 2 approximately 3 metres south so as to allow for an increased usability of service yard.
- Amend internal layouts/window locations of first floor level of both Dwelling 1 & 2, without change to setbacks from any side/rear boundary, so as to allow for a better internal layout and reduce number of bedrooms of both dwellings at first floor level from 4 bedrooms down to 3 bedrooms.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the Main Street frontage. Following the advertising period twenty-three (23) objections were received.

The issues raised are summarised as follows:

Vegetation Removal and Impact on Vegetation to be Retained

- Majority of objections received cited vegetation removal and impact of vegetation to be retained, primarily referring to removal of existing vegetation within the front setback.

Landscaping Opportunity

- A number of objections raised issues associated with limited landscaping opportunity within side and rear setbacks of the development, most notably adjoining the proposed driveway.

Overlooking/Amenity Impacts

- Objection was received regarding overlooking impacts resultant from changed window location/layout due to internal reconfiguration of first floor level of Dwelling 2.

Consultation Forum

It was determined not to hold a consultation forum (following discussions with both Ward Councillors) as issues raised in objections were largely related to the original decision, and were not considered to be able to be overcome through consideration of this amendment

Referrals

Amendment to the application was not required to be referred externally or internally as the proposed changes to plans do not affect any previous referral requirements.

DISCUSSION

Consistency with State and Local Planning Policies

The proposed amendments do not reduce the compliance of the original proposal with the relevant State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF), including Council's Tree Conservation Policy (Clause 22.04), the decision guidelines under Clause 42.03 (Significant Landscape Overlay – Schedule 2) and Clause 55 (Two or more dwellings on a lot).

9.1.1

(cont)

The amendments are considered to be minor in the context of the overall approval and in their own right comply with the relevant provisions, subject to an additional permit condition that ensures overarching and long term compliance with Clause 55.

It is considered that the proposed amendments continue to achieve an acceptable balance between the purpose of the Neighbourhood Residential Zone. The proposed changes do not impact on the compliance with the objectives of the zone, the Tree Conservation Policy or the requirements of Clause 55 as one of the changes will not impact outside of the site, whilst the second change can be appropriately managed through accepted screening measures.

Significant Landscape Overlay - Schedule 2

The Significant Landscape Overlay – Schedule 2 is not considered relevant in the assessment of this application as the proposed amendments are considered relatively minor in nature and do not trigger a permit under this provision.

Design and Built Form

The proposed amendments to first floor configuration of Dwellings 1 & 2, so as to allow for a better internal layout and reduced number of bedrooms (from four to three) for both dwellings, has been achieved without alteration to any side/rear setbacks.

The internal reconfiguration to first floor level of both units has required reconfiguration of window location/layout with a number of windows added, removed or amended in response to the proposed floor plan reconfiguration.

It is noted that the amended window design/layout has been fully assessed against Clause 55.04-6 – ResCode Standard B22 (Overlooking Objective) and Clause 55.04-7 – ResCode Standard B23 (Internal View Objective), with all windows compliant, excepting the north facing Dwelling 2 Bedroom 2. Whilst it is noted on first floor plan that the window is to be obscure glazed, this is not depicted on elevation plans and as such, will form a condition of permit.

The proposed relocation of the paling fence located between Dwelling 2 ground floor guest bedroom and western (side) boundary, is considered to be cosmetic in nature and not to result in any additional detriment upon adjoining properties or vegetation removal. It is also noted that the height and siting of the fence will not be visible from outside of the street.

Vegetation Removal and Landscaping

All previously approved tree removal and replanting is not affected by the proposed amendments.

Amenity

The proposed amendments to the internal reconfiguration of first floor level of both Dwellings 1 & 2 are considered to be an improvement from the layouts previously approved, as they seek to reduce the number of bedrooms from four to three (for both dwellings), allowing for increased internal dimensions of bedrooms.

The proposed amendments are considered acceptable because they do not result in alterations to any building setbacks previously approved by Council and allow for a greater level of internal amenity to future occupants.

CONCLUSION

The amendments to the permit are minor and inconsequential in nature and achieve a satisfactory level of compliance with the State and Local Planning Policies, the Neighbourhood Residential Zone, Significant Landscape Overlay – Schedule 2 and Clause 55.

9.1.1

(cont)

The proposed amendments are not considered to result in any increased amenity impacts upon adjoining properties or to the streetscape.

To ensure this is clearly reflected through the permit, an additional condition to ensure screening of upstairs windows in accordance with Clause 55, Standard B22, Overlooking is recommended to be added.

A total of twenty-three (23) objections were received as a result of public notice and all of the issues raised have been reviewed in this report. It is noted that most of the concerns relate to concerns regarding matters of vegetation loss/impact; concerns that were expressed through the course of the original application. The amendments being sought do not alter the tree removal already approved, nor do they result in any additional tree removal or impact.

It is considered that the amendments should be approved.

ATTACHMENT

- 1 Original Permit [⇒](#)
- 2 A3 Plans [⇒](#)

9.1.2 451-453 Belmore Road, MONT ALBERT NORTH (LOTS 14 & 15 LP 29915 ECSS)– Use and development of a child care centre and associated alteration of access to a road in a Road Zone Category 1, tree removal and display of business identifications signs

FILE NUMBER: WH/2017/612
ATTACHMENT

SUMMARY

This application was advertised, and a total of 37 objections were received. The objections predominantly raise issues with traffic congestion, on-street parking, amenity impacts, and neighbourhood character. A Consultation Forum was held on 29 March, 2018, chaired by Councillor Liu, 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/2017/612 for 451-453 Belmore Road, MONT ALBERT NORTH (LOTS 14 & 15 LP 29915) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the use and development of a child care centre and associated alteration of access to a road in a Road Zone Category 1, tree removal and display of business identification signs 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 451-453 Belmore Road, MONT ALBERT NORTH (LOTS 14 & 15 LP 29915) for the use and development of a child care centre and associated alteration of access to a road in a Road Zone Category 1, tree removal and display of business identification signs, subject to the following conditions:***
- 1. *Before the use and development starts, or any trees or vegetation removed, amended plans (three copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 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 Conditions 20 and 21, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of the tree management plan to be annotated on the development and landscape plans.***
 - b) *The retention of Tree 18 (street tree) and plans to show any alterations to the crossover location and/or construction required to successfully retain Tree 18, in accordance with the requirements of Condition 11.***
 - c) *The design of the acoustic barrier to the upper level play area to be obscure glazed, without compromising the acoustic properties of this barrier.***
 - d) *Provision of a turning bay at the southern end of the basement car park.***
 - e) *Provision of an electronic indicator at the car park entrance showing the number of available car spaces within the basement at any time.***
 - f) *The column between car spaces 19 and 20 to be repositioned clear of car space 19 and placed in accordance with the requirements of 52.06-9 Diagram 1 of the Planning Scheme.***
 - g) *Identify the ramp grade between the property boundary to the first 1:10 ramp on the plans/elevations.***

9.1.2
(cont)

- h) Linemarking within the basement car park to indicate pedestrian priority pathways.*
- i) Signage directing patrons to the basement car park.*
- j) The provision of lighting within the car park to assist visibility of pedestrians and vehicles.*
- k) Elevations updated to show the location of air conditioners and other plant equipment, and visual and acoustic screening measures to this equipment.*
- l) The provision of full colour, finishes and building materials schedule for all external elevations and driveways of the development. This must include a light coloured roofing material.*
- m) The location of all service trenches to serve the approved development (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) and the locations of protected trees within 4 metres of these trenches (if any). The service trenches must be located and dug (including boring or hand digging) to ensure that protected trees are not damaged, and details of required excavation methods provided, all to the satisfaction of the Responsible Authority.*
- n) Development plans to reflect all sustainability features indicated in the submitted, amended and approved Sustainability Management Plan (SMP). Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fixtures, etc.). The plans are to be generally in accordance with the plans submitted with the application but modified to show:
 - i. All operable windows, doors, winter garden openings and vents in elevation drawings.*
 - ii. Any exterior building services equipment, including any heating, cooling, ventilation and hot water systems.*
 - iii. Include an annotation of the timber species intended for use as decking or outdoor timber, noting that unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) must not be used.*
 - iv. Where measures cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).**
- o) Alterations to the plan required by the Waste Management Plan, Landscape Plan and/or Sustainable Design Assessment, as required.*
- p) Landscape Plan in accordance with Condition 12, including the following:
 - i. Measures to manage the growth of trees within play spaces and to manage potential hazards, such as the use of strong open timber pergolas beneath trees to protect from falling tree limbs.*
 - ii. Location, construction and materials of any shade structures proposed over the child play areas.*
 - iii. All new trees must be planted at a minimum height of 1.5 metres.*
 - iv. Details of all containerised planting infrastructure, including anchoring of all containers and containerised shrubs and trees planted above ground level.*
 - v. Details of the green roof area (containerised plantings above ground level), including:*
 - vi. Soil volume of planting containers.**

9.1.2
(cont)

- vii. Substrate: suitability for species selection in relation to nutrients and irrigation requirements.*
- viii. Dead and live loads of green roof areas, allowing for mature plant growth and potential flooding of containers.*
- ix. Plant species, including selection criteria and growth rate.*
- x. Microclimate and effect on plant health.*
- xi. Anchoring of plants to resist high winds.*
- xii. Ongoing maintenance procedures to ensure that the green roof areas remain healthy and well-maintained to the satisfaction of the Responsible Authority in accordance with the Landscaping Maintenance Plan required by Condition 19.*

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. The following reports to be amended or endorsed as required will form part of the endorsed documentation:*
 - a) Landscaping Maintenance Plan in accordance with Condition 19.*
 - b) Amended Acoustic Report in accordance with Condition 22.*
 - c) Amended Waste Management Plan in accordance with Condition 23.*
 - d) Sustainable Design Assessment in accordance with Condition 25.*
 - e) Parking Management Plan in accordance with Condition 35.*
 - f) Construction Management Plan in accordance with Condition 36.*

Site Operation

- 4. The approved use must not commence until the approved buildings and works including site landscaping and paving or car spaces and accessways has been completed to the satisfaction of the Responsible Authority.*
- 5. Unless with the prior written consent of the Responsible Authority, not more than 128 children (clients) are permitted on the premises at any one time.*
- 6. Unless with the prior written consent of the Responsible Authority, the hours of operation include:*
 - Monday to Friday 6.30am to 6:30pm.*
- 7. The amenity of the area must not be detrimentally affected by the use or development, through:*
 - a) Transportation of materials, goods or commodities to or from the land,*
 - b) Appearance of any building, works or materials,*
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,*
 - d) Presence of vermin*
 - e) In any other way.*
- 8. Alarms must be directly connected to a security service and must not produce noise beyond the premises.*
- 9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts or playing of music.*
- 10. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.*

9.1.2
(cont)

Landscaping and Tree Protection

11. *In order to maintain Tree 18 (Lophostemon confertus) street tree in a healthy condition, the crossover construction details must be specified by a qualified arborist in accordance with the Australian Standard AS 4970-2009, to the satisfaction of the Responsible Authority. The closest point of the excavation for the new crossover must be manually excavated using non-root destructive techniques such as an air spade or hand digging to the required depth to assess the location of tree roots, with no roots greater than 40mm diameter severed during any part of the excavation process.*

During or after the excavation, Council's Parkswide Arborist (Tel: 9262 6289) must inspect the trench. Once the volume and location of roots is determined, the crossover location and impacts must be assessed and the crossover design and construction methods to retain Tree 18 in a healthy condition submitted to Council for assessment. When approved, the plans must be updated accordingly.

The crossover construction where within the TPZ of Tree 18 must accord with the approved construction details, to the satisfaction of the Responsible Authority.

12. *No building or works must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed will form part of this permit. This plan shall show:*
- a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
 - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
 - c) 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,**
 - d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.*
 - e) The proposed design features such as paths, paving, lawn and mulch.*
 - f) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

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

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

13. *The garden areas and street plantings shown on the endorsed plan and schedule shall only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety.*

9.1.2
(cont)

14. **Only the following trees are allowed to be removed or destroyed:**
 - a) **Tree 1 (*Jacaranda mimosifolia*), Tree 4 (*Corymbia ficifolia*), Tree 8 (*Nerium oleander*), Tree 9 (*Pittosporum eugenoides*), Tree 19 (*Camellia sasanqua*), Tree 20 (*Camellia japonica*), Tree 21 (*Pittosporum undulatum*), Tree 22 (*Acacia implexa*), Tree 23 (*Rhododendron arboretum*), Tree 24 (*Camellia japonica*), Tree 25 (*Camellia sasanqua*), Tree 26 (*Pittosporum undulatum*), and Tree 27 (*Acmena smithii*).**
15. **No other vegetation on site, shown as an existing tree or shrub on the endorsed plan, are to be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority (other than in accordance with a Notice given pursuant to the Local Government Act or vegetation not protected by any Overlay control). The on-going maintenance of the retained and planted trees must be undertaken to the satisfaction of the Responsible Authority. If any planted trees die or are removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.**
16. **All service trenches to serve the approved development (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) must be located and dug (including boring or hand digging) to ensure that protected trees are not damaged to the satisfaction of the Responsible Authority, and any required Planning Permits must be obtained in accordance with the Significant Landscape Overlay Schedule 9 and Vegetation Protection Overlay Schedule 2.**
17. **Council's Planning Inspector must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that species has been adequately maintained.**
18. **The on-going maintenance of the retained and planted trees must be undertaken to the satisfaction of the Responsible Authority. If any planted trees die or are removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.**
19. **Prior to the commencement of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:**
 - a) **On-going management of trees on the site to ensure that they remain in good condition and to limit hazards, without restricting their growth to mature height, including maintenance frequency and objectives.**
 - b) **Irrigation system/program for ground level landscape areas and containerised plantings above ground level, including details of frequency and water delivery method.**
 - c) **Details of the ongoing maintenance procedures to ensure that the green roof remains healthy and well maintained to the satisfaction of the Responsible Authority. This must include:**
 - i. **Irrigation frequency and delivery method.**
 - ii. **Drainage.**
 - iii. **Maintenance frequency and procedures including how access will be achieved to the green wall and roof plantings for maintenance purposes, and provision of safety anchor points.**

9.1.2
(cont)

The approved landscaping must be maintained in accordance with the Landscape Maintenance Plan for the life of the use and development, to the satisfaction of the Responsible Authority.

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

a) Tree Protection Zone distances:

- i. Tree 2 (Eucalyptus leucoxylon) – 2.0 metre radius from the centre of the tree base.*
- ii. Tree 5 (Cercis siliquastrum) – 2.0 metre radius from the centre of the tree base.*
- iii. Tree 6 (Quercus palustris) – 10.0 metre radius from the centre of the tree base.*
- iv. Tree 7 (Platanus orientalis) – 2.2 metre radius from the centre of the tree base.*
- v. Tree 10 (Hakea salicifolia) – 2.0 metre radius from the centre of the tree base.*
- vi. Tree 11 (Hakea salicifolia) – 2.0 metre radius from the centre of the tree base.*
- vii. Tree 12 (Hakea salicifolia) – 2.5 metre radius from the centre of the tree base.*
- viii. Tree 13 (Hakea salicifolia) – 2.2 metre radius from the centre of the tree base.*
- ix. Tree 14 (Hakea salicifolia) – 2.0 metre radius from the centre of the tree base.*
- x. Tree 15 (Hakea salicifolia) – 2.4 metre radius from the centre of the tree base.*
- xi. Tree 16 (Acer palmatum) – 4.1 metre radius from the centre of the tree base.*
- xii. Tree 17 (Lophostemon confertus) – 4.8 metre radius from the centre of the tree base.*
- xiii. Tree 18 (Lophostemon confertus) – 5.6 metre radius from the centre of the tree base.*
- xiv. Tree A (Callistemon viminalis, location indicated in Appendix 1) – 2.0 metre radius from the centre of the tree base.*

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

- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
- ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
- iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
- iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*

9.1.2
(cont)

- v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 21. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
- a) A project arborist must be appointed by the applicant or builder and Council must be informed in writing of who the project arborist is and their qualifications. Any Qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboricultural to be appointed as the project arborist. The qualifications of the project arborist must be to the satisfaction of the Responsible Authority (RA).*
 - b) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% of the TPZs of Trees 2, 5-7, and 10-18, except where shown on the endorsed plans.*
 - c) The project arborist must ensure that for Trees 2, 5-7, and 10-18 and Tree A, no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
 - d) The Project Arborist must supervise all approved works either within the TPZs or in the vicinity of Trees 2, 5-7, and 10-18 and Tree A. The project arborist must ensure that any buildings and works within or in the vicinity of the TPZs of the trees do not adversely impact the health and / or stability of the trees now or into the future.*
 - e) 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.*
 - f) Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified arborist (AQF Level 3, minimum).*

Acoustic Measures

- 22. No building or works must be commenced until an amended Acoustic Report has been submitted to and endorsed by the Responsible Authority. This report when endorsed must form part of this permit. This report must be consistent with the submitted Acoustic Report, but updated to reference the required alteration to the upper level play space barrier to screen overlooking.**

The requirements of the endorsed Acoustic Report must be demonstrated on the plans and elevations submitted for endorsement.

9.1.2 (cont)

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

The requirements of the Acoustic Report must be implemented in the building construction and maintained for the life of the building by the site manager, owners and occupiers of the site, to the satisfaction of the Responsible Authority.

Waste Management

23. *No building or works must be commenced until an amended Waste Management Plan (WMP) prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed will form part of this permit. This plan must be consistent with the submitted WMP, but updated to provide:*

- a) Waste generation rates and appropriate bin sizes/numbers to reflect the needs of the development.*
- b) Clarify bin collection location and the access route between the bin store and bin collection point.*

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

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

The requirements of the Waste Management Plan must be implemented by the site manager, owners and occupiers of the site, to the satisfaction of the Responsible Authority.

24. *All bins and receptacles must be kept in a storage area screened from view and maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.*
25. *Sustainable Design Assessment Prior to the commencement of any buildings or demolition works, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. This SDA must be generally in accordance with the SDA submitted with the application but amended to include the following changes:*
- a) A STORM Rating Report with a score of at least 100% or equivalent, including a rainwater tank capacity of at least 25,000 litres.*
 - b) A complete, published BESS Report, with an overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ).*
 - c) All east, north and west windows greater than 1.5 square metres, to be provided with exterior shading to shade at least 30% from 11am to 3pm on 1 February.*
 - d) Provide a Preliminary BCA Section J or JV3 Energy Efficiency Report including information regarding artificial lighting, daylighting and ventilation.*
 - e) Control car park ventilation with CO sensors.*
 - f) Control car park lighting (at least 75% of lighting fixtures) with motion sensors.*
 - g) Commit to controlling all common, service and lift area lighting with sensors/timers.*
 - h) Commit to controlling common, service and lift area ventilation with sensors/timers.*

9.1.2

(cont)

- i) Commit to the inclusion of energy efficient heating and cooling systems indicating the associated COP and EER values and/or star ratings.*
- j) Commit to the inclusion of renewable energy technologies including photovoltaic panels having specified a 5kW solar photovoltaic system.*
- k) Commit to the inclusion of water efficient fixtures and appliances indicating the associated WELS ratings.*
- l) Connect the rainwater tanks to all toilet flushing, irrigation and bin wash-down areas.*
- m) Commit to diverting at least 80% of construction/demolition waste from landfill.*
- n) 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 the AS/NZS 6400:2016 standard 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 given that the rainwater is proposed to cater for all toilets and recommended to facilitate irrigative and bin wash-down areas. The size of the rainwater tank is recommended to increase to 25 kL or collection area increased (if possible), which would enable a longer period of water security.*

Once submitted and approved to the satisfaction of the Responsible Authority, the Sustainable Design Assessment will form part of the endorsed plans under this permit.

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

Engineering Assets

- 26. 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.*
- 27. 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.*
- 28. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
- 29. 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.*

9.1.2 (cont)

30. *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.*
31. *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.*

Car Parking

32. *A minimum of 31 car spaces must be available to staff and visitors to the site during operating hours.*
33. *The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained. The car park and driveways must be maintained to the satisfaction of the Responsible Authority.*
34. *The car spaces in the car parking area on the site must be appropriately designed and must be suitably line marked (nominating all tandem spaces as staff parking) at all times, to the satisfaction of the Responsible Authority.*
35. *Before the permitted use commences, a Parking Management Plan must be submitted and approved by the Responsible Authority. The Parking Management Plan must include (but not be limited to) the following:*
 - a) *Procedures to direct patron parking as follows:*
 - i. *Encourage patrons to use the basement car park.*
 - ii. *Discourage patron parking on street.*
 - iii. *Notify patrons and staff of the availability of bicycle parking on site and encourage sustainable transport usage, such as car pooling.*
 - iv. *Operation of an electronic indicator at the car park entrance showing the number of available car spaces at any time.*

Measures to direct patron parking should include instructing customers to not park on-street via information sheets, promotional material, induction packs and on the website.

When approved, the Parking Management Plan will be endorsed and form part of this permit. The Parking Management Plan must be implemented to the satisfaction of the Responsible Authority. The plan must not be modified unless with the further written consent of the Responsible Authority.

Construction Management

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

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

9.1.2 (cont)

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

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

VicRoads Condition

37. *Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings on Belmore Road must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.*

Expiry

38. *This permit, as it relates to advertising signs, expires fifteen years after the date it is issued.*
39. *This permit will expire if one of the following circumstances applies:*
- a) *The development is not commenced within two (2) years from the date of issue of this permit;*
 - b) *The development is not completed within four (4) years from the date of this permit.*
 - c) *The use does not commence within six (6) months of the completion of the development.*

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

PERMIT NOTES

- A. *The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.*
- B. *The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. All street addressing enquiries can be made by contacting our Property Team on 9262 6470.*

Asset Engineering

- C. *The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.*
- D. *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.*
- E. *All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings*
- F. *Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning Permit, amendment of the Planning Permit might be required.*

9.1.2

(cont)

- G. *The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, naturestrip and kerb and channel.***
- H. *The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.***
- I. *There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.***
- J. *No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the Relevant Authority. If approval obtained, the property owner is required to enter into a S173 Agreement with Council that requires the property owner to maintain the fire hydrant”.***
- K. *The legal point of discharge may be external to the site and if so the developer must construct a stormwater drainage network within the easements through downstream properties. This drainage network must be paid for by the developer.***

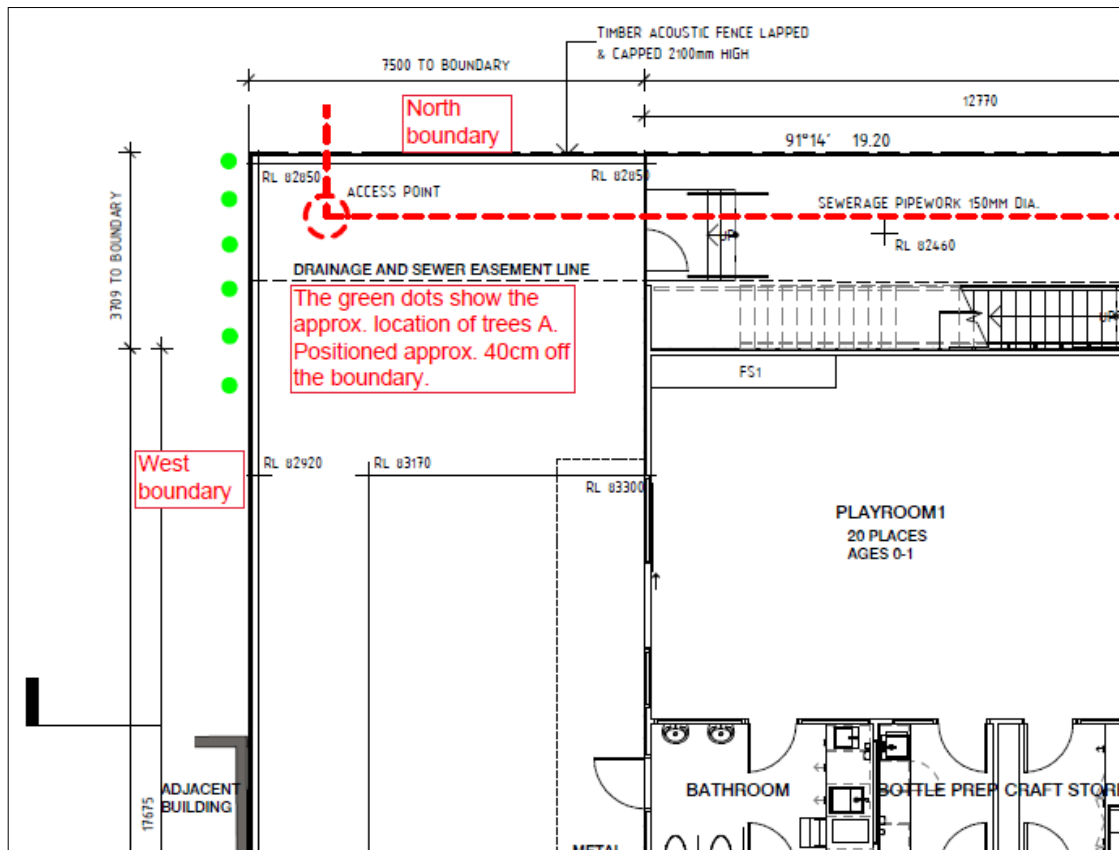
Health

- L. *The proprietor is required to register the kitchen under the Food Act 1984, and detailed plans must be submitted to Council’s Health Department for assessment.***

9.1.2 (cont)

Permit Appendix 1

Shows the approximate locations of Trees A



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

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Cutts

That Council:

- A.** *Being the Responsible Authority, having caused Application WH/2017/612 for 451-453 Belmore Road, MONT ALBERT NORTH (LOTS 14 & 15 LP 29915) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the use and development of a child care centre and associated alteration of access to a road in a Road Zone Category 1, is unacceptable and should not be supported.*
- B.** *Has formed a position to oppose the application in relation to the land described as 451-453 Belmore Road, MONT ALBERT NORTH (LOTS 14 & 15 LP 29915) for the use and development of a child care centre and associated alteration of access to a road in a Road Zone Category 1, on the following grounds:*
 - 1.** *The proposed site layout and built form are contrary to Clause 15.01-5 (Cultural Identity and Neighbourhood Character) of the Whitehorse Planning Scheme are inconsistent with the neighbourhood and landscape character context.*

9.1.2

(cont)

2. *The proposed use and development will result in unacceptable impacts to the amenity of the surrounding residential area, including through overlooking, noise and visual bulk impacts.*
 3. *The proposal will unacceptably reduce the availability of on-street parking in the area.*
 4. *The proposal will result in an unacceptable increase in traffic congestion around the subject site.*
 5. *The proposed extent of tree removal/impacts and the overall replanting proposed to landscape the development do not sufficiently conform with the applicable Vegetation Protection Overlay Schedule 2, Significant Landscape Overlay Schedule 9, and Clause 22.04 Tree Conservation Policy.*
- C** *Has formed this position having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

A Division was called.

Division

For

Cr Bennett
Cr Carr
Cr Cutts
Cr Ellis
Cr Liu
Cr Stennett

Against

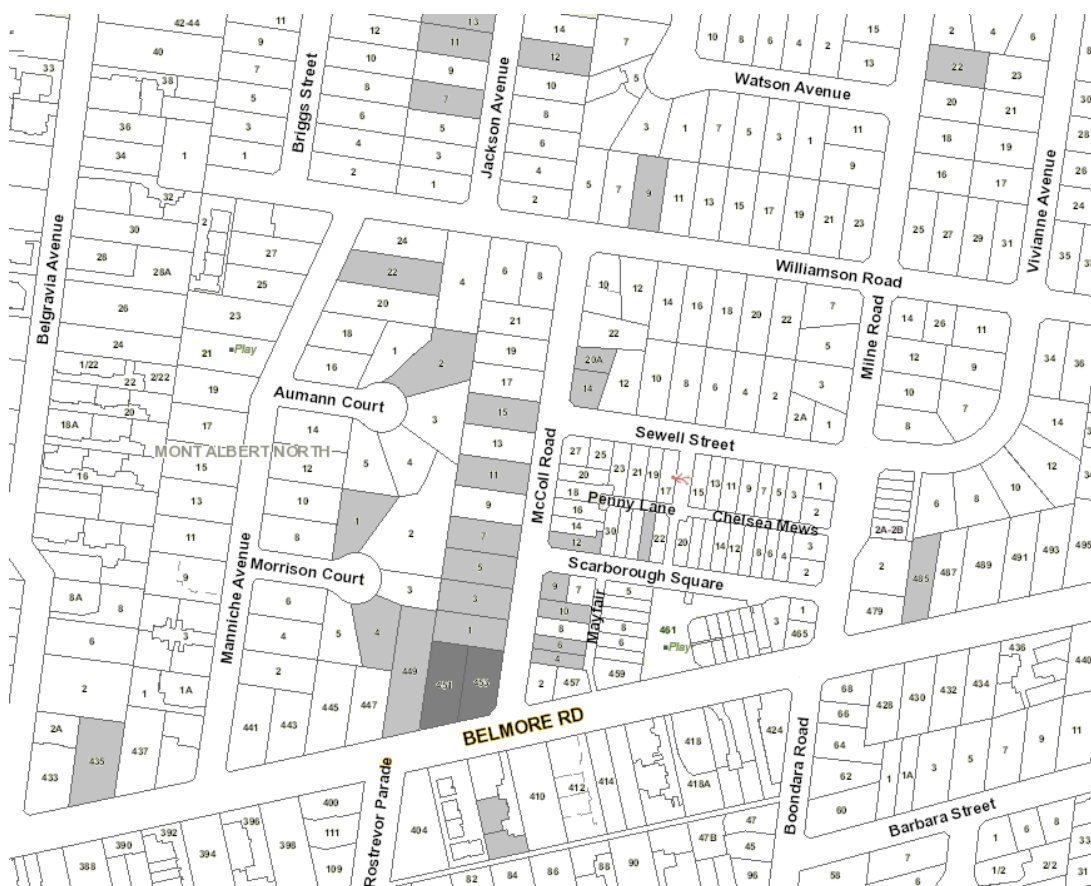
Cr Barker
Cr Davenport
Cr Massoud
Cr Munroe


On the results of the Division the motion was declared CARRIED

9.1.2 (cont)

MELWAYS REFERENCE 47 A4

| | |
|-------------------|--|
| Applicant: | Mammoth Projects |
| Zoning: | Neighbourhood Residential Zone Schedule 2 |
| Overlays: | Vegetation Protection Overlay Schedule 2 Significant Landscape Overlay Schedule 9 |
| Relevant Clauses: | |
| Clause 11 | Settlement |
| Clause 12 | Environment and Landscape Values |
| Clause 15 | Built Environment and Heritage |
| Clause 21.05 | Environment |
| Clause 22.02 | Visual amenity and advertising signs |
| Clause 22.04 | Tree Conservation |
| Clause 22.05 | Non-Residential Uses in Residential Areas |
| Clause 32.09 | Neighbourhood Residential Zone Schedule 2 |
| Clause 42.02 | Vegetation Protection Overlay Schedule 2 |
| Clause 42.03 | Significant Landscape Overlay Schedule 9 |
| Clause 52.05 | Advertising Signs |
| Clause 52.06 | Car Parking |
| Clause 52.29 | Land Adjacent to a Road Zone, Category 1 |
| Clause 52.34 | Bicycle Facilities |
| Clause 65 | Decision Guidelines |
| Ward: | Elgar |



| | | | | |
|--|--------------|--|--|--|
| | Subject site | | 37 Objector Properties (8 outside of map) |  North |
|--|--------------|--|--|--|

9.1.2

(cont)

BACKGROUND

History

- Planning Permit WH/2014/1068 issued 13 August 2015, allowed the removal of one tree in association with the development of a detached double storey dwelling on 451 Belmore Road. Additional trees were removed from this site in 2015, and Planning Enforcement action was undertaken in response.
- Planning Permit Application WH/2015/692 proposing two double storey dwellings at 453 Belmore Road was refused at the direction of VCAT, consistent with Council's position on this proposal.

The Site and Surrounds

The site comprises two lots and is an irregular shape with a frontage to Belmore Road of 37.69 metres, a frontage to McColl Road of 30.48 metres with a 5.02 metre splay at the intersection, and an overall site area of 1548m². A 2.44 metre wide drainage and sewerage easement is located parallel to the northern boundary.

No. 451 Belmore Road has a high timber paling front fence and has been cleared of buildings and works and most trees. No. 453 Belmore Road contains a single storey detached brick dwelling set within an established garden, including a number of trees around the perimeter of the site. The subject site is relatively flat. One existing crossover is provided to Belmore Road, which is within the Road Zone Category 1 and one crossover connects to McColl Road.

An existing bus stop is located on Belmore Road beside No. 451.

Surrounding development comprises a mix of single and double storey dwellings, including a number of medium density developments. The adjacent lot to the west accommodates a two storey detached dwelling and the adjoining lot to the north accommodates a single storey detached dwelling.

Planning Controls

Zone:

The site is within the Neighbourhood Residential Zone Schedule 2 (NRZ2). The purpose of Clause 32.09 (Neighbourhood Residential Zone) includes:

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

Pursuant to Clause 32.09-2, a planning permit is required for use of the land for a child care centre. A planning permit is required for the buildings and works to construct the child care centre pursuant to Clause 32.09-8.

9.1.2

(cont)

Overlays:

A Vegetation Protection Overlay, Schedule 2 (VPO2) at Clause 42.02 affects the precinct to the north of Belmore Road and requires a planning permit to remove, lop or destroy trees having a single trunk circumference of 1 metre or more at a height of one metre above ground level. The vegetation protection objective to be achieved by this overlay is:

- *To retain and protect large trees and maintain the dominance of exotic and native vegetation cover.*
- *To encourage the planting of native trees and vegetation that will contribute to the tree canopy.*
- *To protect vegetation of special significance, natural beauty, interest and importance.*

Only Tree 4 and 26 require planning approval to remove under the VPO2 in association with the proposal.

On 8 February 2018, the Minister for Planning approved Amendment C191 to the Whitehorse Planning Scheme on an interim basis until 31 December 2018. The Amendment implements a municipal wide Significant Landscape Overlay Schedule 9 (SLO9) to all residential land not currently included in a SLO, except for land within the Mixed Use Zone. There are no transitional provisions, so the amendment came into effect immediately and applies to all current Planning Permit Applications that are under consideration.

Therefore, in accordance with the SLO9 at Clause 42.03, the proposed development also requires planning approval to:

- Remove six trees, as detailed in the table below.
- Undertake buildings and works, or construct a front fence, within 4 metres of 14 protected trees, as detailed in the table below.

Clause 52.05 – Advertising Signs

Pursuant to Clause 32.09-13, this site is within a Category 3- High Amenity Area, and planning approval is required to display business identification signs. The purpose of the Advertising Signs provision at Clause 52.06 includes:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Clause 52.29 - Land Adjacent to a Road Zone Category 1

The purpose of this provision is:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

Planning approval is required to close the existing crossover from the subject site to Belmore Road.

PROPOSAL

Use:

The proposed child care centre will offer a maximum of 128 places.

Staff:

The proposed childcare centre will have a maximum of 24 staff.

9.1.2

(cont)

Proposed hours of operation:

The proposed childcare centre is to operate on weekdays: 6:30am – 6:30pm.

Development:

The application proposes the construction of a new child care centre building on the subject site, comprising the following:

- Basement level:
 - The existing vehicle crossover to McColl Road is proposed to be widened to provide a two way access point to the basement car park which will accommodate a total of 31 parking spaces including one disabled car space and 12 tandem car spaces which are to be set aside for staff.
 - Ten bicycle parking spaces, pram and general storage.
- Ground floor:
 - Pedestrian entrance off McColl Road.
 - Four playrooms, kitchen, office, laundry and bathroom facilities.
 - Two rainwater tanks and bin storage located on the north elevation.
 - Front setback to Belmore Road varying from 4.2 to 9 metres.
 - Front setback to McColl Road of 4 metres.
 - Minimum north boundary setback of 2.9 metres to be utilised as a service yard.
 - Minimum west boundary setback of 7.5 metres.
 - Landscaped outdoor play areas to the west and south of the building, with a 1.8 metre high black metal picket fence on masonry plinths backed by a clear Perspex acoustic barrier around the street frontages.
- First floor:
 - Two playrooms, staff room, storage and bathroom facilities.
 - A terrace on the east elevation accessed from the staff room.
 - Outdoor play areas to the north, west and south surrounded by a clear acoustic fence 1.8 metres high.
 - Areas of roof-top landscaping to the north, east and south.
- Overall:
 - A lift is provided to all levels.
 - Ground level to be clad with horizontal composite cement sheeting and the upper level to be clad with vertical composite cement sheeting.
 - The upper level to have a pitched corrugated metal roof with solar panels on the northern face.
 - A 2.1 metre high timber acoustic boundary fence is proposed along the residential interfaces to the north and west boundaries.
- Advertising Signs
 - Two non-illuminated business identification signs are proposed on the east elevation- one text panel “littlelearningschool.com.au” (approximately 2.5m²) above the car park entrance and one 1.2 x 1.2 metre (1.44m²) sign panel beside the pedestrian entrance containing the text “Little Learning School”.

9.1.2

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the two frontages (one on each lot) facing Belmore Road and one notice facing McColl Road. Following the advertising period 37 objections were received, raising the following concerns:

- Amenity impacts:
 - Overlooking from upper level play spaces
 - Overshadowing
 - Commercial development is inappropriate in a residential area.
 - Noise impacts to surrounding residents and insufficient acoustic screening measures provided.
 - Advertising signs should not be illuminated (no illumination proposed)
 - Odour from bins impacting on adjacent residents
 - Poor access to northern light for the proposed building
 - The proposed building incorporates insufficient sustainability measures.
 - The play space to the west of the proposed building will be in shadow for much of the day.
- Neighbourhood Character:
 - Building bulk and form
 - Building turns its back on Belmore Road, whereas the building should have the front entrance and sense of address to Belmore Road
 - Cladding materials and fencing are out of character with the neighbourhood
- Car parking and traffic:
 - Insufficient parking provision on site.
 - Car spaces on site are too narrow to allow parents to unload children.
 - Separate entry and exit to the car park should be provided.
 - Cars can't exit in a forwards direction (this was a common concern, despite two-way basement access)
 - Parents are unlikely to use the basement carpark and will park on street
 - Increased on-street parking on Belmore and McColl Roads. McColl Road is a narrow street that already experiences high levels of on-street parking and traffic congestion, due in part to the townhouses on the former primary school site to the east. Parking restrictions already exist on the east side of McColl Road. When cars park on both sides of McColl Road, it is narrowed to a one-way street.
 - Increased traffic congestion.
 - Impacts to vehicles exiting side streets onto Belmore Road through increased queuing and reduced visibility caused by parked cars
 - Impacts to 302/304 busses travelling along Belmore Road and the bus stop at the front of the site.
 - On-street parking is illegal close to bus stops and pedestrian crossings (one located to the east of McColl Road).
 - Traffic safety impacts on the street for vehicles and pedestrians
 - Insufficient staff parking (a number of objectors indicated that 21-32 staff would be required to meet national guidelines)
 - Impacts on residential waste collections.
 - Waste collection procedures for the child care centre
 - No bicycle parking facilities proposed

9.1.2

(cont)

- Landscaping:
 - Tree removal contrary to the VPO2
 - Impacts to nature strip trees, now protected by the SLO9
- Statutory requirements:
 - Inconsistent with the Whitehorse Planning Scheme requirements, in particular, Clause 22.05 Non-Residential Uses in Residential Areas Policy and Clause 52.06 Car Parking
- Non-planning matters:
 - Set an undesirable precedent
 - Construction impacts on traffic flow and on-street parking, and air quality
 - The area has predominantly older residents who do not have young children requiring care, so the facility will not be serving local demand.
 - There are numerous existing child care centres nearby

Consultation Forum

A Consultation Forum was held on 29 March 2018, chaired by Councillor Liu and attended by Cr Barker. The meeting was attended by approximately 27 objectors and three representatives for the applicant attended the meeting.

The Forum allowed the objectors to elaborate on the issues raised in the written submissions. Traffic and on-street parking impacts were the key community concern. Discussions regarding waste collection and storage highlighted a discrepancy in the applicants' submissions, with the applicant advising that waste collection would occur on-site within the basement, which would not be easily accessible to the bin store located at the ground level.

The layout and operation of the basement car park was subject to scrutiny, and the applicant advised that they would accept permit conditions to require linemarking of dedicated pedestrian paths within the basement in order to reduce the potential for conflict between vehicles and pedestrians within the basement, and also the provision of lighting within the car park to maximise visibility.

The need to encourage and ensure that child care patrons utilised the basement car park was also discussed.

In order to maintain and enhance the well-landscaped neighbourhood character, the applicant agreed to conditions requiring landscaping around the proposed building.

In response to the Forum discussion, conditions requiring clarification of waste collection arrangements, pedestrian path linemarking and lighting in the basement, and a parking management plan to encourage use of the basement car park will be included should a permit issue.

Section 57A amendment

On 21 March, 2018, the applicant lodged a Section 57A Amendment to include the proposed tree removal under the Significant Landscape Overlay Schedule 9, and provided additional arboricultural advice to assist with assessment of the proposal in accordance with the new Overlay. There were no alterations to plans incorporated in this amendment.

Referrals

External

VicRoads

Consent, subject to one standard condition.

9.1.2

(cont)

Internal

Engineering and Environmental Services Department

- Transport Engineer

Council's Transport Engineer has noted that the proposal satisfies the Planning Scheme requirement for car parking, but has identified discrepancies between the submitted traffic report and the plans, and raised concern that there is no turning bay for use when the basement car park is full.

- Waste Engineer

Not satisfactory- the proposed waste generation rates and bin numbers do not reflect the likely waste generation. This can be addressed by way of permit conditions should a permit issue as there is sufficient space within the basement to ensure all necessary waste collection requirements are met.

- Assets Engineer

Consent, subject to standard conditions.

Planning Arborist

No objection to the proposed tree removal, and tree protection conditions recommended for retained trees.

Parkswide Arborist

The street tree at 451 Belmore Road should be protected during the construction phase with temporary fencing.

The existing crossover serving 453 Belmore Road is setback 3 metres from the northern street tree (*Lophostemon confertus*) on the McColl Road frontage, and the proposal incorporates the widening of the existing crossover to reduce the setback from the trunk of this tree to 2.2 metres. Council's Parkswide Arborist has stated that this street tree is considered to be a significant tree, in an avenue of *Lophostemons*. The tree displays good structure and good health. It is a tree that is valued within the existing streetscape. The Tree Protection Zone is calculated at 5.6 metres radius. Any excavation within the TPZ of this tree should be undertaken by hand, hydro excavation or air spading. The tree should be retained and protected during the construction phase by temporary fencing.

ESD Advisor

The proposal has been reviewed by Council's ESD Advisor, who stated that the application does not meet Council's ESD standards and has recommended conditions to be included on any planning permit issued to ensure the proposal complies with Council's policies.

Landscape Advisor

Satisfactory, subject to clarification of details for containerised plantings.

DISCUSSION

Consistency with State and Local Planning Policies

Proposed child care centre use

In broad terms, state policy recognises the importance of planning for social, community and physical infrastructure that enables it to be provided in a way that is efficient, equitable and timely. A purpose of the Neighbourhood Residential Zone recognises that non-residential uses such as child care centres that serve local community needs are appropriate, provided they occur in suitable locations.

9.1.2

(cont)

Objectives contained within Clause 11.04-4 (Liveable Communities and Neighbourhoods), Clause 15.01-1 (Urban Environment), Clause 21.06-7 (Non-Residential Uses) and Clause 22.05 (Non-Residential Uses in Residential Areas) stress the importance of ensuring development, and particularly non-residential development, responds to its context and is designed in a way that enhances the neighbourhood character and streetscape of the area.

In terms of Clause 22.05 (Non-Residential Uses in Residential Areas Policy), key objectives of Clause 22.05 (Non-Residential Uses in Residential Areas) include:

- *To make provision for services and facilities demanded by local communities in a way that does not detract from the amenity of the area;*
- *To avoid the concentration of non-residential uses where it would:*
 - *Have off-site effects which are detrimental to residential amenity.*
 - *Create a defacto commercial area.*
 - *Isolate residential properties between non-residential uses; and*
- *To ensure that the design, scale and appearance of non-residential premises reflects the residential character and streetscape of the area.*

The use of the site is partially supported by the policy as the site has an interface with a main road (Belmore Road – Road Zone, Category 1). Whilst the site also interfaces directly with the surrounding residential areas, the size of the land and the scale and presentation of the proposed building provide a development which is considered to be compatible with the scale and character of the surrounding residential area. In this way, the proposal responds to the objectives of this policy and the key decision criteria.

This policy further requires consideration of the ‘need’ for the provision of a non-residential use in a residential area. In this regard, the applicant has advised that there is a shortfall of childcare places in the Mont Albert North area. Whilst several objectors have raised that there are a number of child care options available within Mont Albert North and the surrounding suburbs, it is not the role of the planning process to assess commercial competition. The surrounding residential areas, and existence of primary schools nearby, including Box Hill North and Mont Albert Primary Schools suggests families with children of child care age are part of the local demographic.

Population statistics and trend projections indicate that the current number of children in the municipality aged 0-5 years of age is 9,105 (based on 2016 ABS data). That figure is forecast to increase by 1,471 or 16.2% over the next 10 years. About 4,000 children attend centre based child care services representing a coverage rate of 44%.

An expected increase in the supply of new larger sized child care centres over the next 5-10 years will likely result in the rationalisation of smaller, older and less cost efficient child care centres (9 centres are identified in this category representing a total of 370 places). There are 18 applications for new child care centres (representing a capacity of 1,885 additional places) in the municipality that have been either approved and under construction, approved and awaiting construction or awaiting a decision for approval. Overall a significant net increase in childcare places is predicted. If realised, this will lead to an improvement in community access to child care centres across the municipality with the child care coverage rate increasing from 44% to 60% over the next 10 years.

In addition, information sourced from independent property advisory firm Charter Keck Cramer included the following population demand and childcare centre supply analysis:

The Charter, Keck Cramer report into the childcare sector concluded that the demand for long day care centres is driven by a number of demographic and economic factors including population growth in the target cohort age, an increase in the female labour force participation rate and a corresponding increase in the child participation rate (percentage of children attending centre based child care). The report found that between 2012 and 2017 there was a 29% increase in the number of additional centres in Victoria. It stated that in considering the growth in supply it is important to factor in that new centres are also replacing or rendering older centres obsolete and uncompetitive.

9.1.2

(cont)

The predominant criterion for assessment, other than the policy context, relates to the potential for any off-site amenity impacts on the surrounding residential context.

The purpose (as relevant) of the Neighbourhood Residential Zone states:

- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

It is considered that the use of the land for a child care centre on the subject site is considered appropriate given its surrounding context (explained in greater detail below under 'design and built form'). The use is compatible with residential uses (responding to the purpose contained within the NRZ) insofar as the purpose of a child care centre is to service the needs of the families residing within in and around the locality. It is not uncommon for child care centres to be located within residentially zoned land, rather than commercially zoned land. Importantly, the site also has a frontage to Belmore Road, which is a larger feeder road, with a different residential context that can support non-residential uses.

The following discussion will consider the merits of the proposal against the abovementioned criteria.

Design and Built Form

Policy objectives, under 'Design' of Clause 22.05 (Non-Residential Uses in Residential Areas) include:

- *Existing residential buildings are encouraged to be retained and converted to suit the use in preference to a purpose-built premises.*
- *The design, scale and appearance of the non-residential use are encouraged to harmonise with the housing styles and general character of the area.*
- *Front setbacks are encouraged to be consistent with abutting residences.*

Whilst the Neighbourhood Residential Zone states:

- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*

In considering the policy objectives, both within Clause 22.05 and the Neighbourhood Residential Zone, the context of the site and its immediate surrounds must be taken into account.

To the south of the site, Belmore Road is a Road Zone, Category 1 that separates the site from properties to the south. The proposed two storey childcare centre building will have a varied setback to Belmore Road of between 4.2 and 9 metres, with this setback to be utilised for landscaped play areas. The adjacent dwelling to the west includes a carport setback a minimum of 4 metres from Belmore Road, and in this context the proposed 4 metre front setback is appropriate, noting that the proposed building is set at an angle to Belmore Road, and the average front setback is approximately 6.5 metres. The proposed upper level is setback a minimum of 8.5 metres from Belmore Road.

A row of existing trees located at the south-east corner of the lot along the Belmore Road frontage are proposed to be retained, which will provide some immediate softening of the front façade. There is not anticipated to be any visual amenity detriment to the Belmore Road interface nor will the proposed building be incongruous with the preferred neighbourhood character at this interface.

The proposed building presents a setback to the McColl Road frontage (to the east) of 4 metres at the ground level, which exceeds the 2-3 metre setbacks that would be required for a medium density development in this location. This setback is utilised for pedestrian and vehicular access, with the remaining areas landscaped. As a residential street, like the Belmore Road interface, it is not considered that there will be unreasonable amenity impacts to this public interface.

9.1.2

(cont)

To the north, the subject site abuts No. 1 McColl Road, which includes a driveway and carport along part of the common boundary, a roofed pergola adjacent to the boundary to the rear, and a single storey dwelling with an area of private open space within the rear yard. The proposed childcare centre will be setback 2.9 metres at the ground level and 10.3 metres at the upper level, with the elevated play area extending to within 3.8 metres of the northern boundary. At the ground level, the northern setback is proposed to be utilised as a service area, with water tanks and bin storage provided along this elevation. A stair linking the first floor play area to the ground level is also provided along the north elevation.

There is limited landscaping provided along the north boundary beside the proposed childcare centre building, with a hedge of shrubs with mature heights of 2.5 metres proposed. The treatment of the northern elevation and setback is considered acceptable, as it provides a transition of building heights and forms and sufficient setbacks to ensure that the building form does not overwhelm the adjoining dwelling. There will be no overshadowing impacts to the north.

To the west, the adjoining lot accommodates a two storey dwelling which includes a shed located on the common boundary to the rear of the lot, and a swimming pool in the rear yard. The proposed child care centre building will be setback 7.5 metres from the west boundary at the ground level and 13 metres at the upper level, with the upper level play area extending to within 7.5 metres of the west boundary. The proposed landscape plan offers screen planting within this interface to soften the visual amenity impacts of the built form, including four trees with mature heights of 8-10 metres to be planted in deep soil 2.3 metres wide and clear of the basement car park.

The shadow diagrams demonstrate that the 2.1 metre high acoustic fence on the west boundary will result in an increase in morning shadows to the adjacent lot. The increased shadowing would be compliant with the Requirements of ResCode Standard B21 (Overshadowing Open Space Objective) which can be reasonably used as a guideline in this instance (in the absence of other methods). The sensitive rear secluded private open space will not be overshadowed.

Therefore, the decision guidelines contained at Clause 32.09-12 become the relevant assessment criteria, which requires Council to consider: *In the local neighbourhood context:*

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

The proposed childcare centre will be clad with composite cement sheeting that has an appearance similar to weatherboards, which is consistent with the cladding of the adjacent dwelling to the north. The proposed pitched roof form echoes the forms of many surrounding dwellings, however it is noted that there are some flat roofed dwellings in the vicinity, notably adjacent to the west. In order to reduce the urban heat island effect, the roof will be required to be a light colour.

The Neighbourhood Residential Zone Schedule 2 allows front fences of main roads to be up to 1.8 metres in height, so the proposed 1.8 metre high front fence to Belmore Road is acceptable. The use of metal picket fencing maintains an open frontage setback that allows for views to the landscaped play areas that surround the child care centre.

9.1.2

(cont)

On balance, it is considered that the proposed childcare centre is compatible with the surrounding neighbourhood context as the building scale and presentation reflect the size and cladding materials of the surrounding dwellings, the site will be landscaped in keeping with the context and the use will serve a community need and facilitate social connection. Loading, car and bicycle facilities will be considered below.

Tree Removal/Impacts

Two trees (Trees 4 and 26) require planning approval to remove under the VPO2. The application proposes removal of six trees protected under the Significant Overlay Schedule 9 and buildings and works within 4 metres of 14 protected trees, as summarised in the table below:

| Tree No. | Height/DBH | Protected? Yes/No | SLO9 Trigger |
|---|------------|----------------------|--|
| 1 <i>Jacaranda mimosifolia</i> | 8m | Yes | Remove |
| 2 <i>Eucalyptus leucoxylon</i> | 5m | Yes | Adjoining lot- drainage works within 4m |
| 3 <i>Pittosporum undulatum</i> | 6m | Yes | Adjoining lot- basement works within 4m |
| 4 <i>Corymbia ficifolia</i> | 8m | Yes | Remove |
| 5 <i>Cercis siliquastrum</i> | 3m/DBH 9cm | No | N/A |
| 6 <i>Quercus palustris</i> | 15m | Yes | Street tree- front fence within 4m |
| 7 <i>Platanus orientalis</i> | 6m | Yes | Street tree- front fence within 4m |
| 8 <i>Nerium oleander</i> | <5m | No | N/A |
| 9 <i>Pittosporum eugenioides</i> | 7m | Yes | Remove |
| 10 <i>Hakea salicifolia</i> | 5m | Yes | Works/front fence within 4m |
| 11 <i>Hakea salicifolia</i> | 5m | Yes | Works/front fence within 4m |
| 12 <i>Hakea salicifolia</i> | 5m | Yes | Works/front fence within 4m |
| 13 <i>Hakea salicifolia</i> | 5m | Yes | Works/front fence within 4m |
| 14 <i>Hakea salicifolia</i> | 5m | Yes | Works/front fence within 4m |
| 15 <i>Hakea salicifolia</i> | 5m | Yes | Works/front fence within 4m |
| 16 <i>Acer palmatum</i> | 5m | Yes | Works/front fence within 4m |
| 17 <i>Lophostemon confertus</i> | 8m | Yes | Street tree- front fence within 4m |
| 18 <i>Lophostemon confertus</i> | 9m | Yes | Street tree- front fence and crossover within 4m |
| 19 <i>Camellia sasanqua</i> | <5m | No | N/A |
| 20 <i>Camellia japonica</i> | <5m | No | N/A |
| 21 <i>Pittosporum undulatum</i> | <5m | No | N/A |
| 22 <i>Acacia implexa</i> | 5m | Yes | Remove |
| 23 <i>Rhododendron arboretum</i> | <5m | No | N/A |
| 24 <i>Camellia japonica</i> | <5m | No | N/A |
| 25 <i>Camellia sasanqua</i> | <5m | No | N/A |
| 26 <i>Pittosporum undulatum</i> | 8m | Yes | Remove |
| 27 <i>Acmena smithii</i> | 7m | Yes | Remove |
| A - Identified by Council's Arborist- a row of <i>Callistemon viminalis</i> located on the adjoining lot to the west close to the north-west corner of the subject site | >5m | Yes | Adjoining lot- basement works within 4m |

9.1.2

(cont)

Council's Planning Arborist has assessed the tree removal and impacts to trees on the subject site and adjoining residential lots, and has not raised any concerns, subject to the provision of tree protection measures.

Council's Parkswide Arborist has reviewed the proposed impacts to street trees and advised that Tree 18, located to the north of the extended crossover to McColl Road, could potentially be impacted, as the new crossover is proposed to be constructed 0.8 metres closer to Tree 18 than the existing crossover. Further arboricultural investigation, such as a root investigation, will be required to be undertaken and reviewed by Council's Parkswide Department in order to determine a location for the proposed crossover that does not detrimentally impact on the health of Tree 18, and the plans amended accordingly.

Car Parking

Parking policy and requirements applicable to the development are specified in Clause 52.06 (Car Parking) of the planning scheme. In accordance with Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority.

A childcare centre requires 0.22 car spaces per child, requiring 28 car spaces for the 128 children proposed. A total of 31 car parking spaces are provided which is a surplus of 3 spaces.

Therefore the proposed child care centre provides adequate car parking in accordance with the requirements of Clause 52.06 (Car Parking). The site is located on an arterial road (Belmore Road) and traffic generation was not a concern to Council's Transport Engineers or VicRoads.

Clause 22.05-3 states that it is policy that:

- *Adequate provision is encouraged for on-site staff and visitor parking.*
- *Parking areas are encouraged to maximise usage and to minimise on-street parking.*
- *Parking is discouraged at the front of the site.*

The provision of a basement car park limits the visibility of car parking within the site, and allows for landscaped front setbacks to be provided in keeping with the residential character of the area.

It is acknowledged that car parking and traffic are significant issues raised by objectors. Council's Transport Engineer has noted that the proposal satisfies the Planning Scheme requirement for car parking, but has identified discrepancies between the submitted traffic report and the plans- in particular:

- The column between car spaces 19 and 20 is encroaching into No.19 parking bay, and this column must therefore be repositioned clear of space 19 and placed in accordance with the requirements of 52.06-9 Diagram 1 of the Planning Scheme.
- The ramp grade between the property boundary to the first 1:10 ramp is not shown on the plans. The applicant has advised that this grade is approximately at a grade of 1:12.5, and this must be annotated on the plans.
- The traffic report does not indicate how vehicles will turn around when the basement car park is full. The applicant has advised that there is sufficient space for a waste collection vehicle (and therefore a car) to turn around within the basement car park, however this does not satisfactorily address the circumstance where there is a back log from other vehicles entering, and options for a three point turn may be limited. In order to address this, the addition of a turning bay at the southern end of the basement car park will be required as well as the provision of an electronic indicator at the car park entrance showing the number of available car spaces at any time.

9.1.2

(cont)

One of the key concerns raised by objectors is the potential for the proposal to exacerbate existing traffic congestion in the area. Council's Transport Engineer has confirmed that the streets in the vicinity of the subject site experience some congestion, however this is not currently at a level where additional traffic management measures are required. Whilst the proposal has the potential to increase the vehicle movements in the area, it is considered that the additional vehicle movements will be sufficiently staggered over several hours of the morning and evening peaks that the increased traffic movements will be able to be satisfactorily accommodated by the surrounding street network.

It is further noted that VicRoads have been provided the opportunity to raise concerns about this proposal, however they have not identified concerns.

Bicycle Parking

The bicycle parking requirements for the subject site are identified in Clause 52.34 of the Whitehorse Planning Scheme. The Planning Scheme does not specifically refer to parking requirements for child care centres and therefore no bicycle parking is required.

However, it is noted that the plans demonstrate the provision of 10 bicycle spaces within the basement car park.

Amenity

Noise

A further amenity consideration is that of noise. Many VCAT decisions have viewed noise emanating from child care centres as being reasonable within a residential area and particularly accepted as a necessary trade-off in providing community facilities. The Tribunal decision of *Petzierides v Hobsons Bay CC (Red Dot) [2012] VCAT 686 (28 May 2012)* identifies that whilst the noise of children playing is reasonable, this does not mean that a centre can obviate the need to act responsibly and appropriately by not ensuring any noise impact is of an acceptable level.

The applicant provided an Acoustic Report with this application, which states that the proposed childcare centre will generally comply with the Association of Australian Acoustical Consultants Child Care Centre Noise Assessment Technical Guideline play criterion at the nearest residential properties, provided 1.8 metre high acoustic fencing is provided to the play areas at ground and first floor levels. Waste collection and delivery times are in accordance with the EPA Noise Control Guidelines (the submitted Waste Management Plan requires weekly private bin collection from the kerbside). The report concluded that the proposed childcare centre presents a low risk of exceeding the requirements of State Environment Protection Policy (Control of Noise from Commerce and Industry) No. N-1.

The submitted plans show the required acoustic screening. On this basis, it is considered that the potential acoustic impacts to the surrounding dwellings from the proposed child care centre, including the ground and first floor play areas, will not be unreasonable, and a condition will be imposed to ensure that the appropriate acoustic barriers are installed in accordance with the Acoustic Report.

Overlooking

It is noted that there is an outdoor play area at upper level, which is provided with clear 1.8 metre high acoustic fencing around its perimeter. Since there are potential overlooking issues onto the adjoining properties within 9 metres to the north and west from this play area, it is considered that a condition of permit, should one be granted, will be included to require the upper level acoustic fencing to be obscure glazed, without compromising the acoustic screening properties of this barrier.

9.1.2

(cont)

Advertising Signs

Clause 22.02 Visual Amenity and Advertising Signs Policy recommends that the quantity of signs in residential areas is kept to a practical minimum and that signs are designed with regard to the character and amenity of the area. It is noted that business signs are encouraged to have a maximum area of 2m². The proposal incorporates two non-illuminated business identification signs which are proposed on the east elevation in proximity to the pedestrian and vehicle entrances to the site.

A text panel "littlelearningschool.com.au" (approximately 2.5m²) above the car park entrance consists of black text over the building façade and is a relatively unobtrusive addition to the building façade.

A 1.44m² sign is proposed to be fixed to the wall beside the pedestrian entrance, and the coloured logo "Little Learning School" will be a small feature in comparison to the overall scale of the east elevation, and is considered to be an appropriate size, scale and location for a business identification sign. Although the overall area of the proposed advertising signs (3.94m²) exceeds the recommended signage size within a residential area, it is considered that the proposed non-illuminated signs are appropriate to the scale and character of the proposed building and Child care centre use, and will not undermine the residential character of the area.

Objectors Concerns not Previously Addressed

- Odour from bins impacting on adjacent residents

A Waste Management Plan will be required should a Permit issue.

- Poor access to northern light for the proposed building.
- The proposed building incorporated insufficient sustainability measures.

The applicant has submitted a sustainability assessment, which provides a broad energy efficiency assessment that includes daylight access. Overall, the building will be required to meet Council's sustainability benchmarks, should a Permit issue.

- The play space to the west of the proposed building will be in shadow for much of the day.

The childcare centre operators can manage play space access times and locations to provide appropriate levels of sun and shade for children.

- Building turns its back on Belmore Road, whereas the building should have the front entrance and sense of address to Belmore Road

The proposed building has a residential character and scale, and provides landscaping and habitable room windows facing Belmore Road. There is no requirement for the front door to be located on the main road frontage, and VicRoads would not support vehicle access from Belmore Road.

- Car spaces on site are too narrow to allow parents to unload children.

There is no requirement in the Planning Scheme for wider car spaces to be provided to childcare centres, and it is noted that parking within standard car spaces is a normal circumstance for parents/carers and does not represent an unsafe arrangement.

- Separate entry and exit to the car park should be provided.
- Cars can't exit in a forwards direction

The access ramp to the basement car park provides for two-way traffic flow.

- Parents are unlikely to use the basement carpark and will park on street

Sufficient car parking is provided on-site with direct access into the centre via a lift. Basement car parking is becoming a common feature in modern child care centres and many other buildings. Those parents that will become frequent users can be reasonably expected to acquaint themselves with the operation of the basement car park.

9.1.2

(cont)

- Impacts to 302/304 busses travelling along Belmore Road and the bus stop at the front of the site.

The proposal incorporates the removal of one existing crossover to Belmore Road in the vicinity of the bus stop, which is anticipated to improve access to the bus stop.

- Insufficient staff parking (a number of objectors indicated that 21-32 staff would be required to meet national guidelines)

The Planning Scheme does not regulate the number of staff required to be provided for the number of children as part of an application for a child care facility; such requirements are regulated through national guidelines. The scheme however, does factor into the carparking ratio for a child care centre use, the carparking requirements for staff and parent drop off/pick up. In this circumstance, more than the necessary number of parking spaces is provided.

- Impacts on residential waste collections.

The proposed childcare centre will have its waste privately collected.

- Set an undesirable precedent

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

- Construction impacts on traffic flow and on-street parking, and air quality

A Construction Management Plan will be required should a permit issue, and the land owner will be required to meet relevant Building and EPA regulations regarding construction practices to ensure these impacts are mitigated.

CONCLUSION

The proposal for use and development of a child care centre and associated alteration of access to a road in a Road Zone Category 1, tree removal and display of business identification signs is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, and the Neighbourhood Residential Zone. It is considered that the proposal is capable of providing a meaningful contribution to the supply of community infrastructure in the municipality, offering a complementary non-residential land use which will not prejudice the amenity of the locality.

A total of 37 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 Decision Plans [↗](#)

Engineering and Environmental

9.1.3 State Government TAKE2 Pledge Program to Support Action on Climate Change

FILE NUMBER: 18/54281

SUMMARY

TAKE2 is the Victorian State Government collective climate change pledge initiative to reach the State target of zero net greenhouse gas emissions by 2050, and keep the global temperature rise under two degrees Celsius. TAKE2 supports Victorian individuals, businesses, government, educational and community organisations to take meaningful action to reduce the impacts of climate change.

The State Government is calling on Victorian Councils to make a voluntary pledge to continue taking actions to reduce greenhouse gas emissions as a contribution towards the State emissions target. Making the TAKE2 pledge will showcase Council's commitment to taking action on climate change. By publically demonstrating leadership on this issue, Council can help to communicate the importance of taking action on climate change to our community.

This pledge program is in line with Council's Sustainability Strategy (2016 – 2022) and various other Council plans and policies, therefore it is recommended that Council makes the TAKE2 pledge, as part of Council's ongoing commitment to reducing greenhouse gas emissions.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Cutts

That Council:

- 1. Makes the TAKE2 pledge and participates in the Victorian Government's TAKE2 program, including registering examples of the actions that Council is taking on climate change on the TAKE2 website; and***
- 2. Takes relevant actions to reduce the impacts of climate change and promotes its involvement in the TAKE2 pledge program to the community.***

A Division was called.

Division

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

On the results of the Division the motion was declared CARRIED

9.1.3

(cont)

BACKGROUND

At the 2015 United Nations Climate Change Conference in Paris, 195 nations including Australia agreed to keep the global temperature rise under two degrees Celsius. The Victorian State Government led by the Department of Environment, Land, Water and Planning (DELWP) have implemented the TAKE2 collective pledge initiative to collectively take action on climate change, to help Victoria reach the new state target of net zero greenhouse gas emissions by 2050. This target is in line with the Paris commitment and is consistent with the climate science forecasts that it is necessary to contain global temperature rise to below 2 degrees.

TAKE2 is a Victoria-wide pledge initiative for State Government, businesses, local Councils, community, educational organisations and individuals to reduce emissions and help set Victoria on the path to achieve the 2050 target. TAKE2 will recognise and showcase the leadership being shown by Victorian local governments who are already taking action every day. *Appendix A* outlines the key features of the TAKE2 pledge program.

The State Government is calling on Victorian Councils to make a pledge to represent the actions they are currently making to reduce greenhouse gas emissions, and support the State emissions target.

The majority of Victorian Councils have already signed up to TAKE2 with only 7 out of 31 metropolitan Councils yet to sign up. The Eastern Alliance for Greenhouse Action (EAGA), of which Council is a member, along with other Victorian Greenhouse Alliances have joined the TAKE2 program. Within the Whitehorse municipality, 5 businesses, 4 community organisations, 2 schools, 242 individuals and families in the Whitehorse municipality have made a TAKE2 pledge to date (see *Appendix C* for a list of these local organisations).

The TAKE2 pledge is:

'Working together we pledge to play our part and take action on climate change for Victoria, our country and our planet'

Further information on TAKE2 is available on the State Government website

<https://www.take2.vic.gov.au/>

DISCUSSION

The climate change commitments that Council has already made in its *Sustainability Strategy (2016 – 2022)* already satisfy or will satisfy many of the possible actions that Council can register in the TAKE2 program. Other possible pledge actions are already being implemented by Council under various Council policies, plans and strategies. Actions that are not currently undertaken by Council can inform Council on possible future direction for continued climate change action by Council. There is no obligation for Councils to undertake additional actions as part of the TAKE2 program, however the opportunity is there for Councils to indicate climate change actions that they may take in future.

A list of possible TAKE2 local government pledge actions is available in *Appendix B* to this report. Actions relevant to Council on this list have been marked as 'Done', 'Doing' or 'Will do?' according to current Council commitments or Sustainability Strategy objectives. Actions marked 'Will do?' are either currently being considered or have recently been granted Council approval but works are yet to commence.

Some of the 'Will do' actions include implementing the accelerated energy-saving measures indicated in the recent Council report regarding Council's updated approach to becoming carbon neutral, funded by Council's proposed new Energy Management Fund.

9.1.3

(cont)

By pledging its support, Council will demonstrate climate change leadership to our local community and communicate the work that Council is already doing to address climate change. Additionally, it provides an opportunity to build relationships with organisations and community groups who have pledged and to potentially work with them as part of engaging with the wider community about climate change.

The State Government has a number of funding opportunities available in the areas of Sustainability, Environment and Waste Management. Demonstrating that Council has made the TAKE2 pledge may assist in some grant funding applications for climate-related projects.

Taking the pledge involves completing an online form and once completed, organisations will receive updates and tips on their climate change actions. The only further action required by Council once signed up to the TAKE2 pledge is to show an ongoing commitment to climate change action.

Council's commitment is already being actioned through its *Sustainability Strategy (2016 – 2022)* and various other Council plans, strategies and policies (refer to the list in the Policy Implications section of this report). Local government has typically responded to climate change in a pro-active and grass-roots manner, well ahead of actions taken by successive Victorian Governments, so committing to the TAKE2 pledge is really 'business as usual' for Council.

Council can withdraw from the Pledge at any time if there is a change in alignment with Council policy.

CONSULTATION

Not applicable

FINANCIAL IMPLICATIONS

There are no additional cost implications in signing up for the Victorian Government's TAKE2 program and making a pledge to take action on climate change. It is envisaged that Council will continue to fund actions on climate change at its current and proposed levels, in line with the delivery of existing endorsed Council strategies and plans.

There is also the potential to attract more Victorian Government funding for climate-related programs or projects if Council makes the TAKE2 pledge.

The funding for implementing Council's climate-change related actions if Council makes the TAKE2 pledge is already allocated annually through Council's usual operational and capital works budgets. Annual expenditure varies subject to funding constraints and the relevant priority programs and projects for that particular year in the Council Plan, the Sustainability Strategy and other climate-related Council strategies and plans.

Any climate change actions will be taken within existing budget limits.

9.1.3

(cont)

POLICY IMPLICATIONS

TAKE2 encourages businesses, Councils and the community to reduce their greenhouse gas emissions to help to reach the Victorian State Government target of net zero emissions by 2050.

Actions to reduce Council's energy consumption and greenhouse emissions are consistent with objectives and actions in the following Council plans, policies and strategies:

- Council Plan 2017-2021
- Sustainability Strategy 2016 – 2022
- Climate Change Adaptation Plan 2011
- Whitehorse Planning Scheme C22.10 Environmentally Sustainable Development policy
- Fleet and Vehicle Safety Policy
- Biodiversity Strategy
- Urban Forest Strategy for Council Managed Land (Draft)

9.1.3 (cont)

Appendix A TAKE2 FACT SHEET

TAKE2 FOR LOCAL GOVERNMENT

TAKE2 is Victoria's collective climate change action to help Victoria reach net zero greenhouse gas emissions by 2050. At the 2015 United Nations Climate Change Conference in Paris, 195 nations, including Australia, agreed to keep the global temperature rise under two degrees.

Many of Victoria's Local Governments have been climate change leaders in their local communities for years, working towards or even achieving net zero greenhouse gas emissions. As well as tackling their organisational emissions, many have also worked to influence local community members to do the same.



Why should Local Governments TAKE2?

- You could get access to ground breaking climate change work other Local Governments are involved with.
- By participating in TAKE2, you can promote your Council's climate change efforts and further improve its reputation.
- You could lower your organisational operating costs.
- If your Council is a climate change leader, it will have a lot to offer other organisations through TAKE2.
- Unchecked, the environmental impact of climate change will affect all areas of life.
- It's the right thing to do.

How can Local Governments TAKE2?

Go to take2.vic.gov.au and make the TAKE2 pledge.

Then decide what actions your Local Government is taking already and/or will take in the future to reduce its emissions. You'll be able to select listed actions or outline your own ideas as part of the registration process.

Some examples include:

- Undertake an energy inventory and develop a reporting process.
- Develop and implement a Council building energy efficiency capital works program.
- Develop a renewable energy implementation plan.
- Introduce a kerbside organic waste collection program.
- Encourage staff to TAKE2.
- Promote Council's environmental programs to the community.
- Give residents guidance on environmental design and retrofits.

Once you've committed to actions, get started. You can share your Local Government pledge through take2.vic.gov.au and via your Local Government website and social media channels so your community knows you are acting on climate change.

What's next?

You will receive regular updates and tips. You can continue to update your climate change actions and hear how others are playing their part.

Victoria can help keep the temperature rise under two degrees, as long as we all act, together.

 Like us on Facebook @TAKE2Pledge

 Follow us on Twitter @SustainVic

The TAKE2 pledge

Working together, we pledge to play our part and take action on climate change for Victoria, our country and our planet.

TAKE2 take2.vic.gov.au

 Sustainability
Victoria

 VICTORIA
State Government

9.1.3 (cont)

Appendix B

TAKE2 for Local Government

Signing your Council up to TAKE2 will help Victoria reach net zero emissions by 2050.

Below are TAKE2 actions your Council can take to combat climate change. This list will help you plan your greenhouse gas emissions reductions. Once you have decided what you will do, go to the TAKE2 website and select your actions. Then you will be part of the TAKE2 community and can share your climate change efforts with others.

| Sector | Category | Action | ✓ |
|------------------|----------------------------------|--|---|
| Local government | Energy efficiency | Undertake an energy inventory and develop a reporting process | Done |
| | | Develop a climate policy | Done |
| | | Set a science based emissions reduction target | Done |
| | | Set minimum energy efficiency standards for constructing, renovating and maintaining Council-owned buildings | Done |
| | | Develop and implement a program to address energy efficiency in reactive maintenance | Done |
| | | Develop and implement a council building energy efficiency capital works program | Done |
| | | Ensure Council's building management systems (BMS) maximise energy performance | Doing |
| | | Upgrade heating, ventilating and air conditioning (HVAC) in Council-owned buildings | Doing |
| | | Change street lighting to LED (residential and council-managed roads first, then change main road LED street lighting) | Will do? |
| | | Enter into an energy performance contract (EPC) | Will do? |
| | Renewable energy | Establish a policy for Council's own new builds to have energy efficiency and renewable plans | Done |
| | | Develop a renewable energy implementation plan | Done |
| | | Set a renewable energy target for Council | Done |
| | | Buy renewable energy | Done |
| | | Investigate microgrid opportunities | Will do? |
| | | Review renewable energy options for aquatic centres | Doing |
| | | Install solar photovoltaic on buildings that can support the technology | Will do? |
| | | Trial or install battery storage | Will do? |
| | Emissions offsets | Find innovative market solutions for investment in renewable energy contracts | Doing |
| | | Assess and monitor Council's carbon emissions | Doing |
| | | Have carbon emissions independently verified | Will do? - as per Carbon Neutral report |
| | | Buy carbon offsets for air travel | Will do? - as per Carbon Neutral report |
| | Strategic and statutory planning | Buy carbon offsets for business emissions | Will do? - as per Carbon Neutral report |
| | | Get carbon neutral accreditation through National Carbon Offset Standard and promote through the Carbon Neutral Network | Will do? - as per Carbon Neutral report |
| | | Work with developers to improve local development standards | Done |
| | | Investigate opportunities for low carbon growth planning in new developments | Doing |
| | | Map climate change hazards for Council assets and the municipality | Done |
| | | Develop guidelines for solar photovoltaic and solar hot water installations | Done |
| | | Develop an ecologically sustainable development (ESD) policy planning amendment to the local planning scheme | Done |
| | | Train planning staff to effectively apply ESD principles | Done |
| | | Conduct on-site ESD inspections for developments once built | Doing |
| | | Work with other councils to adopt a standard for ESD policies in planning schemes | Done |
| | Transport and fleet | Assess planning applications with the Council Alliance for a Sustainable Built Environment's (CASBE) Built Environment Sustainable Development Scorecard | Doing |
| | | Assess fleet management to identify fuel efficiency opportunities | Doing |
| | | Train staff in fuel efficient driving techniques | Doing |
| | | Encourage staff to use public transport for work-related travel by offering MYKI cards | Done |
| | | Provide staff facilities for active travel including cycling, running and walking | Done |
| | | Provide bicycles to staff for work travel | Doing |
| | | Build more dedicated cycling paths | Doing |
| | | Construct more on-road cycling lanes | Doing |
| | | Buy low emissions vehicles for Council's passenger fleet | Done |
| | | Investigate fuel/vehicle options for Council's heavy and commercial vehicles | Doing |
| | Waste | Investigate opportunities to install electric vehicle recharge infrastructure | Doing |
| | | Develop or update municipal waste management and resource recovery strategy | Doing |
| | | Identify and set internal waste reduction targets | Doing |
| | | Educate staff to better manage waste | Doing |
| | | Install separate bins for landfill, co-mingled, soft plastics, organics, e-waste and light globes in council-managed buildings | Doing |
| | | Reduce contamination in kerbside waste collection | Doing |
| | | Introduce a kerbside organic waste collection program | Done |
| | | Introduce a recycling system for public places | Doing |
| | | Identify opportunities to turn waste to energy | Doing |
| | | Promote 'Detox your Home' mobile collections and permanent drop-off sites to your community | Doing |
| | Natural and urban environment | Map local biodiversity | Doing |
| | | Develop a biodiversity plan that considers climate change threats, impacts, opportunities, and actions | Done |
| | | Develop an urban heat island plan | Doing |
| | | Develop an urban forests strategy | Doing |
| | | Develop an integrated water cycle management plan that considers climate change threats, impacts, opportunities, and actions on biodiversity | Doing |
| | | In regional areas, investigate how climate change could impact agriculture and sustainable land use | Doing |
| | | Develop an incentive program to encourage land owners to protect and enhance biodiversity | Done |
| | | Develop a tree inventory and management system to assess health, future planting options and canopy cover | Doing |
| | | Engage the community on how climate change will affect future vegetation selection and planting in the municipality | Done |
| | | Develop biolinks across the municipality | Doing |
| | Purchasing and contracting | Develop a sustainable procurement policy including guidance on environmental evaluation criteria | Doing |
| | | Do a spend analysis and identify opportunities for a sustainable procurement plan | Done |
| | | Set targets for sustainable green spends | Done |
| | | Monitor and report on targets | Doing |
| | Culture and leadership | Include environmental evaluation criteria in quotes and tenders | Will do? |
| | | Encourage staff to TAKE2 | Will do? |
| | | Set up an environment team to identify ways to reduce emissions at work | Will do? |
| | | Help councillors and staff reduce emissions by providing environmental professional development | Will do? |
| | Community | Promote Council's environmental programs to the community | Doing |
| | | Encourage the community to TAKE2 | Doing |
| | | Feature climate change in Council publications | Done |
| | | Establish a community environmental advisory committee | Done |
| | | Give residents guidance on environmental design and retrofits | Done |
| | | Develop a rate rebate scheme for energy efficiency and solar features | Done |
| | | Work with developers to support distributed renewable energy in new developments | Doing |
| | | Support renewable energy bulk-buys for the community | Doing |
| | | Establish an environmental upgrade agreement or rates payback mechanism for commercial buildings | Doing |
| | | Support community owned renewable energy generators and retailers | Doing |

9.1.3
(cont)

State Government TAKE2 pledge program to support action on climate change

Appendix C – List of organisations and community groups in Whitehorse that have already joined the TAKE2 program:

Businesses

MRA Consulting
Oberix Group Pty Ltd
KIG Energy Pty Ltd
Ecosave Pty Ltd
PharmOut

Education

Deakin University
Box Hill North Primary School
Old Orchard Primary School

Community groups

Epilepsy Foundation
Burwood Neighbourhood House Inc.
Clota Cottage Neighbourhood House
Baby Boomers for Climate Change

9.2 INFRASTRUCTURE

9.2.1 Tender Evaluation (Contract 30053) Landscape Construction Services

SUMMARY

Council manages and maintains approximately 590 hectares of open space, including bushland reserves, parks, landscaped gardens, recreation reserves and trails, together with tree-lined residential streetscapes. The ParksWide Department maintains these open space and horticultural assets through a combination of in-house resources and specialist contractors.

This Landscape Construction Services contract on a Schedule of Rates basis for a period of 3 years will commence on 24th April 2018.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Barker

That Council:

- 1. Accept the tender and sign the formal contract document for Contract 30053 for the Landscape Construction Services received from:**
 - a) Knox Maintenance (ABN 64 107 063 838), of 191 Belgrave Gembrook Rd Selby 3159, and,**
 - b) Gavin Lowe (ABN 48 149 994 258), of 2/39 Howleys Road, Notting Hill 3168, trading as UDL Group Pty Ltd.**
- on a Schedule of Rates basis for a period of 3 years commencing on 24th April 2018.**
- 2. Authorise the Chief Executive Officer to award a 2 year extension of this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial 3 year contract term.**

CARRIED UNANIMOUSLY

BACKGROUND

The Council Plan sets strategic directions to 'Maintain and enhance our built environment to ensure a liveable and sustainable city' and 'Protect and enhance our open space and natural environment'.

This contract is for the provision of Landscape Construction Services including earthworks, grassing, planting, path works, furniture, fence and bollard installation, to support in house resources in the delivery of landscape construction services to all of Council's open space including gardens, road reserves, traffic management devices, recreation reserves, bushland areas and general parkland. The current Landscape Construction Services Contract 12019 used for the provision of these services is due to expire on 8th April 2018.

The term of the contract is 3 years commencing on 24th April 2018, with an option to extend the contract for a further 2 years at Council's discretion.

9.2.1

(cont)

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 6th January 2018 and were closed on 25th January 2018. Twelve tenders were received. Of these, five were non-conforming tenders due to a lack of information and/or specified rates. The remaining seven tenders were evaluated.

The Tenders include twelve key activities:

1. General Earthworks
2. Soil Conditioning
3. Cultivation
4. Lawn Grassing
5. Planting
6. Paving and Path Works
7. Furniture Installation
8. Fencing and Bollard Installation
9. Edging and Retaining Wall Installation
10. Mulch
11. Miscellaneous
12. Charge Out Rates

The conforming tenders were evaluated against the following criteria:

- The Tender Offer;
- The Tenderer's qualifications and experience in the provision of similar services;
- The Tenderer's capacity to provide the services; and
- The quality of the Tenderer's work.
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The Tender Offer for the schedule of rates was evaluated using four methods;

- The total cost of all unit rates
- Rates evaluated against specifications of three recently completed Council projects;
 - Bellbird Dell path construction
 - Canterbury Rd landscape upgrade
 - Vermont South Library landscape upgrade
- Rates evaluated against specification for current Council project;
 - Rowland St park development
- Rates evaluated against sample project for services that are most frequently used by Council.

The tenders received from Knox Maintenance, and UDL Group Pty Ltd are considered to provide the best value for money for this Contract.

Both tenderers are experienced in the works to be undertaken. Knox Maintenance and UDL Group have previously carried out similar work for Council, and are on the current Landscape Construction Services Schedule of Rates Panel. Their performance during the current contract has been excellent. All referee reports were favourable.

Engaging these two Tenderers will provide the best financial benefit and allow flexibility of work being undertaken in accordance with Council's scheduled maintenance and Capital Works project requirements.

9.2.1

(cont)

CONSULTATION

All relevant staff within the ParksWide Department, Arts and Recreation Development Department, and Capital Works Department have been consulted in the tendering and recommendation of these services.

The preferred tenderer's business viability has been considered.

FINANCIAL IMPLICATIONS

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

The estimated expenditure under this contract over the initial contract term is \$1,500,000 including GST. This expenditure will increase to approximately \$2,500,000 including GST if the options to extend the contract are exercised.

The costs incurred under this contract will be charged to the relevant recurrent and capital project budgets.

9.2.2 Tender Evaluation (Contract 30057) Receival, Processing and Management of Green Waste and Timber Waste at the Whitehorse Recycling and Waste Centre

SUMMARY

Council provides a wide range of recycling and waste services to the community at the Whitehorse Recycling and Waste Centre. The Centre currently receives around 14,000 tonnes of green and timber waste per year, including branches, grass clippings, weeds, vines, and hard and soft timbers. The service ensures that the green and timber waste can be used as a resource for compost and other mulch related products and saves it from going to landfill.

This report is to consider tenders received for the provision of the receival, processing and management of green and timber waste at the Whitehorse Recycling and Waste Centre and to recommend the acceptance of the tender received from The Trustee for the Johnston Family Trust, trading as Bark King, on a Schedule of Rates basis for a period of 3 years commencing on 1 July 2018 with the option to extend for up to 2 years at Council's discretion and to consider the overall expenditure.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Bennett

- 1. Accept the tender and sign the formal contract document for Contract 30057 for Receival, Processing and Management of Green and Timber Waste at the Whitehorse Recycling and Waste Centre received from The Trustee for the Johnston Family Trust (ABN 49 629 868 816), of 54 Fussell Road Montrose Vic 3765, trading as Bark King, on a Schedule of Rates basis for a period of 3 years commencing on 1 July 2018 with the option for Council to extend for up to 2 years at Council's discretion. The total expected project expenditure including the contract extension period is \$5,108,637, including GST.***
- 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 3 year contract term.***

CARRIED UNANIMOUSLY

BACKGROUND

Council provides a wide range of recycling and waste services to the community at the Whitehorse Recycling and Waste Centre (WRWC). The WRWC currently receives around 14,000 tonnes of green and timber waste per year, including branches, grass clippings, weeds, vines, and hard and soft timbers from residents and the commercial sector. Council charges customers to drop off the green and timber waste to an area that is managed by a contractor. The contractor supervises customers dropping off materials and when there is a sufficient amount of material, they mulch the material and transport it to their site for further processing. The contractor charges Council a rate per tonne to take the materials from the WRWC. The service ensures that the green and timber waste can be used as a resource for compost and other mulch related products and diverting it from landfill.

Council's staff at the WRWC manage the contract and ensure that materials are dropped off to the correct area, a high level of safety is maintained at all times and a high level of customer service is provided.

9.2.2

(cont)

The contractor is responsible for providing all plant, labour, materials and equipment required for the proper and safe receipt, mulching and management of green waste and timber waste coming into the WRWC and the loading and transportation of the material from the WRWC to the contractor's processing facility. This is to be undertaken in accordance with the relevant industry regulations, standards and guidelines. Council currently has a contract for this service that will expire on 30 June 2018.

The term of the contract is 3 years commencing on 1 July 2018, with an option to extend the contract for up to 2 years at Council's discretion.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 20 January 2018 and were closed on Wednesday 7 February 2018. A total of four tenders were received.

The tenders were evaluated against the following criteria:

- The tender offer;
- Relevant experience;
- Capacity to provide the service;
- Methodology; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The preferred tenderer, Bark King has provided the service for the past 9 years to an excellent standard with its performance closely monitored and measured through regular audits, communication and meetings. Bark King has successfully managed the increase in green and timber waste over recent years and met all the occupational health and safety requirements. The tender received from Bark King is considered to provide the best value for money for this Contract.

CONSULTATION

Reference checks were undertaken as part of the tender evaluation. The preferred tenderer's business viability has been considered.

FINANCIAL IMPLICATIONS

The contract for the receipt, mulching and management of green and timber waste at the WRWC is based on a Schedule of Rates. These rates are subject to a CPI adjustment on each anniversary of the contract.

The tender offer was evaluated by multiplying the tendered rate per tonne by the estimated quantity of 14,000 tonnes for the 2018/2019 financial year.

It is estimated that the expenditure under this contract over the initial contract term is \$3,031,336, including GST. This expenditure will increase to approximately \$5,180,637, including GST if the options to extend the contract are exercised.

All costs incurred under this contract will be charged to the relevant recurrent budgets.

Provision of this service provides Council with a financial surplus.

9.2.3 Tender Evaluation (Contract 30045) Litter Bin Collection

SUMMARY

There is an allocation in Council's operational budget each financial year for the collection of litter from public litter bins and recyclable material from public recycling bins. There are 367 public litter bins and 36 public recycling bins throughout the municipality that are collected on a varying frequency depending on demand from once per day to once per week.

This report is to consider tenders received for the provision of litter bin collection services and to recommend the acceptance of the tender received from The Trustee for Wayne Cleaning Service Unit Trust – Wayne Cleaning Systems, trading as Wayne Cleaning Systems Pty Ltd, for the lump sum amount of \$316,059.36, including GST per annum increasing with CPI for 3 years commencing on 1 July 2018 with the option to extend for up to 2 years at Council's discretion and to consider the overall expenditure.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Ellis

That Council:

- 1. Accept the tender and sign the formal contract document for Contract 30045 for Litter Bin Collection received from the Trustee for Wayne Cleaning Service Unit Trust – Wayne Cleaning Systems (ABN 67 145 067 691) of 23 Taylor Street, Thornbury, trading as Wayne Cleaning Systems Pty Ltd, for the tendered amount of \$316,059.36, including GST per annum increasing with CPI for 3 years commencing on 1 July 2018 with the option to extend for up to 2 years at Council's discretion. The total expected project expenditure including the contract extension period is \$1,661,310, including GST.**
- 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 3 year contract term.**

CARRIED UNANIMOUSLY

BACKGROUND

There are 367 public litter bins and 36 public recycling bins throughout the municipality that are collected on a varying frequency depending on demand from once per day to once per week. The litter and recycling bins are installed in various shopping centres, shopping strips, open spaces and public meeting areas throughout the municipality to help keep these areas tidy. Approximately 300 tonnes of litter was collected from public litter bins over the last 12 months. There is no separable data on the quantity of recyclable material that was collected from public recycling bins as it is mixed with the kerbside recycling service.

There are currently separate contractors collecting litter from public litter bins and recyclable material from public recycling bins. The collection of litter from public litter bins is currently a separate contract and the collection of recyclable material from public recycling bins is a variation to the contract for the collection of recyclable material from kerbside recycling bins.

There is a public litter bin next to each public recycling bin. There will be increased efficiencies and improved service levels with one contractor being responsible for the collection of materials from both bins.

This tender evaluation report is for a contract to collect litter from public litter bins and recyclable material from public recycling bins.

9.2.3

(cont)

The materials taken from the litter bin and from the recycling bin are to be kept separate and be taken to separate facilities. The litter is to be taken to Council's Recycling and Waste Centre. The recyclable material is to be taken to the processing facility of Council's recycling kerbside collection contractor, currently Visy in Springvale. The facilities where the materials are to be taken may change throughout the contract period.

The contractor will be responsible to provide the service in an efficient, effective and dependable manner. Services must be performed with maximum regard for the safety of all persons and the preservation of property and amenity. The current contract for the collection of litter bins expires on 30 June 2018.

The contract will be a lump sum per annum that is subject to CPI adjustments. The term of the contract is 3 years commencing on 1 July 2018, with an option to extend the contact for up to 2 years at Council's discretion.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday, 3 February 2018 and were closed on Wednesday 28 February 2018. Four tenders were received.

The tenders were evaluated against the following criteria:

- Financial benefit to Council;
- The tenderer's experience in the provision of similar services;
- The tenderer's capacity to deliver the services;
- The tenderer's quality standards in the provision of services; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The recommended tenderer is Wayne Cleaning Systems Pty Ltd. They have provided the service for the past 7 years to an excellent standard and met all the occupational health and safety requirements with its performance closely monitored and measured through regular audits, communication and meetings. They are well resourced and have promptly attended to contract variations, including additional collections that may be required from time to time.

The recommended tenderer, although not the lowest, has been ranked the highest in the evaluation assessment taking into account criteria about the tenderer's experience, capacity and quality standards. The collection of materials from bins throughout the municipality is complex. There is restricted access to many of the bins and the collection needs to be at suitable times to limit disruption to public areas and to ensure that the truck can be parked close to where the bins are collected. The preferred tenderer was ranked higher by demonstrating in their tender submission their capacity to undertake the services with the adequate resources and methodology.

The tender received from Wayne Cleaning Systems Pty Ltd is considered to provide the best value for money for this Contract.

CONSULTATION

The evaluation was undertaken in consultation with the internal departments of City Works and Engineering and Environmental Services.

The preferred tenderer's business viability has been considered.

9.2.3

(cont)

FINANCIAL IMPLICATIONS

The contract is lump sum per annum increasing with CPI for 3 years commencing on 1 July 2018 with the option to extend for up to 2 years at Council's discretion.

It is estimated that the expenditure under this contract over the initial contract term is \$972,079, including GST. This expenditure will increase to approximately \$1,661,310, including GST if the options to extend the contract are exercised.

There will be a cost saving of approximately \$2,000 per month by having a single contractor collecting materials from both the public litter bins and public recycling bins compared to the current arrangement with separate contractors.

All costs incurred under this contract will be charged to the relevant recurrent budgets.

9.3 HUMAN SERVICES

9.3.1 Whitehorse Reconciliation Advisory Committee

ATTACHMENT

SUMMARY

This report presents information for Council to consider, in regard to the appointment of the new membership of the Whitehorse Reconciliation Advisory Committee 2018-2021. .

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Cutts

That Council endorse the recommended nominations (consisting of community members, groups/organisation representatives and service providers) as listed in the report to participate on the Whitehorse Reconciliation Advisory Committee 2018-2021.

CARRIED UNANIMOUSLY

BACKGROUND

For more than twenty years, Whitehorse City Council has supported the local Aboriginal community and actively participated in reconciliation activities.

Council recognises the special place and culture of Aboriginal and Torres Strait Islander peoples' as the First Australians, valuing their participation in the local community and working in partnership, towards equal life opportunities for all. Whitehorse City Council believes that reconciliation relates to justice, recognition and healing. It's about assisting the community to move forward with a better understanding of the past and how it affects the lives of Indigenous people today and into the future.

Council's commitment to reconciliation is demonstrated through the development of the Whitehorse Reconciliation Action Plan (the Plan), which is now contained in the Whitehorse Health and Wellbeing Plan, as well as convening the Whitehorse Reconciliation Advisory Committee and the many reconciliation activities and initiatives across Council and the community, that Council leads or participates in.

Over many years, a key driver for each of the Whitehorse Reconciliation Action Plans has been the ongoing commitment and work by the Whitehorse Reconciliation Advisory Committees. At the commencement of the development of each new Plan, nominations are sought to form a new Reconciliation Advisory Committee to oversee and provide input into the Plan's implementation, evaluation and future re-development.

DISCUSSION/ OUTCOMES

The purpose of the Whitehorse Reconciliation Advisory Committee is to:

- Provide Council with strategic input on recognition and reconciliation issues relating to initiatives, services, activities, functions and facilities
- Ensure that the Whitehorse Reconciliation Action Plan components of the Whitehorse Health and Wellbeing Plan remains relevant to the local Aboriginal and Torres Strait Islander community, Whitehorse City Council and the broader community

The Committee is chaired by a nominated Councillor with two Council officers (Manager Community Development and the Community Development Officer, Diversity) also participating on the Committee.

9.3.1

(cont)

It is intended that the membership of the Committee is representative of a broad range of experiences and perspectives and is therefore open to individuals and representatives of key stakeholder groups which reflect the widest interests of Aboriginal and Torres Strait Islander people. This includes but is not limited to: Wurundjeri Elders, Indigenous and non-Indigenous peoples, service providers, community representatives, government departments, organisations etc.

Importantly, the Terms of Reference state that membership will be limited to one representative from any one community group or organisation to ensure the broadest possible representation and to attract new Committee members onto the Advisory Committee. As there was more than one nomination from Whitehorse Friends for Reconciliation (WFFR), officers made contact with the group requesting that they put forward their preferred representative. As a result, Sharon Partridge (co-convenor of WFFR) is the representative for WFFR.

The Committee has had stable representation for approximately 10 years. This time around, many of the applications are from people who have not participated previously but are key stakeholders in regard to reconciliation and Aboriginal matters.

Members are selected and appointed by Council to ensure broad and appropriate representation.

The Terms of Reference outline that the Committee can comprise of up to 15 representatives (Refer to Attachment 1). However, an evaluation conducted at the conclusion of the last Committee's term found that 15 representatives, plus Council staff and the Councillor Chair was too large and made decision making difficult.

Fourteen people applied for a position on the Committee and 11 have been recommended to participate and are listed below:

- Iresha Buthgamuwa (Service provider representative)
- Frank Gafa (Service provider representative)
- Tom Jackson (Service provider representative and Indigenous representative)
- Charlotte Little (Local Indigenous resident)
- Margeaux Loos (Service provider representative)
- Anne Makhijani (Community representative)
- Raini Nailer (Service provider representative)
- Sharon Partridge (Whitehorse Friends for Reconciliation nominated representative)
- Eleanor Ravenarki (Community representative)
- Michelle Thompson (Service provider representative)
- Alicia Wheatley (Service provider and local Indigenous resident)

The new Committee will run for a period of four years in alignment with the Whitehorse Health and Wellbeing Plan.

CONSULTATION/ EXPRESSIONS OF INTEREST

In the latter part of 2017, a number of methodologies were implemented to both highlight the Whitehorse Reconciliation Advisory Committee 2018-2021 achievements and to seek expressions of interest for a new Committee.

9.3.1

(cont)

These mechanisms were put into place to ensure that the broader community was aware that Council was in the process of recruiting and electing a new Committee. These included promotion in the Whitehorse News, promotion in local media and libraries, promotion through various professional and internal Council networks, Council's website and support from the Senior Adviser Aboriginal Engagement and Outcomes, Department of Health and Human Services (Inner Eastern Melbourne Area).

Expressions of interest were sought via an application form process and members of the current Committee were also sent information to apply to participate on the new Committee.

FINANCIAL IMPLICATIONS

Council contributes significant financial resources to support the Reconciliation Advisory Committee and Reconciliation activity across Council and the community which includes a component of the salary costs of the Diversity Officer (approximately .2 EFT) as well as other officer representatives on the Committee. This is in addition to financial support for the development and implementation of initiatives contained in the Plan.

In addition, Council supports Reconciliation initiatives such as the annual Flag Raising Ceremony, various events that take place at the Box Hill Community Arts Centre, the Box Hill Town Hall Art Space, Blackburn Lake Sanctuary and through the provision of grants through Councils Community Grants program.

POLICY IMPLICATIONS

The aims of the Committee are consistent with the objectives in the Whitehorse Reconciliation Action Plan, contained in the Whitehorse Health and Wellbeing Plan and the Whitehorse Council Plan.

ATTACHMENT

- 1 WRAC Terms of Reference -2018 [↗](#)

9.3.2 Whitehorse Disability Advisory Committee

FILE NUMBER:
ATTACHMENT

SUMMARY

This report presents information for Council to consider, in regard to the appointment of the new membership of the Whitehorse Disability Advisory Committee 2018-2021.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Ellis

That Council endorse the recommended nominations (consisting of community members, groups/organisation representatives and service providers) as listed in the report to participate on the Whitehorse Disability Advisory Committee 2018-2021.

CARRIED UNANIMOUSLY

BACKGROUND

The inaugural Whitehorse Disability Advisory Committee (WDAC) commenced in 2004-2007, with subsequent committees formed in 2008 and 2012.

The City of Whitehorse Disability Advisory Committee is an advisory committee to Council whose purpose is to:

- Provide Council with strategic input regarding systemic, structural, cultural and social barriers, important to the lives and opportunities available to people with a disability.
- Ensure that the Disability Action Plan, which is now a component of the Whitehorse Health & Wellbeing Plan, remains reflective, responsive and relevant to both the community and Council.

The Terms of Reference states that the Disability Advisory Committee will consist of up to 15 members who work, study, live and or play in the City of Whitehorse. A Councillor Chairs the committee and two Council Officers (Manager Community Development and MetroAccess Officer) also participate on the Committee (Refer to Attachment 1).

It is intended that the membership of the WDAC is representative of a broad range of experiences and perspectives and that the WDAC includes people with a disability, family members, service representatives and community representatives.

DISCUSSION

Members of the Committee have a broad range of skills and knowledge that has contributed to the successful outcomes of past Committees.

The WDAC continues to develop its profile as a resource to Council officers as well as participating in the development and delivery of Council projects. In addition, the Committee has been consulted on a broad range of issues, projects and initiatives over the past five years.

CONSULTATION

Council sought community expressions of interest to participate on the WDAC for 2018-2021 through the local media and networks. Members of the current WDAC were also sent information to submit an expression of interest for the new term.

9.3.2

(cont)

Council have received a total of 12 nominations, 6 returning members and 6 new applicants. All are recommended as members of the new WDAC.

| | |
|--------------------------|---|
| New Members | Charlotte Walker Eleanor Shultz Jane Matthews –Bede Karima Shirzad Marie Kerr Terri Miller |
| Returning Members | Ann-Marie Baker John Van Delft Kathleen de Josselin Maria Wallace Philomena Macdonald Susan Stork-Finlay |

FINANCIAL IMPLICATIONS

The Whitehorse Disability Advisory Committee and other “disability” related activity is developed and implemented through the MetroAccess officer position. This role is funded by the State Government; however, Council also contributes financial resources to support the Whitehorse Disability Advisory Committee as well as the Manager Community Development participating on the Committee. This is in addition to financial support for the development and implementation of initiatives contained in the Plan.

POLICY IMPLICATIONS

The aims of the Committee are consistent with the objectives in the Whitehorse Disability Action Plan contained in the Whitehorse Health and Wellbeing Plan and the Whitehorse Council Plan.

ATTACHMENT

- 1 WDAC Terms of Reference -2018 [↗](#)

9.4 CORPORATE REPORTS

9.4.1 Proposed Budget 2018/19

FILE NUMBER:
ATTACHMENT

SUMMARY

A Proposed Budget for the 2018/19 financial year has been prepared. Under the Local Government Act 1989, Council is required to give public notice that the budget is available for inspection and to consider submissions received in respect of the budget prior to its adoption.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

That Council:

- 1. Approves the Proposed Budget 2018/19 for the financial year, for the purposes of Sections 126 and 127 of the Local Government Act 1989;***
- 2. Pursuant to Section 223 (1)(b) of the Local Government Act 1989 determine that the Special Committee comprising the whole of Council will consider, and if requested, hear any submissions received in relation to the Proposed Budget 2018/19, on Tuesday 12 June 2018 at 8.00 pm at the Civic Centre, Nunawading;***
- 3. Authorise the General Manager Corporate Services to give public notice, in accordance with Sections 129 and 223 of the Local Government Act 1989 that Council has prepared a Proposed Budget for the 2018/19 year, and pursuant to Section 223 (3) to carry out the administrative procedures necessary to enable the Committee to carry out its functions under Section 223 of the Act; and***
- 4. Consider for adoption the Proposed Budget 2018/19 at the Council Meeting on Monday 25 June 2018, after consideration of any submissions received by the Special Committee at its Meeting on Tuesday 12 June 2018.***

CARRIED UNANIMOUSLY

BACKGROUND

A Proposed Budget has been prepared for the 2018/19 financial year in accordance with the requirements of Section 126 and 127 of the *Local Government Act 1989*. A copy of the Proposed Budget 2018/19 is included as an attachment.

DISCUSSION

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

- Balancing the community's needs and ensuring that Council continues to be financially sustainable in the long term.
- Increasing Council's commitment to sustainable asset renewal and maintenance of the community's assets.
- The maintenance of a strong cash position for financial sustainability.
- To achieve efficiencies through targeted savings and an ongoing commitment to contain costs.
- Rate and fee increases that are both manageable and sustainable; and

9.4.1

(cont)

- Providing a framework to deliver balanced budgets including sustainable annual surpluses.

The Proposed Budget 2018/19 incorporates the Annual Plan, Operating Budget, Capital Works Program and Strategic Resource Plan and details the resources required over the next financial year to deliver on year two of the strategic directions in the *Council Plan 2017-2021*.

The Proposed Budget 2018/19 provides \$201 million funding to enable the ongoing delivery of high quality services and the renewal and improvement of community facilities and infrastructure for the benefit of the Whitehorse community. The budget funds a range of community services including health and family services, home and community care, the maintenance of community facilities, parks, gardens, playgrounds, infrastructure, waste and recycling collection, and building and planning services. In addition, the Capital Works Program provides for a sustainable level of funding for the renewal of the community's infrastructure and an investment in major community facilities such as the redevelopment of the Nunawading Community Hub and the Whitehorse Centre.

KEY HIGHLIGHTS OF THE BUDGET

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

- \$15.14 million Sustainability, Waste and Recycling
- \$14.34 million Home and Community Services
- \$12.59 million Leisure Facilities
- \$11.14 million Health and Family Services
- \$10.67 million ParksWide (maintenance of sports fields, parks and gardens)
- \$8.48 million City Works (depot operations, maintenance of footpaths, drains and roads)
- \$7.59 million Planning and Building Services
- \$7.27 million Recycling and Waste Centre
- \$5.81 million Arts and Cultural Services
- \$5.55 million Compliance (Community Laws, parking, school crossings and emergency management)
- \$5.20 million Libraries
- \$4.36 million Engineering
- \$3.89 million Assets and Capital Works
- \$2.56 million Community Development
- \$0.94 million Investment and Economic Development
- \$0.90 million Parks Planning and Recreation
- \$0.53 million Major Projects and Buildings

A \$64 million Capital Works Program comprising:

- \$40.80 million for land, buildings and building improvements
- \$5.86 million for roads, bridges and off street car parks
- \$5.67 million for plant and equipment
- \$4.46 million for parks, open space and streetscapes
- \$3.10 million for footpaths and cycleways
- \$2.38 million for recreational, leisure and community facilities
- \$1.93 million for drainage improvements and waste management

9.4.1

(cont)

KEY PRESSURES AND CHALLENGES

In preparing the Proposed Budget 2018/19, a number of external and internal influences have been taken into consideration because they are likely to impact significantly on the services delivered by Council in the budget period. These include:

- The average rate increase will rise by 2.25% in 2018/19 in line with the order by the Minister for Local Government in December 2017 under the *Fair Go Rates System*
- Negotiations are underway with Council's recycling collection service provider resulting from the impact of China's importation ban on recyclable materials, which may result in an increased cost for recycling collection services.
- Significant price increases are expected for gas and electricity consumption from July in line with current market rates.
- Changing community needs and expectations as a result of an ageing and increasingly culturally diverse population.
- The cost of maintaining Council's infrastructure assets. This is to ensure that infrastructure assets are provided to support services that are appropriate, accessible, responsive and sustainable to the community.
- Cost shifting by other levels of government. Cost shifting occurs where local government provides a service to the community on behalf of the State or Federal Governments. Over time, the funds received by Council do not increase in line with real cost increases.
- An expected further 2.25% increase in the State Government landfill levy to an anticipated cost of \$64.70 per tonne, representing a 619% increase over the past ten years.
- Increasing community expectations for Council to be a leader in environmental sustainability.
- Continuing low interest rates restricting Council's ability to generate earnings on cash and investments; and
- Enterprise Agreement wage increase of 2.3% or \$26 per week, whichever is greater effective from September 2018.

FEES AND CHARGES

Fees and charges have been reviewed with consideration of several influencing factors including full costs, market comparison and an emphasis on accessibility, equity and social justice considerations. The proposed 2018/19 fees and charges will achieve a budgeted income of 2.4% greater than the 2017/18 forecast, in line with Council's LTFF target. Excluding the impact of non-recurring items which include 2016 Council election non-voter fines, the closure of Central Box Hill Children's Services Centre at 31 December 2018, transfer of tenancy of Gowanlea and Combarton Street residents to the Port Phillip Housing Association from 8 February 2018, and income from provision of biennial revaluation data to the State Revenue Office, a 3.0% increase in overall fees and charges has been budgeted.

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

The following analysis provides explanations of significant variances compared to the 2017/18 forecast.

9.4.1

(cont)

Engineering and Environmental Services

A \$273k increase in income is expected which largely relates to the garden green waste collection service (\$212k) in the Sustainability, Waste and Recycling program, with a proposed fee increase of 6.8% to recover the anticipated increase in contract costs. Engineering Asset permit income is also budgeted to increase by \$68k.

Property and Rates

Income is budgeted to increase by \$318k primarily relating to income which the State Revenue Office provides to Council for the provision of biennial municipal revaluation data, which will next be received in 2018/19 (\$257k). A \$36k increase in Watts Street car park income is also budgeted.

Compliance

A \$208k increase in income is expected which primarily reflects a \$180k increase in parking infringement revenue expected due to a combination of increased fine levels set by the State Government and as a result of the extended hours monitoring, which commenced in the current year.

Civic Services

A \$165k reduction in income is budgeted reflecting non-voter fines relating to the 2016 Council election received in 2017/18. No further fines are expected in the 2018/19 year.

Home and Community Services

Home and Community Services income is budgeted to be \$71k lower than the current year projection due to the transfer of tenancy of Gowanlea and Combarton Street residents to the Port Phillip Housing Association from 8 February 2018 (\$125k).

Health and Family Services

Income is budgeted to decrease by \$158k which reflects closure of the Box Hill Children's Services Centre at the end of the 2017 calendar year (\$254k).

Cultural Facilities and Programs

A \$105k increase in income primarily relates to the Box Hill Town Hall (\$73k).

Leisure Facilities

Overall, Leisure Facilities have budgeted a \$298k or 2.8% increase on the current year forecast, slightly better than the LTFP target of 2.5%. Individual facilities with significant variances were as follows:

- Sportlink income shows an increase of \$45k reflecting increases in court hire and newly introduced sports programs
- Aqualink Nunawading income is budgeted to increase by \$67k; and
- Aqualink Box Hill shows an increase of \$135k.

ParksWide

Income is budgeted to increase by \$50k primarily due to an increase in the maximum tree amenity valuation charge from \$15k to \$25k from 1 July 2018.

Recycling and Waste Centre

A \$195k increase in income is expected which relates to the proposed increases in fee levels with budgeted volumes set based on the current trends.

9.4.1

(cont)

CONSULTATION

The Proposed Budget 2018/19 has been carefully prepared following community consultation throughout the year and is guided by priorities outlined in key strategic documents including the *Council Vision 2013-2023*, the *Council Plan 2017-2021*, *Strategic Resource Plan* and other major Council plans and strategies.

Consultations that have informed the development of this Budget include the 2016/17 *Your Say Whitehorse* engagement campaign, the 2017 Community Satisfaction Survey, 2018 Mayoral Community Budget Consultation event, and consultation on various Council strategies and plans.

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

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

Advertisements providing formal notice of the adoption of the Proposed Budget for consultation will be placed in *The Age* on Saturday 28 April 2018 and the *Whitehorse Leader* on Monday 30 April 2018.

It is proposed that Council hear submissions at a Special Committee meeting on Tuesday 12 June 2018 at 8.00 pm in the Civic Centre, Nunawading. The closing date for written submissions will be Sunday 27 May 2018.

Copies of the Proposed Budget 2018/19 document will be made available at Council's Service Centres (Nunawading, Forest Hill and Box Hill), at the four library branches and will be placed on Council's web site.

ATTACHMENT

- 1 Proposed Budget 2018-19 [⇒](#)

Attendance

Cr Ellis left the Chamber at 8.27pm, returning at 8.29pm.

9.4.2 Council Plan 2017-2021 Measures of Success Half Year Report

FILE NUMBER: 18/49574
ATTACHMENT

SUMMARY

This report reviews performance against the strategic Measures of Success outlined in the Council Plan for the half year ending 31 December 2017.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

That Council notes the half yearly report against the Council Plan 2017-2021 Measures of Success for the half year ending 31 December 2017.

CARRIED UNANIMOUSLY

BACKGROUND

Section 131 (3) (a) (ii) of the *Local Government Act 1989* requires Council to provide an assessment of performance against the 24 governance and management checklist items outlined in Schedule 1 of the *Local Government (Planning and Reporting) Regulations 2014* as part of the Report of Operations in the Annual Report. The governance and management checklist measures whether a council has strong governance and management frameworks in place covering community engagement, planning, monitoring, reporting and decision-making. Item 17 of the checklist requires Councils to produce a report reviewing the performance of Council against the Council Plan. This report must include the results in relation to the strategic indicators, for the first six months of the financial year.

DISCUSSION

This report is the inaugural review of performance against the *Council Plan 2017-2021* strategic indicators, our *Measures of Success* for the period July-December 2017. During the development of the *Council Plan 2017-2021*, 74 measures across the five strategic directions were identified.

A significant number of the 74 measures are reported on in existing corporate performance reports such as the Quarterly Performance Report, Local Government Performance Reporting Framework, and the Community Satisfaction Survey results; where this is the case, they have not been duplicated in this report.

Overall Council is in a strong position with the majority of its indicators at December 2017.

9.4.2

(cont)

Highlights include:

- 1I – The Positive Ageing Strategy's Intergenerational Grants Program has seen the completion of all projects and a showcase event in December 2017. 12 schools with nearly 600 children were involved and 6 older person's facilities with over 150 older people involved.
- 2N – Five Council sites were retrofitted with environmentally sustainable design principles: Eley Park, Burgess Family Centre, Slater Reserve, Vermont South Library, and Aqualink Nunawading received LED lighting upgrades.
- 3D – 19,156 indigenous plants were produced by the Whitehorse Nursery; these are indigenous to Whitehorse.
- 4G – 252 corporate training sessions were delivered in the reporting period with a total of 2549 attendees.
- 5C – Strong attendance at Whitehorse Business Week with over 630 participants to six business events.

NEXT STEPS

Section 131 (3)(a)(ii) of the *Local Government Act 1989* requires Council's Annual Report to contain the results, in the prescribed form, of the Council's assessment against the prescribed governance and management checklist.

ATTACHMENT

- 1 Measures of Success - Half Year Report [↗](#)

9.4.3 Surplus Government Land First Right of Refusal

ATTACHMENT

SUMMARY

This report seeks permission to formally respond to the State Government's February 2018 Surplus Government Land First Right of Refusal process relating to VicRoads' owned land located within the City of Whitehorse.

RECOMMENDATION

That Council:

- 1. Authorise the Chief Executive Officer, to draft a formal response for the Mayor, which is to be addressed to the Premier of Victoria, The Hon. Daniel Andrews MP and the Minister for Roads and Road Safety, The Hon. Luke Donnellan MP; advising that the proposed sale of 79 Morack Road, 79A Morack Road, 42-60 Moore Road and 37-43 Moore Road by VicRoads contravenes the commitment given to Whitehorse residents by the then opposition in February 2014.**
- 2. Authorise the Chief Executive Officer to send a copy of the above mentioned formal response to the Member for Forest Hill, Mr. Neil Angus MP, the five Eastern Metropolitan Region members of State Parliament, and the Acting Chief Executive Officer of VicRoads, Ms. Kerry Thompson.**
- 3. Authorise the Chief Executive Officer to draft a formal response for the Mayor, which is to be addressed to the Minister for Energy, Environment and Climate Change; Minister for Suburban Development, The Hon. Liliana (Lily) D'Ambrosio MLA, with a copy addressed to the Secretary of the Department of Environment, Land, Water and Planning, Mr. John Bradley; advising that the proposed First Right of Refusal process dated 26 February 2018 contravenes the 2014 election commitment given to Whitehorse residents, that Whitehorse residents have been waiting since the 2014 State Election for the Healesville Freeway Reserve to become genuine public open space, and that the Morack Public Golf Course 18th tee arrangements need to be formally resolved in a timely manner.**
- 4. Authorise the Chief Executive Officer, to draft a formal response for the Mayor, which is to be addressed to the Planning Minister, The Hon. Richard Wynne MP advising that partial removal of Public Acquisition Overlay (PAO3) as requested by VicRoads on 13 April 2018 will facilitate property disposals which contravenes the commitment given to Whitehorse residents by the then opposition in February 2014.**

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Carr

That Council:

- 1. Authorise the Chief Executive Officer, to draft a formal response for the Mayor, which is to be addressed to the Premier of Victoria, The Hon. Daniel Andrews MP and the Minister for Roads and Road Safety, The Hon. Luke Donnellan MP; advising that the proposed sale of 79 Morack Road, 79A Morack Road, 42-60 Moore Road and 37-43 Moore Road by VicRoads contravenes the commitment given to Whitehorse residents by the then opposition in February 2014.**
- 2. Authorise the Chief Executive Officer to send a copy of the above mentioned formal response to the Member for Forest Hill, Mr. Neil Angus MP, the five Eastern Metropolitan Region members of State Parliament, and the Acting Chief Executive Officer of VicRoads, Ms. Kerry Thompson.**

9.4.3

(cont)

3. ***Authorise the Chief Executive Officer to draft a formal response for the Mayor, which is to be addressed to the Minister for Energy, Environment and Climate Change; Minister for Suburban Development, The Hon. Liliana (Lily) D'Ambrosio MLA, with a copy addressed to the Secretary of the Department of Environment, Land, Water and Planning, Mr. John Bradley; advising that the proposed First Right of Refusal process dated 26 February 2018 contravenes the 2014 election commitment given to Whitehorse residents, that Whitehorse residents have been waiting since the 2014 State Election for the Healesville Freeway Reserve to become genuine public open space, and that the Morack Public Golf Course 18th tee arrangements need to be formally resolved in a timely manner.***
4. ***Authorise the Chief Executive Officer, to draft a formal response for the Mayor, which is to be addressed to the Planning Minister, The Hon. Richard Wynne MP advising that partial removal of Public Acquisition Overlay (PAO3) as requested by VicRoads on 13 April 2018 will facilitate property disposals which contravenes the commitment given to Whitehorse residents by the then opposition in February 2014.***
5. ***Authorise the Chief Executive Officer, to write to the Acting Chief Executive Officer of VicRoads, Ms. Kerry Thompson to advise that the applications for report and consent under section 29A of the Building Act 1993 to demolish buildings on 67 Morack Road, 37-43 Moore Road and 146 Boronia Road, Vermont are premature and that demolition works should be determined as part of master planning for the future parkland by Parks Victoria, and request that the applications be withdrawn.***

A Division was called.

Division

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

On the results of the Division the motion was declared CARRIED

BACKGROUND

Whilst in opposition, the current State Government gave a 2014 State Election commitment to:

"...preserve the Healesville Freeway Reserve between Boronia Road and Springvale Road as public open space."

Refer Attachment #1: Australian Labor Party (Victoria) media release published 25 February 2014.

Since the 2014 State Election, Council has received confirmation that the Healesville Freeway Reserve between Boronia Road and Springvale Road (the Freeway Reservation) would be converted to Crown Land with Parks Victoria being installed as the Committee of Management (COM) in accordance with the *Crown Land (Reserves) Act 1978*.

9.4.3

(cont)

Over the past two years VicRoads have been surrendering to Land Registry, for conversion to Crown Land, a selection of VicRoads' freehold land titles that they have previously acquired between Boronia Road and Springvale Road. NB: Crown Land does not have a title hence the requirement on VicRoads to surrender their titles to Land Registry.

The Department of Environment, Land, Water and Planning (DELWP) have confirmed that the creation of Parks Victoria as the COM will not commence until VicRoads has completed all required land surrenders, estimated to be completed by mid-2018.

DELWP also confirmed that their formal COM appointment process will take three months from the completion of the above mentioned land surrenders and this process could be impacted by the 2018 State Election caretaker period.

DELWP verbally confirmed that the proposed Crown Land reservation will be "Conservation, Recreation, Leisure and Tourism".

The Whitehorse Planning Scheme (the Planning Scheme) currently contains a Public Acquisition Overlay (PAO3) in the favour of VicRoads for road widening across three sections of the municipality; namely the Freeway Reservation, a small section of land in the Koonung Creek Parkland Box Hill North and the north-east corner of Williams Road and Whitehorse Road Blackburn.

It is important to note that PAO3, as it relates to the Freeway Reservation, defines the boundaries of the acquisition area and the defined acquisition area does not cover all of VicRoads' acquired landholdings associated with the Freeway Reservation.

This strict interpretation of the acquisition area by VicRoads appears to have created a situation where VicRoads' land abutting the acquisition area or partially impacted by the acquisition area is being considered surplus by VicRoads.

DISCUSSION

Pursuant to the State Government's Landholding Policy, upon declaring land surplus to agency requirements, Victorian Government Agencies must:

1. Provide 60 days-notice of the State Government's agency's intention to sell any land, during this period other State agencies and Commonwealth or local government agencies may express interest in purchasing the land declared surplus;
2. If another government agency, including Local Government, expresses interest in purchasing the land, they can negotiate in good faith on the terms of sale within 30 days after the close of the notice period; and
3. If the terms of sale are agreed, they can transact the sale of the land at a price equal to the current market value of the land as determined by the Valuer-General Victoria.

In accordance with the Victorian Government Land Transactions Policy and Guidelines, any inter-agency transaction of \$750,000 (ex GST) or more must be approved by the Victorian Government Land Monitor before a letter of exchange or contract is entered into.

On 26 February 2018 Council received notification from DELWP that four VicRoads' landholdings in Vermont known as 79 Morack Road, 79A Morack Road, 42-60 Moore Road and 37-43 Moore Road had been declared surplus by the Minister for Roads and Road Safety, The Hon. Luke Donnellan MP, and that the landholdings were currently being prepared for sale by VicRoads.

Council was also advised that under the "First Right of Refusal" (FROR) it has sixty days from 26 February 2018 to submit an Expression of Interest to purchase, for a public or community purpose.

9.4.3

(cont)

Three of the four VicRoads' landholdings mentioned above are partially located within the PAO3 acquisition area and consequently cannot be considered surplus, because these three landholdings are required to create the "Conservation, Recreation, Leisure and Tourism" Crown Land reservation to be administered by Parks Victoria as the COM.

Refer Attachment #2: Healesville Extension Map (Terrara Road to Boronia Road)

The above mentioned FROR process does not allow Council to object to the surplus declaration made by VicRoads, therefore it is recommended that, under The Mayor's signature, Council write to both the Premier of Victoria, The Hon. Daniel Andrews MP, and the Minister for Roads and Road Safety, The Hon. Luke Donnellan MP; advising that the decision to declare 79 Morack Road, 42-60 Moore Road and 37-43 Moore Road surplus and available for sale contravenes the commitment given to Whitehorse residents in February 2014 and consequently the decision to sell these properties needs to be rescinded and the land surrendered to the Crown for conversion to Crown Land.

It is recommended that Council also send a copy of the above mentioned letters to the Member for Forest Hill, Mr. Neil Angus MP, the five Eastern Metropolitan Region members of State Parliament, and the Acting Chief Executive Officer of VicRoads, Ms. Kerry Thompson.

Ideally, the property known as 79A Morack Road Vermont should not be sold; however, being located outside the Freeway Reservation acquisition area reduces Council's ability to argue that the land forms part of the land covered by the proposed Crown Land reservation of "Conservation, Recreation, Leisure and Tourism" that is to be administered by Parks Victoria as the COM.

It is also important that Council, also under The Mayor's signature, separately write to The Hon. Liliana (Lily) D'Ambrosio MLA (the relevant DELWP minister), with Mr. John Bradley, (the Secretary of DELWP) as a copy; advising that the proposed FROR process contravenes the 2014 election commitment given to Whitehorse residents.

In the same letter Council should advise DELWP that Whitehorse residents have been waiting three and half years since the 2014 State election for the Freeway Reservation to become genuine public open space and this time delay is considered unacceptable.

Additionally, this letter needs to reaffirm Council's desire to have the Morack Public Golf Course 18th tee arrangements resolved, especially as the new Concept Plan for the Morack Public Golf Course compliments the proposed Crown Land reservation of "Conservation, Recreation, Leisure and Tourism".

The Morack Public Golf Course Concept Plan states the following:

"Continue with vegetation management (landscaping and tree planting program):

Note: The current golf course maintenance contract requires the contractor to reinstate a minimum of 80 trees per year; including removing vegetation impacting playing corridors.

Identify connections to existing and adjacent path/trail networks, including improved sign marking where applicable:

Review potential new east/west shared-trail connection through the golf course (adjacent to driving range) to Dandenong Creek;

Monitor the progress of the potential Healesville Freeway Reservation Vision, in particular:

Proposed impact on Tee 18;

9.4.3

(cont)

Continue discussions with Vic Roads regarding acquisition of land occupied by Tee 18;

Connecting Morack to the proposed East – West Share Trail

Identify ways in which to create habitat connections within the golf course and Dandenong Creek Corridor and potentially Biolink (East - West Share Trail)."

It is important to note that the parcel of land partially occupied by the 18th tee has been surrendered by VicRoads to Land Registry, which means that in accordance with the *Crown Land (Reserves) Act 1978* Council will have to enter into a Crown Land lease with the COM for the 18th tee. However, Council should pursue DELWP for a Memorandum of Understanding regarding the key lease terms relating to the 18th tee.

On 13 April 2018 Council received written confirmation from VicRoads regarding a proposed procedural planning amendment being sought by VicRoads from the Minister for Planning.

Refer Attachment #3: VicRoads' letter dated 13 April 2018.

The proposed Planning Scheme amendment is to remove PAO3 from 37-43 Moore Road and the northern allotment of 42-60 Moore Road (title reference Volume 8201 Folio 013) which are being considered in this report.

The removal of the PAO3 will enable VicRoads to sell these parcels as unencumbered freehold land, consequently maximising their market value.

It is important to note that the VicRoads' letter dated 13 April 2018 references incorrect street numbering. To avoid any misunderstanding, on 17 April Council's Manager Property & Rates spoke with the VicRoads' Project Officer who had signed the 13 April 2018 VicRoads' letter.

The Project Officer has verbally advised that the southern allotment of 42-60 Moore Road (title reference Volume 8468 Folio 519) is deliberately excluded from their PAO3 removal request because this allotment will be surrendered to the Crown for conversion to Crown Land in accordance with the "Conservation, Recreation, Leisure and Tourism" reservation. This verbal advice from the Project Officer appears to be inconsistent with the FROR process dated 26 February 2018.

In the absence of formal written advice from either VicRoads or DELWP confirming that the southern allotment of 42-60 Moore Road is to be surrendered to the Crown, it is recommended that Council respond to the FROR on the basis that the whole of 42-60 Moore Road is considered surplus to VicRoads' requirement and is therefore being considered for disposal in accordance with the Victorian Government Land Transactions Policy and Guidelines.

The Project Officer also advised that the northern allotment of 42-60 Moore Road is currently tenanted and will be offered to the market at the expiry of the lease even though it is located within the acquisition overlay area and consequently forms part of the 2014 State Election commitment to preserve the Healesville Freeway Reserve.

Additionally, the Project Officer advised that 79 Morack Road, which is partially located in the acquisition overlay area, is also tenanted and won't be disposed of until the lease expires.

The lease expiry dates for 42-60 Moore Road and 79 Morack Road were not confirmed by VicRoads.

9.4.3

(cont)

Additionally, VicRoads advised that at a future date they will seek to have both 79 Morack Road and 79A Morack Road rezoned from their current zoning of Public Park and Recreation Zone to their highest and best use zoning of General Residential Zone. This rezoning process will be undertaken in accordance with Section 20 of the Planning and Environment Act 1987.

It is also understood that VicRoads have been liaising with both Parks Victoria and the Friends of the Healesville Freeway Reserve to establish which parcels of VicRoads' owned land are to be surrendered to the Crown for conversion to Crown Land and which parcels are to be disposed of by VicRoads. At the time of writing the Project Officer was unable to advise when the most recent meeting had occurred and who at Parks Victoria and at the Friends of the Healesville Freeway Reserve was advising VicRoads on their landholdings.

In reference to VicRoads' request regarding the partial removal of PAO3 from the Planning Scheme; as the proposed freeway will not be constructed, the section of PAO3 that relates to the Healesville Freeway Reserve is consequently redundant and VicRoads could seek to have the PAO3 removed at any time.

In its capacity as the Planning Authority, Council is required to comment on the proposed amendment that is being sought by VicRoads in accordance with section 20A of the Planning and Environment Act 1987, noting that the Planning Minister only needs to 'consult' with Council.

It is recommended that Council also write to the Planning Minister The Hon. Richard Wynne MP advising that VicRoads' proposal referenced in their 13 April 2018 letter contravenes the 2014 State Election commitment to preserve the Healesville Freeway Reserve for open space.

CONSULTATION

When the FROR notification arrived at Council on 26 February 2018 Council's Property & Rates Department sought input from Council's Strategic Planning Department and Council's Leisure, Parks and Recreation Department.

It is the recommendation of the three departments mentioned above that Council seeks to halt the proposed sales of 79 Morack Road, 42-60 Moore Road and 37-43 Moore Road and that Council also request that the decision to sell 79A Morack Road is reconsidered.

FINANCIAL IMPLICATIONS

Any costs associated will be borne by the Property & Rates Department's recurrent budget.

POLICY IMPLICATIONS

Council's Open Space Strategy.

ATTACHMENT

- 1 Australian Labor Party (Victoria) media release published 25.02.14 [↗](#)
- 2 Healesville Extension Map (Terrara Road to Boronia Road) [↗](#)
- 3 VicRoads Letter dated 13.04.18 [↗](#)

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

SUMMARY

Council endorsement is sought for the motions detailed in this report, which are recommended for submission as a matter of state-wide significance to the next MAV State Council Meeting to be held 18 May 2018. Motions are required to be with the MAV by 20 April 2018.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Ellis

That Council endorse the motion previously submitted to the upcoming MAV State Council meeting to be held on 18 May 2018 (motion to be submitted by 20 April 2018) that reads –

That the MAV advocate to the State Government for increased support for the recycling industry by:

- a) Calling on the State Government to develop a comprehensive statewide long term strategy for recycling and that the Landfill Levy be utilised to fund the development and delivery of the strategy.***
- b) Ensuring that the strategy content relates to kerbside recycled materials and recycled packaging including plastics.***
- c) Developing a marketing and education campaign for consumers and industry that encourages purchasing of products manufactured from recycled materials.***

CARRIED UNANIMOUSLY

RATIONALE:

The kerbside recycling industry world-wide is undergoing a crisis since the ban by China in accepting low quality mixed recyclables from kerbside recycling collections resulted in a collapse in recycling commodity prices and a loss of markets for kerbside recyclables. Victorian local governments and the Victorian community will be hardest hit financially as recycling processing contracts at Councils are forced to change from Councils typically receiving an income for the recyclables collected from kerbside bins to an arrangement where a gate fee needs to be paid to ensure the ongoing viability of the Victorian recycling processing industry.

Such a change should not rely on local government alone to simply pay extra for processing kerbside recyclables. The State Government (and National Government) have not undertaken sufficient strategic planning or support of the recycling industry to establish viable domestic recycling processing and markets, especially in Victoria where there is an over-reliance on exporting recyclables to ensure that recyclables are kept out of landfill and are genuinely recycled.

The State Government has a long-term strategic waste plan that didn't foresee the risk of over-reliance on exporting recyclables and has not sufficiently encouraged the development of more viable local recycling processing. The State's waste strategic plan and supporting waste education strategy does not adequately encourage the community of State Government Departments to purchase more goods and products made from recycled materials or recycled packaging. The recycling processors have equally become reliant on exporting low grade mixed recyclables rather than develop more domestic markets, however there hasn't been sufficient strategic guidance nor economic incentive for them to do so in Victoria.

9.4.4
(cont)

There is a need for the State Government and the recycling industry to extend their recent initial efforts to address the current recycling issues, not just the China ban, and to provide more support to improve recycling infrastructure and develop more local processing and local markets for recycled products. Increased funding from the Landfill Levy fund should immediately be directed to these purposes.

The State Government needs to work closely with local government, the regional waste management groups, and the recycling industry to ensure there is an integrated and comprehensive approach developed to transition to the new reality for the kerbside recycling industry. The State Government has a big role to play in providing additional resources and strategic planning to help the recycling processing industry remain viable and affordable for the Victorian community.

9.4.5 Delegated Decisions February 2018

SUMMARY

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

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

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

CARRIED UNANIMOUSLY

| DELEGATION | FUNCTION | Number for February 2017 | Number for February 2018 |
|------------------------------------|--|--------------------------|--------------------------|
| Planning and Environment Act 1987 | Delegated Decisions | 112 | 81 |
| | Strategic Planning Decisions | Nil | Nil |
| Telecommunications Act 1997 | | Nil | Nil |
| Subdivision Act 1988 | | 30 | 16 |
| Gaming Control Act 1991 | | Nil | Nil |
| Building Act 1993 | Dispensations & Applications to Building Control Commission | 87 | 71 |
| Liquor Control Reform Act 1998 | Objections and Prosecutions | Nil | 2 |
| Food Act 1984 | Food Act Orders | Nil | Nil |
| Public Health & Wellbeing Act 2008 | Improvement / Prohibition Notices | 1 | 1 |
| Local Government Act 1989 | Temporary Road Closures | 6 | 6 |
| Other Delegations | CEO Signed Contracts between \$150,000 - \$500,000 | Nil | 2 |
| | Property Sales and Leases | 22 | 7 |
| | Documents to which Council seal affixed | Nil | 1 |
| | Vendor Payments | 918 | 1104 |
| | Parking Amendments | 11 | 5 |
| | Parking Infringements written off (not able to be collected) | 342 | 255 |

9.4.5 (cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS FEBRUARY 2018

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

| Appl No. | Date | Decision | Street Address | Ward | Proposed Use or Development | Appl Type |
|----------------|----------|-----------------------------------|--|-------------|---|------------------|
| WH/2014/378/A | 12-02-18 | Delegate Approval - S72 Amendment | 2 Newbiggin Street BURWOOD VIC 3125 | Riversdale | Construction of 4 double storey dwellings | Permit Amendment |
| WH/2015/530/C | 22-02-18 | Delegate Approval - S72 Amendment | 19 Premier Avenue MITCHAM VIC 3132 | Springfield | Construction of two double storey dwellings | Permit Amendment |
| WH/2016/1184/A | 08-02-18 | Delegate Approval - S72 Amendment | 16 Vogue Avenue VERMONT SOUTH VIC 3133 | Morack | The construction of two (2) double storey dwellings | Permit Amendment |
| WH/2016/729/A | 16-02-18 | Delegate Approval - S72 Amendment | 385 Springfield Road NUNAWADING VIC 3131 | Springfield | Amendments to the plans under Section 72 (original permit issued for the construction of two double storey dwellings) | Permit Amendment |
| WH/2016/854/A | 08-02-18 | Delegate Approval - S72 Amendment | 16-28 Nelson Road BOX HILL VIC 3128 | Elgar | Staged development of the land, for the construction of a multi-level carpark, buildings and works to existing building facade, provision of car parking spaces in excess of the maximum number specified in Clause 52.06, increase in licensed area and on land partially covered by the SBO | Permit Amendment |

9.4.5
(cont)

| Appl No. | Date | Decision | Street Address | Ward | Proposed Use or Development | Appl Type |
|-----------------|-------------|-----------------------------------|--|-------------|--|------------------------|
| WH/2016/961/A | 22-02-18 | Delegate Approval - S72 Amendment | 4 Chaucer Street BOX HILL SOUTH VIC 3128 | Riversdale | Construction of two dwellings | Permit Amendment |
| WH/2017/394/A | 26-02-18 | Delegate Approval - S72 Amendment | 5 Arna Street BLACKBURN VIC 3130 | Central | Construction of a single storey dwelling and removal of vegetation | Permit Amendment |
| WH/2017/986/A | 26-02-18 | Delegate Approval - S72 Amendment | 86 Lake Road BLACKBURN VIC 3130 | Central | Tree lopping within SLO2 | Permit Amendment |
| WH/2012/513/C | 26-02-18 | Delegate NOD Issued | 1A Deanswood Road FOREST HILL VIC 3131 | Central | Amendment to Planning Permit WH/2012/513 (Issued for building and works comprising of the construction of an undercover alfresco, upper storey mezzanine, pool and a front fence) for additional paving and decking areas and for a pizza oven and barbeque. | Permit Amendment |
| WH/2016/972 | 28-02-18 | Delegate NOD Issued | 294A Middleborough Road BLACKBURN SOUTH VIC 3130 | Central | Construction of a mixed-use building (shop at ground floor and offices at first floor and second floors), alteration of access to a road in a Road Zone and reduction in car parking | Business |
| WH/2017/1026 | 27-02-18 | Delegate NOD Issued | 6 Farley Green Court VERMONT VIC 3133 | Springfield | Removal of seven (Hesperocyparis Macrocarpa - Cypress) trees within SLO 7. | Special Landscape Area |

9.4.5
(cont)

| Appl No. | Date | Decision | Street Address | Ward | Proposed Use or Development | Appl Type |
|-----------------|-------------|------------------------|---|-------------|--|--------------------|
| WH/2017/242 | 07-02-18 | Delegate NOD Issued | 47 Pickford Street BURWOOD EAST VIC 3151 | Morack | Construction of two (2) double storey dwellings | Multiple Dwellings |
| WH/2017/39 | 28-02-18 | Delegate NOD Issued | 112-114 South Parade BLACKBURN VIC 3130 | Central | Construction of six (6) apartments with a retail premises and a reduction to the car parking, loading bay and bicycle parking requirements | Heritage |
| WH/2017/572 | 08-02-18 | Delegate NOD Issued | BLDG 6B/25-37 Chapman Street BLACKBURN NORTH VIC 3130 | Central | Use of land for Place of Worship of Assembly, construct buildings and works, use of land on sperate titles for provision of car parking | Industrial |
| WH/2017/621 | 7-02-18 | Delegate NOD Issued | 25 Dixon Grove BLACKBURN VIC 3130 | Central | Construction of three (3) double storey dwellings | Multiple Dwellings |
| WH/2017/721 | 20-02-18 | Delegate NOD Issued | 22 Combarton Street BOX HILL VIC 3128 | Elgar | Construction of two double storey dwellings | Multiple Dwellings |
| WH/2017/730 | 01-02-18 | Delegate NOD Issued | 449 Highbury Road BURWOOD EAST VIC 3151 | Riversdale | Construction of Two (2) Double Storey Dwellings and Alteration of Access to a Road in a Road Zone, Category 1 | Multiple Dwellings |
| WH/2017/732 | 14-02-18 | Delegate NOD Issued | 75 Eley Road BOX HILL SOUTH VIC 3128 | Riversdale | Construction of two (2), two storey dwellings | Multiple Dwellings |
| WH/2017/84 | 07-02-18 | Delegate NOD Issued | 54 Bishop Street BOX HILL VIC 3128 | Elgar | Construction of six attached triple storey dwellings | Multiple Dwellings |
| WH/2017/1012 | 21-02-18 | Delegate Permit Issued | 571 Burwood Highway VERMONT SOUTH VIC 3133 | Morack | 3 lot subdivision to coincide with development permit | Subdivision |
| WH/2017/1022 | 16-02-18 | Delegate Permit Issued | 11 Glengarry Avenue BURWOOD VIC 3125 | Riversdale | Two lot subdivision | Subdivision |
| WH/2017/1025 | 19-02-18 | Delegate Permit Issued | 1 Cornfield Grove BOX HILL SOUTH VIC 3128 | Riversdale | 2 lot subdivision | Subdivision |
| WH/2017/1028 | 20-02-18 | Delegate Permit Issued | 27 Percy Street MITCHAM VIC 3132 | Springfield | 6 Lot Subdivision | Subdivision |

9.4.5
(cont)

| Appl No. | Date | Decision | Street Address | Ward | Proposed Use or Development | Appl Type |
|-----------------|-------------|------------------------|--|-------------|---|------------------------|
| WH/2017/1030 | 19-02-18 | Delegate Permit Issued | 33 Canterbury Road BLACKBURN VIC 3130 | Central | 2 lot subdivision | Subdivision |
| WH/2017/1034 | 22-02-18 | Delegate Permit Issued | 53 Stanley Road VERMONT SOUTH VIC 3133 | Morack | Two (2) lot subdivision | Subdivision |
| WH/2017/1051 | 20-02-18 | Delegate Permit Issued | 31 Graham Place BOX HILL VIC 3128 | Elgar | 2 lot subdivision | Subdivision |
| WH/2017/159 | 07-02-18 | Delegate Permit Issued | 38 Station Street BURWOOD VIC 3125 | Riversdale | Construction of six double storey dwellings, reduction in the statutory car parking requirement and alteration of access to a Road Zone | Multiple Dwellings |
| WH/2017/282 | 01-02-18 | Delegate Permit Issued | 41 Robinlee Avenue BURWOOD EAST VIC 3151 | Morack | Construction of two double storey dwellings | Multiple Dwellings |
| WH/2017/288 | 16-02-18 | Delegate Permit Issued | 871 Station Street BOX HILL NORTH VIC 3129 | Elgar | Construction of Two (2) Double Storey Dwellings and Alteration of Access to a Road Zone Category 1 | Multiple Dwellings |
| WH/2017/443 | 06-02-18 | Delegate Permit Issued | 29 Erasmus Street SURREY HILLS VIC 3127 | Riversdale | Part demolition and construct and carry out works to the existing dwelling including a garage and swimming pool | Heritage |
| WH/2017/517 | 08-02-18 | Delegate Permit Issued | 1 Molleton Street BLACKBURN VIC 3130 | Central | Construct a building and carry out works and associated removal of one (1) tree | Special Landscape Area |
| WH/2017/562 | 07-02-18 | Delegate Permit Issued | 22 Stanley Street BOX HILL SOUTH VIC 3128 | Riversdale | The construction of two (2) double storey dwellings | Multiple Dwellings |
| WH/2017/599 | 07-02-18 | Delegate Permit Issued | 5 Adele Street VERMONT VIC 3133 | Springfield | Construction of a double storey dwelling at the rear of an existing dwelling | Multiple Dwellings |

9.4.5
(cont)

| Appl No. | Date | Decision | Street Address | Ward | Proposed Use or Development | Appl Type |
|-----------------|-------------|------------------------|--|-------------|--|------------------------|
| WH/2017/692 | 05-02-18 | Delegate Permit Issued | 55 Linda Avenue BOX HILL NORTH VIC 3129 | Elgar | Construction of three (3) double storey dwellings | Multiple Dwellings |
| WH/2017/693 | 08-02-18 | Delegate Permit Issued | 77A Lexton Road BOX HILL NORTH VIC 3129 | Elgar | Change of use to an indoor recreation facility (gymnasium) and car parking reduction | Industrial |
| WH/2017/762 | 09-02-18 | Delegate Permit Issued | 20 Forest Road BLACKBURN VIC 3130 | Central | Removal of 2 trees | Special Landscape Area |
| WH/2017/782 | 16-02-18 | Delegate Permit Issued | 21 Graham Place BOX HILL VIC 3128 | Elgar | The construction of two (2) double storey dwellings and tree removal | Multiple Dwellings |
| WH/2017/788 | 19-02-18 | Delegate Permit Issued | 17 Killara Street BOX HILL NORTH VIC 3129 | Elgar | Construction of two (2) double storey dwellings | Multiple Dwellings |
| WH/2017/790 | 26-02-18 | Delegate Permit Issued | 10 Everglade Avenue FOREST HILL VIC 3131 | Morack | Development of three, two storey dwellings | Multiple Dwellings |
| WH/2017/810 | 26-02-18 | Delegate Permit Issued | 830-834 Whitehorse Road BOX HILL VIC 3128 | Elgar | Display of major promotional hoarding signs | Advertising Sign |
| WH/2017/832 | 01-02-18 | Delegate Permit Issued | 1C/814-818 Whitehorse Road BOX HILL VIC 3128 | Elgar | Use of land for sale and consumption of liquor in association with an existing food and drink premises | Liquor Licence |
| WH/2017/858 | 05-02-18 | Delegate Permit Issued | 5 Elmhurst Road BLACKBURN VIC 3130 | Central | The construction of an additional double storey dwelling and modifications to the existing dwelling include re-construction of a new carport | Multiple Dwellings |

9.4.5
(cont)

| Appl No. | Date | Decision | Street Address | Ward | Proposed Use or Development | Appl Type |
|-----------------|-------------|------------------------|--|-------------|--|--------------------------------|
| WH/2017/891 | 06-02-18 | Delegate Permit Issued | 1065 Whitehorse Road BOX HILL VIC 3128 | Elgar | Installation of a disabled-compliant lift in the courtyard of the 2 storey library/resources wing off Whitehorse Road. Disabled access is required for building compliance | Residential (Other) |
| WH/2017/905 | 27-02-18 | Delegate Permit Issued | 8 Trenham Court MITCHAM VIC 3132 | Springfield | Buildings and works to an existing dwelling and pruning of a tree | Other |
| WH/2017/909 | 27-02-18 | Delegate Permit Issued | 1/8 Alder Street BURWOOD VIC 3125 | Riversdale | Buildings and works to construct a verandah | Single Dwelling < 300m2 |
| WH/2017/914 | 26-02-18 | Delegate Permit Issued | 159/270 Canterbury Road FOREST HILL VIC 3131 | Central | Reduction in carparking requirement for Medical Centre | Business |
| WH/2017/915 | 28-02-18 | Delegate Permit Issued | 57 Elgar Road BURWOOD VIC 3125 | Riversdale | 2 lot subdivision | Subdivision |
| WH/2017/941 | 05-02-18 | Delegate Permit Issued | 101/850 Whitehorse Road BOX HILL VIC 3128 | Elgar | Sale and Consumption of Liquor in association with a Restaurant | Liquor Licence |
| WH/2017/982 | 12-02-18 | Delegate Permit Issued | 44 Windsor Crescent SURREY HILLS VIC 3127 | Elgar | Installing solar panels on a heritage overlay dwelling | Heritage |
| WH/2017/993 | 12-02-18 | Delegate Permit Issued | 13 Wingrove Street FOREST HILL VIC 3131 | Morack | 2 Lot subdivision | Subdivision |
| WH/2017/996 | 16-02-18 | Delegate Permit Issued | 79-81 Springvale Road NUNAWADING VIC 3131 | Springfield | 7 lot subdivision | Subdivision |
| WH/2018/13 | 26-02-18 | Delegate Permit Issued | 5 Ronald Street MITCHAM VIC 3132 | Springfield | 2 lot subdivision | Subdivision |
| WH/2018/16 | 02-02-18 | Delegate Permit Issued | 32 South Parade BLACKBURN VIC 3130 | Central | Construction of a new roofed deck to the rear of the existing dwelling | VicSmart - General Application |

9.4.5
(cont)

| Appl No. | Date | Decision | Street Address | Ward | Proposed Use or Development | Appl Type |
|-----------------|-------------|------------------------|---|-------------|--|--------------------------------|
| WH/2018/17 | 08-02-18 | Delegate Permit Issued | 29 Fuller Street MITCHAM VIC 3132 | Springfield | Removal of a tree in SLO6 | VicSmart - General Application |
| WH/2018/18 | 07-02-18 | Delegate Permit Issued | 144 Rooks Road NUNAWADING VIC 3131 | Springfield | Reduction in carparking requirement for food and drink premises (take away ready made meals) | VicSmart - General Application |
| WH/2018/20 | 26-02-18 | Delegate Permit Issued | 10 Kilsyth Avenue BURWOOD VIC 3125 | Riversdale | Two lot subdivision | Subdivision |
| WH/2018/27 | 28-02-18 | Delegate Permit Issued | 149 Morack Road VERMONT SOUTH VIC 3133 | Morack | Two lot subdivision | Subdivision |
| WH/2018/37 | 02-02-18 | Delegate Permit Issued | 32 Laurel Grove North BLACKBURN VIC 3130 | Central | Construction of a carport | VicSmart - General Application |
| WH/2018/38 | 01-02-18 | Delegate Permit Issued | 327 Blackburn Road BURWOOD EAST VIC 3151 | Morack | Resubdivision of Lots 1,3 & 2,4 and common property on RP 5731, pursuant to Section 32A of the Subdivision Act 1988, and creating PS 812909Q | VicSmart - Subdivision |
| WH/2018/39 | 12-02-18 | Delegate Permit Issued | 25 Linda Avenue BOX HILL NORTH VIC 3129 | Elgar | 2 Lot subdivision of dwellings constructed in Planning Permit WH/2016/34 | VicSmart - Subdivision |
| WH/2018/5 | 26-02-18 | Delegate Permit Issued | 11 Spence Street BURWOOD VIC 3125 | Riversdale | 4 lot subdivision in 2 stages [Stage 1- Lot 1, Stage 2- Lots 2, 3, 4] | Subdivision |
| WH/2018/51 | 12-02-18 | Delegate Permit Issued | 6 Handel Court BLACKBURN VIC 3130 | Central | Removal of a tree in Significant Landscape Overlay | VicSmart - General Application |
| WH/2018/53 | 13-02-18 | Delegate Permit Issued | 11 Ravenswood Court NUNAWADING VIC 3131 | Springfield | Removal of tree within a Significant Landscape Overlay (SLO2) | VicSmart - General Application |

9.4.5
(cont)

| Appl No. | Date | Decision | Street Address | Ward | Proposed Use or Development | Appl Type |
|-----------------|-------------|-------------------------|--|-------------|---|--------------------------------|
| WH/2018/56 | 16-02-18 | Delegate Permit Issued | 3 Maculata Walk VERMONT SOUTH VIC 3133 | Morack | Installation of roof solar panels on a dwelling within Heritage Overlay | VicSmart - General Application |
| WH/2018/72 | 22-02-18 | Delegate Permit Issued | 57 Heathfield Rise BOX HILL NORTH VIC 3129 | Elgar | 2 lot subdivision to coincide with development permit | VicSmart - Subdivision |
| WH/2018/78 | 21-02-18 | Delegate Permit Issued | 19 Ailsa Street BOX HILL SOUTH VIC 3128 | Riversdale | Buildings and works for a new disc filter to the existing industrial premises | VicSmart - General Application |
| WH/2018/86 | 23-02-18 | Delegate Permit Issued | 35 Boondara Road MONT ALBERT NORTH VIC 3129 | Elgar | To subdivide the property into 2 lots | VicSmart - Subdivision |
| WH/2018/91 | 28-02-18 | Delegate Permit Issued | 2 Norvel Street BLACKBURN VIC 3130 | Central | Two (2) lot subdivision | VicSmart - Subdivision |
| WH/2016/965 | 19-02-18 | Delegate Refusal Issued | 30 Graham Place BOX HILL VIC 3128 | Elgar | Construction of four two storey dwellings | Multiple Dwellings |
| WH/2017/538 | 06-02-18 | Delegate Refusal Issued | 46 Shepherd Street SURREY HILLS VIC 3127 | Riversdale | Construction of two double storey dwellings | Multiple Dwellings |
| WH/2017/548 | 27-02-18 | Delegate Refusal Issued | 129 Middleborough Road BOX HILL SOUTH VIC 3128 | Riversdale | The construction of three (3) double storey dwellings and alteration of access to a road located in a Road Zone, Category 1 | Multiple Dwellings |
| WH/2017/577 | 23-02-18 | Delegate Refusal Issued | 31 Bermuda Drive BLACKBURN SOUTH VIC 3130 | Riversdale | Proposed construction of two (2) double storey dwellings | Multiple Dwellings |
| WH/2017/700 | 07-02-18 | Delegate Refusal Issued | 14 Parkside Avenue BOX HILL VIC 3128 | Elgar | Construction of Two (2) Double Storey Dwellings | Multiple Dwellings |
| WH/2017/80 | 07-02-18 | Delegate Refusal Issued | 250 Middleborough Road BLACKBURN SOUTH VIC 3130 | Central | Construction of three (3) double storey dwellings and alteration of access to a Road Zone | Multiple Dwellings |

9.4.5
(cont)

| Appl No. | Date | Decision | Street Address | Ward | Proposed Use or Development | Appl Type |
|-----------------|-------------|-------------------------|---|-------------|--|--------------------|
| WH/2017/869 | 12-02-18 | Delegate Refusal Issued | 864 Canterbury Road BOX HILL SOUTH VIC 3128 | Riversdale | Addition and alterations to the existing building to use as a denture Clinic and reduction of car parking requirement | Business |
| WH/2011/692/A | 16-02-18 | Withdrawn | 112/55-65 Railway Road BLACKBURN VIC 3130 | Central | Construction of a three-storey building (plus basement), use of the land for dwellings, reduction of the car parking requirements associated with the use of the land for shops and dwellings, and waiver of the loading bay requirement | Permit Amendment |
| WH/2015/1051/A | 07-02-18 | Withdrawn | 98 South Parade BLACKBURN VIC 3130 | Central | Buildings and works to provide a two storey extension (office) and a waiver of car parking requirements | Permit Amendment |
| WH/2016/276/B | 14-02-18 | Withdrawn | 2A Stevens Road FOREST HILL VIC 3131 | Morack | Building and works to extend existing supermarket, signage and reduction in car parking requirements | Permit Amendment |
| WH/2017/1021 | 15-02-18 | Withdrawn | 15 Glenburnie Road MITCHAM VIC 3132 | Springfield | Construction of 2 dwellings | Multiple Dwellings |
| WH/2017/433 | 21-02-18 | Withdrawn | Tran stop 61 Opposite -172 Burwood Hwy Burwood 3125 | Riversdale | Display of a dual sided internally illuminated promotion sign on an existing tram shelter (Tram Stop 61) | Advertising Sign |
| WH/2017/943 | 15-02-18 | Withdrawn | 10 Kay Court VERMONT VIC 3133 | Morack | Construction of one double storey dwelling to the rear of one existing single storey dwelling on a lot | Multiple Dwellings |

9.4.5
(cont)

BUILDING DISPENSATIONS/APPLICATIONS FEBRUARY 2018

| Address | Date | Ward | Result |
|---------------------------------------|----------|------------|----------------------------|
| 1 Junction Road, BLACKBURN NORTH | 02-02-18 | Central | Consent Granted R414 |
| 10 Aldinga Street, BLACKBURN SOUTH | 28-02-18 | Central | Consent Granted R414 |
| 11 Fairlane Court, BLACKBURN NORTH | 06-02-18 | Central | Consent Granted R411 |
| 20 Malcolm Street, BLACKBURN | 15-02-18 | Central | Consent Granted R414, R409 |
| 28 Salisbury Avenue, BLACKBURN | 26-02-18 | Central | Consent Granted R411 |
| 34 Caroline Crescent, BLACKBURN NORTH | 06-02-18 | Central | Consent Granted R409 |
| 30 Slater Avenue, BLACKBURN NORTH | 09-02-18 | Central | Consent Refused R409 |
| 49 Maple Street, BLACKBURN | 28-02-18 | Central | Consent Refused R417 |
| 58 Shafer Road, BLACKBURN NORTH | 15-02-18 | Central | Consent Refused R415, R410 |
| 10 Jackson Avenue, MONT ALBERT NORTH | 20-02-18 | Elgar | Consent Granted R414 |
| 1000 Whitehorse Road, BOX HILL | 14-02-18 | Elgar | Consent Granted R604 |
| 1153-1155 Whitehorse Road, BOX HILL | 02-02-18 | Elgar | Consent Granted R431 |
| 12 Jackson Avenue, MONT ALBERT NORTH | 05-02-18 | Elgar | Consent Granted R411, R412 |
| 15 Irving Avenue, BOX HILL | 16-02-18 | Elgar | Consent Granted R604 |
| 17 Irving Avenue, BOX HILL | 16-02-18 | Elgar | Consent Granted R604 |
| 22 Rutland Road, BOX HILL | 19-02-18 | Elgar | Consent Granted R604 |
| 38 Heathfield Rise, BOX HILL NORTH | 07-02-18 | Elgar | Consent Granted R409 |
| 49 Mitta Street, BOX HILL NORTH | 26-02-18 | Elgar | Consent Granted R416 |
| 69 Woodhouse Grove, BOX HILL NORTH | 16-02-18 | Elgar | Consent Granted R414 |
| 8 Packham Street, BOX HILL NORTH | 05-02-18 | Elgar | Consent Granted R409 |
| 826-828 Whitehorse Road, BOX HILL | 09-02-18 | Elgar | Consent Granted R424 |
| 830-834 Whitehorse Road, BOX HILL | 09-02-18 | Elgar | Consent Granted R424 |
| 12 Jackson Avenue, MONT ALBERT NORTH | 05-02-18 | Elgar | Consent Refused R409 |
| 8 Packham Street, BOX HILL NORTH | 05-02-18 | Elgar | Consent Refused R416 |
| 934-940 Whitehorse Road, BOX HILL | 13-02-18 | Elgar | Consent Refused R604 |
| 13 Trinian Street, VERMONT | 12-02-18 | Morack | Consent Granted R411 |
| 20 Robinlee Avenue, BURWOOD EAST | 26-02-18 | Morack | Consent Granted R415, R411 |
| 32 Robinlee Avenue, BURWOOD EAST | 26-02-18 | Morack | Consent Granted R409 |
| 5 Holyrood Drive, VERMONT | 07-02-18 | Morack | Consent Granted R414 |
| 8 Kalista Court, BURWOOD EAST | 05-02-18 | Morack | Consent Granted R420 |
| 17 Rutherglen Road, VERMONT SOUTH | 28-02-18 | Morack | Consent Refused R415 |
| 1 Hastings Street, BURWOOD | 15-02-18 | Riversdale | Consent Granted R427 |
| 1 Hastings Street, BURWOOD | 02-02-18 | Riversdale | Consent Granted R424 |
| 10 Latrobe Street, BOX HILL SOUTH | 01-02-18 | Riversdale | Consent Granted R415, R410 |
| 14 Dorothy Street, BURWOOD EAST | 02-02-18 | Riversdale | Consent Granted R409 |
| 21 Carver Street, BURWOOD EAST | 14-02-18 | Riversdale | Consent Granted R410, R409 |
| 28 Leonard Street, BURWOOD | 12-02-18 | Riversdale | Consent Granted R409, R414 |
| 28 Terang Avenue, BURWOOD EAST | 05-02-18 | Riversdale | Consent Granted R409 |
| 56 Finch Street, BURWOOD | 07-02-18 | Riversdale | Consent Granted R425 |
| 28 Sartori Street, BURWOOD EAST | 02-02-18 | Riversdale | Consent Refused R424 |
| 48 Kitchener Street, BOX HILL SOUTH | 02-02-18 | Riversdale | Consent Refused R409 |
| 7 Cornfield Grove, BOX HILL SOUTH | 15-02-18 | Riversdale | Consent Refused R424 |

9.4.5
(cont)

| | | | |
|----------------------------------|----------|-------------|----------------------------------|
| 100 Junction Road, NUNAWADING | 19-02-18 | Springfield | Consent Granted R414 |
| 18 Hodgson Street, MITCHAM | 07-02-18 | Springfield | Consent Granted R414, R415 |
| 2 Basingstoke Road, MITCHAM | 02-02-18 | Springfield | Consent Granted R414 |
| 22 Efron Street, NUNAWADING | 13-02-18 | Springfield | Consent Granted R414, R409 |
| 223 Mitcham Road, MITCHAM | 21-02-18 | Springfield | Consent Granted R411, R414, R412 |
| 23 Cresswell Crescent, MITCHAM | 21-02-18 | Springfield | Consent Granted R411, R414 |
| 39 Bessazile Avenue, FOREST HILL | 20-02-18 | Springfield | Consent Granted R414, R411 |
| 42 McCulloch Street, NUNAWADING | 01-02-18 | Springfield | Consent Granted R417, R409 |
| 49 Denis Street, MITCHAM | 01-02-18 | Springfield | Consent Granted R411 |
| 5 Page Street, MITCHAM | 20-02-18 | Springfield | Consent Granted R411 |
| 1 Wren Close, NUNAWADING | 27-02-18 | Springfield | Consent Refused R424 |
| 28 Kett Street, NUNAWADING | 26-02-18 | Springfield | Consent Refused R409 |
| 5 Delhi Street, MITCHAM | 26-02-18 | Springfield | Consent Refused R409, R415 |
| 65 Rooks Road, MITCHAM | 12-02-18 | Springfield | Consent Refused R415 |

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – FEBRUARY 2018

Under the Planning and Environment Act 1987 - Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION FEBRUARY 2018

| Contract | Service |
|-----------------|---|
| Contract 30025 | Box Hill Library Refurbishment |
| Contract 30028 | Blackburn Lake Sanctuary Visitor Centre - New Exhibition Displays |

9.4.5

(cont)

REGISTER OF PROPERTY DOCUMENTS EXECUTED FEBRUARY 2018

| Property Address | Document Type | Document Detail |
|--|-------------------------------|--|
| Leases | | |
| 21 Wattle Valley Road, Mitcham | Residential Tenancy Agreement | Tenant name withheld for privacy |
| 524 Elgar Road, Box Hill North (Parkside Pre School Centre) | Deed of Transfer | New tenant - Bestchance Child Family Care |
| Licences | | |
| Springfield Park Pavilion - 2 Springfield Road, Box Hill North - Box Hill Garden Club Incorporated | Licence | Whitehorse City Council as Licensor |
| 379-399 Whitehorse Road, Nunawading (The Combined Rotary Clubs of Whitehorse - Farmers' Market) | Licence | Whitehorse City Council as Licensor |
| Land Transfers | | |
| 26 O'Shannessy Street, Nunawading | Transfer of Land | Sale of Discontinued Road Section 207D Local Government Act 1989 |
| 26 O'Shannessy Street, Nunawading | Statutory Declaration (Goods) | Duties Act 2000 |
| Fire Services Property Levy | | |
| 579 Whitehorse Road, Mitcham | | Land use changed from 'Commercial' to 'Public Benefit' |

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – FEBRUARY 2018

Instrument of Sub Delegation CEO to Staff (Council Resolution 13.02.18)

PARKING RESTRICTIONS APPROVED BY DELEGATION FEBRUARY 2018

Address: **Clarice Road, Box Hill South:** from 245m north of Burwood Highway to 270m north of Burwood Highway – north side

Previously: 2 'Unrestricted' parking spaces

Now: 2 'No Stopping' parking spaces

Address: **Rialton Avenue, Blackburn North:** from 10m west of Kent Close to 16m west of Kent Close – north side

Previously: 1 'Unrestricted' parking spaces

Now: 1 'No Stopping' parking spaces

Address: **Middleborough Road, Box Hill:** from southern boundary of 581 Middleborough Road to northern boundary of Middleborough Road – west side

Previously: 2 'Unrestricted' parking spaces

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

Address: **Koonung Road, Blackburn North:** from northern boundary of 103-107 Koonung Road to southern boundary of 109 Koonung Road – east side

Previously: 7 'Unrestricted' parking spaces

Now: 7 '3-Hour, 9am to 4pm, Monday to Friday' parking spaces

Address: **Cadorna Street, Box Hill South:** from western boundary 2a Cadorna Street to eastern boundary of 2a Cadorna Street – south side

Previously: 1 '1/2-Hour, 8.30am to 5pm, Monday to Friday' parking spaces

Now: 1 '1/4-Hour, 6am to 3pm, Monday to Friday' parking spaces

9.4.5

(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING FEBRUARY 2018

| Date | Total Issued | Payments (direct debit, cheques or electronic funds transfer) | Transaction Type EFT/CHQ/DD |
|-----------------------------------|-----------------------|---|-----------------------------------|
| 01/02/2018 | \$15,918.29 | 11 | EFC |
| 01/02/2018 | \$115,296.89 | 51 | CHQ |
| 01/02/2018 | \$2,681,369.15 | 196 | EFT |
| 08/02/2018 | \$15,615.09 | 23 | EFC |
| 08/02/2018 | \$235,577.51 | 75 | CHQ |
| 08/02/2018 | \$1,029,130.34 | 177 | EFT |
| 15/02/2018 | \$22,256.48 | 24 | EFC |
| 15/02/2018 | \$30,144.86 | 61 | CHQ |
| 15/02/2018 | \$534,189.95 | 46 | EFT |
| 16/02/2018 | \$59,202.30 | 3 | EFT |
| 22/02/2018 | \$31,633.99 | 33 | EFC |
| 22/02/2018 | \$148,876.36 | 81 | CHQ |
| 22/02/2018 | \$2,939,417.37 | 321 | EFT |
| 22/02/2018 | \$7,260.00 | 1 | CHQ |
| 28/02/2018 | \$10,999.00 | 1 | EFT |
| | | | |
| GROSS | \$7,876,887.58 | 1104 | |
| | | | |
| Monthly Lease Payments | \$35,672.72 | | |
| Direct Debit Payments | \$209,751.22 | | |
| | | | |
| CANCELLED PAYMENTS | -\$13,772.44 | -25 | |
| NETT | \$8,108,539.08 | 1079 | |

Attendance

Cr Liu Left the chamber at 8.58pm, returning at 9.01pm.

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

10.1 Reports by Delegates

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

- 10.1.1 Cr Ellis report on her attendance at the Eastern Affordable Housing Alliance meeting held on the 1 March 2018.
- 10.1.2 Cr Liu reported on her attendance at the;
 - Whitehorse Business Group monthly meeting held on the 10 April 2018.
 - Whitehorse Manningham Regional Library Corporation Audit Committee Meeting.
- 10.1.3 Cr Barker reported on his attendance at the Domestic Animal Management Plan Advisory Committee held on the 21 March 2018.
- 10.1.4 Cr Bennett reported on his attendance at the Eastern Transport Coalition meeting held on the 19 April 2018.
- 10.1.5 Cr Carr reported on her attendance at the Domestic Animal Management Plan Advisory Committee held on the 21 March 2018.
- 10.1.6 Cr Cutts reported on her attendance at the Whitehorse Business Group monthly meeting, Gala Awards held on the 10 April 2018.
- 10.1.7 Cr Munroe reported on his attendance at the:
 - Municipal Association of Victoria (MAV) Forum held on 19 April 2018.
 - Metropolitan Transport Forum meeting held on the 4 April 2018.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Bennett

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendations from the Special Committee of Council Meeting of 16 April 2018

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 |
|---------------------------|---|--|---|-------------------------------------|---|
| 19-03-18 6.30 – 7.00pm | Councillor Informal Briefing Session <ul style="list-style-type: none"> 9.1.1 310-312 Springvale road, Forest Hill (Lot 1 LP 64077 & Lot 1LP 17289) 9.1.2 199 Canterbury Rod, Blackburn (Lot 1 LP 114506) Yarra Valley Water Doncaster Hill Recycled Water Project Proposed Matsudo Book Confidential Update Matsudo Letters | Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett | N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud R Anania left at 6.40pm & did not return | Nil | Nil |
| 23-03-18 to 24-03-18 | Councillor Budget Planning Weekend Workshop | Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett | N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud S Cann S Hewett | Nil | Nil |
| 09-04-18 4.30 -5.30pm | Student Accommodation Review Councillor Workshop | Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett arrived at 5.15pm Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Stennett | N Duff (AGMCD) K Marriott A Egan J Nikas | Nil | Nil |
| 09-04-18 5.30-6.30pm | Indoor Sports Feasibility Study Workshop | Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett | N Duff (AGMCD) K Marriott P Warner T Wilkinson P Smith A De Fazio S Freud K Sinclair J Chambers L Gibson | Nil | Nil |

10.3
(cont)

| Meeting Date | Matter/s Discussed | Councillors Present | Officers Present | Disclosures of Conflict of Interest | Councillor /Officer attendance following disclosure |
|----------------------------------|---|---|---|-------------------------------------|---|
| 09-04-18 7.00-9.30pm | Strategic Planning Session <ul style="list-style-type: none"> OH&S Information Session Financial Report as at 28 February 2018 Municipal Strategic Statement Review | Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett | N Duff (AGMCD) K Marriott P Warner T Wilkinson P Smith A De Fazio S Freud M Johnson S Cann A Egan V McLean | Nil | Nil |
| 16-04-18 5.30-6.30pm | Major Project Councillor Reference Group | Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Ellis arrived at 6.10pm. Cr Liu Cr Massoud arrived at 5.50pm Cr Munroe arrived at 5.55pm. Cr Stennett | N Duff J Green P Warner T Wilkinson P Smith (AEMG&CS) M Baldwin S Freud S Belmore | Nil | Nil |
| 16-04-18 7.00 - 9.00pm | Councillor Briefing Session <ul style="list-style-type: none"> Draft Budget & Council Plan Surplus Government Land First Right of Refusal Special Committee Agenda/other Business Draft Council Agenda 23 April 2018 | Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett | N Duff J Green P Warner T Wilkinson P Smith (AEMG&CS) M Baldwin S Freud K Marriott J Hansen T Johnson S Adamson D Seddon S Cann J Blythe S Smith D Cavenagh T Peak | Nil | Nil |

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Carr

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Massoud reported on her attendance at the 3 R's Plastic and E Waste Tour run by the Metropolitan Waste and Resource Recovery Group held on the 17 April 2018. .
- 11.2 Cr Bennett reported on his attendance at the:
- Smart Cities Melbourne Conference held on the 22 March 2018.
 - Municipal Association of Victoria (MAV) Recycle Working Group held on the 12 April 2018.
- 11.3 Cr Liu report on her attendance at the:
- Smart Cities Melbourne Conference held on the 22 March 2018.
 - Ceda Energy Market Reform Melbourne Seminar held on 12 April 2018.
- 11.4 Cr Davenport reported on his attendance at the:
- PDT- Emotional Intelligence (EQ) Training held on the 20 March 2018.
 - CEDA – Diversity Leadership and Cultural Change seminar held on the 18 April 2018.
 - Municipal Association of Victoria (MAV) Metropolitan Forum held on the 19 April 2018.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Ellis

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

CARRIED UNANIMOUSLY

12 CONFIDENTIAL REPORTS

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Ellis

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

CARRIED UNANIMOUSLY

The meeting was closed to the public at 9.15pm.

12.1 Industrial and Contractual Matters

12.2 Contractual Matter 1

12.3 Contractual Matter 2

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Bennett

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

CARRIED UNANIMOUSLY

The meeting was reopened to the public at 9.37pm.

13 CLOSE MEETING

Meeting closed at 9.41pm

Confirmed this 21st day of May 2018

CHAIRPERSON