



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

On

Monday 10 December 2018

At 7:00pm

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

Ms Noelene Duff
Chief Executive Officer

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Meeting opened at 7:00pm

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

1 PRAYER

1a Prayer for Council

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

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

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

Amen.

1b Aboriginal Reconciliation Statement

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

2 WELCOME AND APOLOGIES

The Mayor welcomed all.

APOLOGIES

Cr Stennett has sought a leave of absence for tonight's Ordinary Council Meeting 10 December 2018.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Ellis

That the apology for Cr Stennett is received and leave of absence be granted for tonight's Ordinary Council Meeting 10 December 2018.

CARRIED UNANIMOUSLY

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 19 November 2018

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Ellis

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

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

Nil

6 NOTICES OF MOTION

PROCEDURAL MOTION

Moved by Cr Munroe, Seconded by Cr Ellis

That Council defer and consider Item 6.4 Notice of Motion No 120 Cr Davenport as part of deliberations on Item 9.2.2 Sporting Facilities Guide Review.

CARRIED UNANIMOUSLY

6.1 Notice of Motion No 117 Cr Davenport

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

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

CARRIED

6.2 Notice of Motion No 118 Cr Barker

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. Resolves that only the Australian National Flag, the Aboriginal Flag; the Torres Strait Islands Flag; the Flag of Victoria, and the City of Whitehorse will be raised or flown on the Box Hill Town Hall or Primary Flag poles at the Civic Centre in accordance with Australian National flag protocols.***
- 2. Any other flag requires the express approval of a majority of Councillors.***

LOST

A Division was called.

Division

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

On the results of the Division the motion was declared LOST

6.3 Notice of Motion No 119 Cr Barker

That Council:

Moved by Cr Barker, Seconded by Cr Davenport

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

AMENDMENT

Moved by Cr Munroe, Seconded by Cr Massoud

That Council:

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

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

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

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

6.4 Notice of Motion No 120 Cr Davenport

That Council:

- 1. *Revises the Draft Sporting Facilities Guide by changing the following:-***
 - a. Clause 5.3.4, a Tenant Club with a requiring additional use of a Sports Field will be charged a pro-rata Seasonal Fee, and not the Casual Fee.***
 - b. Clause 6.2.1.4, floodlights to be able to be used until 9pm Monday to Sunday***
 - c. Clause 7.1.2, Council Sport Fields may be used 8am-9pm Monday to Sunday***
 - d. Clause 7.2.2 Council will consider requests for consumption outside the pavilion. Sporting Fields which already have consumption outside the pavilion will be approved. For Sporting Fields which do not have consumption outside the pavilion approved, Council will consider on a case-by-case basis. If supported, consumption outside the pavilion will not exceed the times listed in table 8.***
- 2. *Releases the revised Sporting Facilities Guide to Whitehorse sporting clubs, sporting associations, schools, casual users and be made available to the broader community for comment.***
- 3. *Refers an amount to the 2019/2020 budget to undertake an investigation into planning scheme controls to facilitate the ability for sports clubs to display sponsorship/promotional signage on sports field fencing and scoreboards.***

7 PETITIONS

Nil

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 47- 49 McIntyre Street, BURWOOD (Lot 1 TP 214992X & Lot 3 TP 186129R) Amendment to permit allowing 'Development of a five storey building comprising 50 apartments'

ATTACHMENT

SUMMARY

This application for amendments to the existing planning permit was advertised, and a total of 15 objections were received. The amendment primarily reduces the number of dwellings to 36. This follows the VCAT Compulsory Conference outcome, which had reduced the original dwelling numbers from 50 to 38.

Objections to the permit amendment raised issues with neighbourhood character, nature of tenancy, traffic and car parking, vegetation removal, amenity impacts, drainage, and waste management. A Consultation Forum was held on 8 November 2018 chaired by Councillor Ellis, 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 amendments be supported, subject to conditions.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Davenport

That Council:

- A. Being the Responsible Authority, having caused Application WH/2013/749/A for 47 - 49 McIntyre Street, BURWOOD (LOT 1 TP 214992X & LOT 3 TP 186129R) to be advertised and having received and noted the objections is of the opinion that the granting of the amendment to the Planning Permit for Development of a five storey building comprising 50 apartments is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue amended Notice of Decision to Grant an Amended Planning Permit under the Whitehorse Planning Scheme to the land described as 47 - 49 McIntyre Street, BURWOOD (LOT 1 TP 214992X & LOT 3 TP 186129R) which allows the 'Development of a four to five storey building comprising 50 apartments', subject to the following changes:**
 - **Permit preamble – (Amended)**
Development of four to five storey building comprising no more than 36 Dwellings, associated building and works, and vegetation removal.
 - **Condition 1 preamble (Amended)**

Before the development starts, or any trees or vegetation removed, amended plans 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 dated 11 May 2018, Revision A, Job no. 17004, prepared by Embrace Architects Pty Ltd but modified to show

Conditions 1(a) to 1(f), 1(j) & 1(n) – (Deleted).

Conditions 1(g) to 1(i) & 1(k) to 1(l) & 1(o) – (No change).

Conditions 1(m) – (Amended)

9.1.1
(cont)

- ***A revised Waste Management Plan in accordance with Condition 9 that includes the following changes:***
 - i. Garbage & recycling generation to generally reflect the following rates:***
 - ii. General/domestic waste 2,880 L/week.***
 - iii. Recycling 3,888 L/week***
 - iv. Management of Bulk and Green Waste.***
 - v. Additional notes to state:***
 - ***The development is to be serviced internally by private waste collection contractors.***
 - ***Waste collection vehicles are to enter and leave the development in a forward direction.***
 - ***Council issued bins will not be required for this development.***
- ***Condition 1(p) – (Amended)***

New Conditions 1(p)(iii) and 1(p)(iv) included to state:

- iii. The provision of two additional canopy trees (8 metres high) located (a) within the south-eastern corner of the frontage and (b), along the rear boundary centrally adjacent Dwelling B04.***
- iv. The provision of taller shrubs (minimum 4 metres high) along the western side and rear boundaries to strengthen the provision of landscape screening to boundary interfaces.***
- ***Condition 1(q) – (New condition)***

That the first six car spaces immediately within the entry (spaces B01, B01, B02, B03, and B04 & B04) be designated as visitor car spaces.

- ***Condition 1(r) – (New Condition)***

A revised Tree Removal Plan that numbers all trees to be removed / retained in accordance with the arborist report prepared by Constructive Arboriculture, dated June 2014.

- ***Condition 1(s) – (New Condition)***

That all first and second floor, west-facing balconies and west-facing windows (not integrated with a balcony) to be either of highlight design, or to receive a 1.7 metre high screening device of high quality urban design.

- ***Condition 2 – (Amended)***

Except with the further consent of the Responsible Authority, the building must not contain more than 36 dwellings.

- ***Conditions 3-5 – (No Change)***
- ***Condition 6(a)(i) – (New Condition)***

6(a)(i) Tree 9 - Melaleuca linarifolia - TPZ- 3m radius from centre base of tree.

Old Conditions 6(a)(i-xiii) – (Renumbered accordingly):

- ***Condition 7(a) – (Amended)***

7a) For Trees #9, #17, #18, #20 and #24, no roots are to be cut or damaged (no roots greater than 40 mm) during any part of the construction process.

- ***Condition 8 – (Reworded)***

Prior to the commencement of buildings and works, a Green Travel Management Plan prepared by a suitably qualified environmental engineer or equivalent to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

9.1.1 (cont)

The development must be in accordance must be in accordance with the endorsed Sustainability Management Plan, prepared by Ark Resources Pty Ltd, File 1215A, Issue E, dated 25 July 2018 that forms part of this Permit.

Before the development is occupied, the approved Sustainability Management Plan and Green Travel Management Plan must be implemented and adhered to during the construction of the development allowed by the permit, to the satisfaction of the Responsible Authority and any on-going obligations must be complied with at all times to the satisfaction of the Responsible Authority.

- ***Conditions 9 to 15 – (No Change)***
 - ***Condition 16 – (New Condition)***
16. ***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.***
- ***Old Conditions 16 to 19 – (Renumbered accordingly)***

Notes A to G – (New Notes)

- ***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.***
- ***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.***
- ***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***
- ***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.***
- ***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.***
- ***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.***

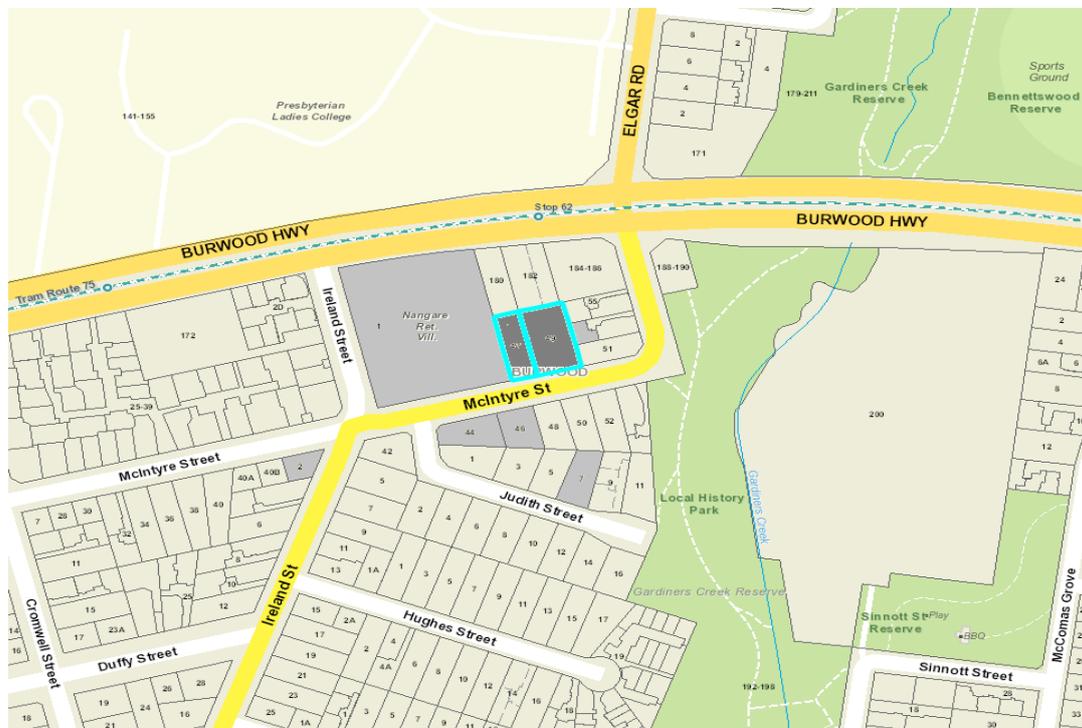
No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the Relevant Authority. If approval obtained, the property owner is required to enter into a S173 Agreement with Council that requires the property owner to maintain the fire hydrant"

9.1.1
 (cont)

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

Applicant:	Thousand Hills Property C/o Planning & Property Partners, Pty Ltd
Zoning:	Residential Growth Zone, Schedule 2 (RGZ2)
Overlays:	Significant Landscape Overlay, Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environmental and Landscape Values
Clause 15	Built Environment and Heritage
Clause 15	Built Environment and Heritage
Clause 15.01(2-4S)	Urban Design & Apartment Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)
Clause 16	Housing
Clause 21.05	Environment
Clause 21.06	Housing
Clause 21.10	Environmentally Sustainable Development
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.07	Residential Growth Zone, Schedule 2
Clause 42.03	Significant Landscape Overlay, Schedule 9
Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot
Clause 65	Decision Guidelines
Ward:	Riversdale



		Subject site	
			15 Objector Properties (8 of these properties are from Retirement Village, 2 of these properties are outside of map)
			North

9.1.1 (cont)

BACKGROUND

Planning Permit WH/2013/749 was issued on 25th October 2016 for 'Development of five storey building comprising 50 apartments' at the direction of VCAT. During the compulsory conference substituted plans were agreed to, resulting in additional changes made to the building.

Key changes included a reduction to 38 dwellings, a reduced parking provision from 60 car spaces down to 40 car spaces (plus 8 visitor car spaces), site coverage reduced and boundary setbacks increased, balconies altered, and internal layouts reconfigured. VCAT did not however include in their order that the proposal be updated accordingly and consequently the permit preamble currently reads as '50 dwellings'. Plans complying with the permit were endorsed on 9th February 2018 (see Attachment 2).

An extension of time request has recently been approved that results in the current Permit being valid until 21st July 2020 when commencement must occur.

The Site and Surrounds

The site is comprised of two titles (Lot 1 TP 214992X & Lot 3 TP 186129R) yielding an overall area of 1,920m². The site has a southern frontage to McIntyre Street of 26.8 metres and a depth of 47.52 metres. The site is located on the north side of McIntyre Street, one lot south of Burwood Highway. The site is located within a substantial change area pocket bounded by Burwood Highway to the north, McIntyre Street and Cromwell Street to the west, as reflected by the Residential Growth Zone (RGZ2) that affects this area. The site currently contains a detached single storey brick dwelling on 47 McIntyre Street and a 2-3 storey commercial brick building on 49 McIntyre Street. A number of canopy trees are located on site including a Lemon-Scented Gum within the front setback of No 47, and a Red Gum in the rear yard of No 49.

The land is well serviced by social infrastructure and services in the surrounding area. North of Burwood Highway is a large education precinct encompassing the Presbyterian Ladies Collage, Deakin University and Mount Scopus Memorial College. Approximately 300m to the west (on Cromwell Street) is a local strip shopping centre, while less than 1km to the west along the Burwood Highway corridor is the Burwood Village Activity Centre which offers a range of local and specialised shops. To the south and east is the valley encompassing Gardiners Creek reserve. There is substantial public transport in the vicinity, with a tram stop (Route 75) located approximately 50 metres north of the site, buses running into the retail core of Box Hill (approximately 1km east from the subject site) and along Burwood Highway. The Burwood train station is also located approximately 3km to the west.

The surrounding properties comprise a mix of uses, including residential dwellings to the south, east and the western portion of the north boundary. There is also a carpark adjoining to the eastern portion of the north boundary (previously used by the Telstra Exchange building further north-east). All three northern allotments (182-186 Burwood Highway) have received planning permission to construct 7 X three to four storey dwellings pursuant to Permit WH/2016/1021. Adjoining to the west is the United Church run 'Nagare Retirement Village'. There are a number of medium density developments evident in the area.

Two-hour on-street metered car parking applies along McIntyre Street and Judith Street.

9.1.1 (cont)

Planning Controls

In accordance with Clause 32.07 - (Residential Growth Zone) of the Whitehorse Planning Scheme, a Planning Permit is required for the construction of two or more dwellings on a lot.

Pursuant to Clause 42.03-2 (Significant Landscape Overlay) of the Whitehorse Planning Scheme a permit is required to remove, destroy or lop a tree and to construct a building or construct or carry out works.

Planning Policy Framework

Clause 11

Clause 11 (Settlement) states that planning is to:

- Anticipate and respond to the needs of existing and future communities' through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- Recognise the need for, and as far as practicable contribute towards: health, wellbeing and safety; diversity of choice; adaptation in response to changing technology; economic viability; a high standard of urban design and amenity; energy efficiency. prevention of pollution to land, water and air; protection of environmentally sensitive areas and natural resources; accessibility; land use and transport integration.
- Prevent environmental and amenity problems created by siting incompatible land uses close together.
- Facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

Clause 12

Clause 12 (Environmental and Landscape Values) identifies that *'planning should help protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values'* and that it should seek to *'avoid the removal, destruction or lopping of native vegetation or minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided'*.

Clause 15

Clause 15 (Built Environment and Heritage) notes that *'planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context'* and planning should achieve high quality urban design and architecture that:

- *Contributes positively to local urban character and sense of place.*
- *Reflects the particular characteristics, and cultural identity of the community.*
- *Enhances the function, amenity and safety of the public realm.*

Clause 16

Clause 16 (Housing) identifies that *'planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure'* by encouraging *'increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land'* to be achieved through *'locating new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport'*.

9.1.1 (cont)

Local Planning Policy

Clause 21.05

Clause 21.05 (Environment) identifies that there are *'issues of natural environment, visual environment and the built environment which are important to the City of Whitehorse'* and that *'several areas in the City have special natural, environmental or historic significance'*, noting that *'these areas are not merely places for recreation, but conservation'*.

Relevant key objectives and strategies seek to *ensure that the replanting of tall trees and indigenous vegetation is appropriate to the type of vegetation in the area and enhances and retains biodiversity; to encourage appropriate development that responds to environmental characteristics and infrastructure constraints; to ensure that development is of a high quality design that is compatible with the character and appearance of the area; and to provide adequate open space and landscaping for new development.*

Clause 21.06

Clause 21.06 (Housing) identifies and acknowledges that The City of Whitehorse is a *'middle ring municipality providing housing for a wide range of household types, ages and cultural groups'* and that it is *'under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities'*. The Council seeks to accommodate and facilitate this change through its *Housing Strategy 2014* and *Neighbourhood Character Study 2014*; which identify various neighbourhood character areas (Bush Environment, Bush Suburban and Garden Suburban) and areas appropriate for substantial, natural and limited change.

Clause 22.03

Clause 22.03 (Residential Development) seeks to ensure that residential development within the City of Whitehorse is consistent with the built form envisaged for the three categories of housing change and that it contributes to the preferred neighbourhood character of the area, whilst not detracting from the natural environment and ecological systems. Relevant to this application, the following relevant strategies for *'substantial change areas'* include:

- *Encourage the building forms of townhouses, units, flats and low scaled apartments*
- *Locate new development in the Substantial Change Areas only.*
- *Provide a range of dwelling types, sizes and tenures, including affordable housing, in larger developments.*
- *Ensure buildings interfacing sensitive areas and uses have a scale and massing appropriate to the character and scale of their context.*
- *Create a new, higher density urban character in areas located away from sensitive interfaces.*
- *Prioritise works to improve the appearance, function and safety of the public realm in locations subject to the greatest increase in residential density.*
- *In new street layout, add to and extend the pattern of surrounding streets, and provide convenient, safe and frequent pedestrian connections into surrounding areas.*
- *Ensure streets and other spaces are designed and managed as public spaces with unconstrained access, with high quality and durable finishes.*
- *Ensure new development provides space for planting, communal spaces and rooftop gardens to improve the amenity and liveability of dwellings.*
- *Ensure adequate infrastructure is in place to support substantial change areas.*

9.1.1 (cont)

Also specific to the site, the preferred character statement of 'Garden Suburban 1 is included as follows:

The simple, moderately scaled dwellings, including many from the Interwar era, will sit within low-set, spacious gardens and are clearly visible from the street through open frontages. The formal character of the area will be enhanced by garden settings with tall trees, lawns, garden beds and shrubs. A sense of spaciousness will be established and enhanced with consistent front and side setbacks, and low or open style front fences.

Buildings will be occasionally built to the side boundary, but appear to have side setbacks with space for planting. Buildings close to Gardiner's Creek will be sited so that the overall visibility of the development is minimised when viewed from the creek corridor, which will enhance the natural, bushy settings. Vegetation from private gardens will enhance the existing landscape character of the creek corridor, incorporating large native / indigenous canopy trees.

Areas within the Structure Plan areas of Burwood Village and nearby (Substantial Change) will undergo change to accommodate new medium density dwellings with more compact siting, while retaining space for landscaping including trees. Areas with good access to trams will accommodate more dwellings with slightly more compact siting than the remaining residential areas, but with space for large trees and gardens.

Clause 22.04

Clause 22.04 (Tree Conservation) identifies and acknowledges the importance of tree conservation within the City of Whitehorse and sets out a number of policy and performance standards relating to the retention and tree regeneration when undertaking development.

Clause 52.06

Being located within the Principal Public Transport Network, Clause 52.06 requires 1 space to each one or two bedroom dwelling, 2 car spaces to each three or four bedroom dwelling, and no requirement for visitor parking.

Clause 55 Two or Dwellings on a Lot (Clause 58 does not apply given that the original permit was issued prior to when this clause was gazetted into the Planning Scheme)

Clause 55, generally referred to as ResCode is a series of standards and performance objectives designed to guide the development of land for two or more dwellings

PROPOSAL (See Attachment 1)

The proposal seeks to reduce the number of dwellings from '38 apartments' to '36 dwellings', and to legitimise the buildings and works and vegetation removal now triggered under the Significant Landscape Overlay – Schedule 9 (SLO9). It is noted that the original application sought approval for 50 dwellings, which, as explained earlier in this report, was subsequently mediated to the reduced number of 38 dwellings and plans amended through the VCAT process to reflect this. There was however, an oversight by VCAT in that the preamble of the original permit was not changed from 50 dwellings to 38. Subsequently, whilst this proposal seeks a reduction from 38 to 36 dwellings, the administration of the permit itself requires amendment to remove the reference to 50 dwellings. As such, the actual changes to the permit are as follows:

- i. The permit preamble to now read as: "Development of five storey building comprising No More than 36 Dwellings, associated building and works, and vegetation removal".
- ii. Changes to Permit Conditions as fully detailed in the applicant's cover letter dated 16 August 2018, but including:
 - Condition 1 preamble altered to reflect the reduction on the number of dwellings and the additional permit triggers as required under the SLO9.
 - Conditions 1(a)-(f), 1(j)-(k), 1(m) and 1(p) deleted.

9.1.1
(cont)

- Conditions 1(a-f) required setback outcomes of current proposal that would now be invalid.
 - Conditions 1(j) (a schedule of finishes) & 1(k) (a notation requiring that all obscured glazing be of manufactured obscured glass) required additional detail to be provided on the plans.
 - Conditions 1(m) (Waste Management Plan (WMP)), and 1(p) (a revised landscape plan), required various reports to be updated. Under the revised plans, Conditions 1(j), 1(k), 1(m) and 1(p) are all detailed and therefore no longer required.
 - Conditions 4 (revised landscape plan) and 8 (Sustainability Management Plan and Green Travel Plan) to be reworded to reflect the landscape plan and SMP submitted as part of this application.
- iii. Changes to plans as fully detailed in the applicant's cover letter dated 16 August 2018. The key changes include:
- A further reduction of dwellings from 38 dwellings down to 36 dwellings (to provide more spacious conditions)
 - A small decrease in parking provision from 48 to 46 spaces (but with all 8 visitor car spaces now dedicated to proposed dwellings, as no visitor spaces are required to be provided).
 - Although within the originally approved building envelope, the urban design and external appearance of the building has completely altered.
 - Although originally considered, and approved, the removal of the following 16 trees as now protected under the SLO9 (See Attachment 3 of location of trees):

Tree No.	Botanical Name	Common Name	Height (m)	Age (year)	Health/ Structure
Street Tree 1	<i>Angophora costata</i>	Smooth-barked Apple Gum	8	Semi mature	Fair / Below Average
3	<i>Eucalyptus conferruminata</i>	Bushy Yate	10	Mature	Fair / Below Average
4	<i>Photinia robusta</i>	Photinia	5	Mature	Fair / Fair
5	<i>Fraxinus angustifolia.</i>	Claret Ash	10	Mature	Fair / Below Average
6	<i>Liquidambar styraciflua</i>	Sweet Gum	10	Semi-Mature	Below / Average /
7	<i>Acmena smithii</i>	Lilly Pilly	6	Semi-Mature	Fair / Poor
8	<i>Liquidambar styraciflua</i>	Sweet Gum	13	Semi-Mature	Poor / Below Average
10	<i>Photinia robusta</i>	Photinia	6	Mature	Fair / Fair
11	<i>Prunus cerasifera</i>	Cherry Plum	7	Mature	Below Average / Below Average
12	<i>Eucalyptus camaldulensis</i>	Red Gum	23	Mature	Fair / Poor
14	<i>Banksia integrifolia</i>	Prickly Paperbark	8	Mature	Below Average / Fair
15	<i>Eucalyptus camldulensis</i>	Red Gum	22	Mature	Fair / Below Average
16	<i>Jacaranda mimosifolia</i>	Jacaranda	6	Semi-Mature	Fair / Poor
19	<i>Prunus cerasifera</i>	Cherry Plum	6	Semi-Mature	Fair / Below Average
22	<i>Callistemon viminalis</i>	Weeping Bottlebrush	7	Mature	Fair / Below Average
23	<i>Callistemon viminalis</i>	Weeping Bottlebrush	7	Mature	Fair / Fair

9.1.1
 (cont)

- Removal of three (3) trees where a permit is not required (Trees 2, 13, 21)
- Retention of five (5) trees (Trees 9, 17, 18, 20 & 24) protected under the SL09. A summary table of is provided below:

Tree No	Botanical Name	Common Name	Height (m)	Age (year)	Health/ Structure
9	<i>Melaleuca linarifolia</i>	Snow in Summer	8	Mature	Fair / Poor
17	<i>Eucalyptus leucoxylon</i>	Yellow Gum	9	Mature	Fair / Fair
18	<i>Pittosporum undulatum</i>	Sweet Pittosporum	6	Mature	Fair / Below Average
20	<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle	6	Mature	Fair / Poor
24	<i>Corymbia citriodora</i>	Lemon Scented Gum	19	Mature	Fair / Below Average

To offset the removal of 16 trees protected under the SLO9 from a landscape character perspective, the planting of five (5) trees (height at maturity of 8-9 metres), seven (7) trees (height at maturity of 10 metres), and two (2) trees (height at maturity of 15 metres) have been included in the submitted landscape plan.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice at the McIntyre Street frontage. Following the advertising period 15 objections were received.

The issues raised are summarised as follows:

Neighbourhood Character

- Scale / Height / Built Form
- Density / Over development of site
- Bulk and Massing
- Site Coverage
- Non-compliant with policy Clauses 21.05 (Environment), 22.03-5 (Residential Development - Garden Suburban Precinct 1) and 22.04 (Tree Conservation).

Nature of Tenancy

- Used more as student accommodation rather than dwellings

Traffic and Car Parking

- Traffic Impacts along McIntyre Street
- Street's capacity to accommodate visitors & construction vehicles
- Pedestrian and Driver Safety
- Construction Period

Vegetation Removal

- Extent is Excessive
- Neighbourhood Character Impacts
- Removes existing screening trees

9.1.1 (cont)

Amenity impacts

- Overlooking
- Overshadowing
- Noise (Construction Period)
- Other Drainage
 - Surface water drainage to adjoining properties
- Waste management
 - There must be on-site private collection so that on-street parking and traffic conditions are not disturbed.

Consultation Forum

A Consultation Forum was held on 8th November 2018 at Box Hill Town Hall, chaired by Councillor Ellis. Four objectors attended the meeting, along with planning officers and the permit applicant. Concerns/objections with the proposal were grouped under broad categories with all parties afforded the opportunity to provide commentary on each concern. The permit applicant was also given an opportunity to respond to objector concerns. The additional issues raised not already detailed above comprise the following:

- Amenity impacts must be no worse than what was determined under the original permit WH/2013/749 concerning overshadowing, overlooking, building mass and visitor parking.
- Whether Vic Roads is required to make comment.
- Requirement of a Construction Management Plan.
- Validity of Permit

While no resolution was reached between the parties, all parties left the meeting better informed about the process, the context behind the objection grounds, and the rationale of the applicant behind the amended proposal.

Referrals

External

No external referrals were required as part of this application.

Internal

Engineering and Environmental Services Department

- Transport Engineer

The application was referred to Council's Transport Engineering team who have reviewed the proposal and do not object to the proposal, subject to recommended conditions relating to vehicular access throughout the site.

- Waste Engineer

The application was referred to Council's Waste Engineering team who have reviewed the proposal and do not object to the proposal, subject to recommended waste management conditions.

- Assets Engineer

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

9.1.1 (cont)

- Environment Sustainable Design (ESD) officer

The application was referred to Council's ESD officer who has reviewed the proposal and does not object to the proposal subject to conditions relating to Water, Energy, Stormwater and Indoor Environment Quality.

- Parkswide

The application was referred to Council's Parkswide team who has acknowledged that Street Tree No 1 is proposed to be removed to facilitate the new crossover installation. As this tree does not fit Council's criteria for removal (of being dead, dying or hazardous) it is recommended that the tree be removed under Council's Tree Amenity Valuation Removal policy to allow the crossover to be installed. This would be subject to a contribution of the tree's value to be paid by the land owner.

- Arborist

An arborist referral was not conducted as part of this amendment application. Given that no changes to the trees considered as part of the original application were carried out, comments and permit conditions from the original permit were relied upon as part of this application.

DISCUSSION

The subject site is located within an area that is identified for housing growth of an increased intensity due to its proximity to an Activity Centre, open space and public transport. The policy objectives for the substantial change areas aim to support increased densities and housing choices for a variety of household types in addition to ensuring a preferred character is achieved.

As outlined in Clause 22.03, it is imperative that built form achieves an acceptable transition to adjacent properties, both with respect to future development potential of these sites, as well as providing the necessary spatial separation from lower, sensitive residential neighbours. See also Garden Suburban Precinct 1 Guidelines at Appendix A, and Schedule 2 to the Residential Growth Zone at Appendix B

As part of the original Council Report for WH/2013/749 it is acknowledged that Council found that the proposal does not offer an appropriate architectural solution given identified issues of building bulk and scale, poor street presentation, limited setbacks, lack of transition to adjoining properties, inappropriate equitable development opportunities for adjacent properties and poor internal amenity outcomes. Other identified issues include poor material selection and lack of landscaping opportunities to assist with screening the development.

However, following receipt of substituted plans through the VCAT compulsory conference proceedings, it is also acknowledged that resolution was reached between Council officers and the applicant with a revised proposal, which included a major reduction of dwellings down to 38 dwellings (originally considered at 50 dwellings). A permit was subsequently issued and plans endorsed as discussed in the 'Background' section earlier in this report.

Given that in theory that the applicant could potentially construct this proposal as approved today, assessment of the proposed amendments must be in the context of what has already been approved. From this perspective, the following assessment is provided.

Neighbourhood Character

It is acknowledged that the grounds of objections received were heavily focused on how the bulk and massing of the development was a clear shift away from the existing neighbourhood character and expectations of the Preferred Character Precinct – Garden Suburban 1, and would reflect an overdevelopment on the site.

9.1.1 (cont)

It is considered that these objection grounds hold merit with medium density development in the area largely consisting of single and two storey townhouse (although a three to four storey town house development has been approved immediately to the north of the site, although not completed). However, these character and built form issues have largely been determined under the original approval (WH/2013/749) due to the fact that the proposal changes to the development would predominantly still fall within the approved building envelope.

Officers consider that the overall building massing has been improved due to the increased articulation and boundary setbacks. The minimum ground floor boundary setbacks increase from 3.55 metres to 4.78 metres (east), from 2 metres to 4.51 metres (north), from 2.01 metres to 4.77 metres (west), and from 4.69 metres to 7.62 metres (frontage). There is also a reduction of site coverage (59.08% down to 52%) and height (16.5 metres down to 15.9 metres).

There are, however, small sections of the building that would have exceptions to the above setbacks. This would relate to the ground floor and first floor levels of the building's north-eastern corner (setbacks decreased from 4.5 metres to 4.35 metres, and from 5.24 metres to 5.185 metres respectively), and the first floor, Dwelling 201 western balcony (7.1 metres reduced to 5.7 metres, although the western building wall would increase from 8.47 metres to 8.93 metres). However, while the building mass would increase at these sections of the building, the increased articulation and urban design appearance would create improved visual interest that would ensure the extent of this increase would not be significant and would not cause additional adverse amenity impacts to any adjoining properties.

From this perspective, bulk, massing, density, scale and height of the building in context to the existing neighbour character, would be an improvement to what is currently approved, and would meet the objection grounds associated with these issues.

Traffic and Car Parking

The proposal would result in a further reduction of two dwellings (thirty-eight dwellings down to thirty-six dwellings). As the site is located within a Principal Parking Transport Network, Clause 52.06 removes the requirement to provide visitor parking for dwellings. This would result in a parking rate requirement under the planning scheme of thirty-nine car spaces.

The key changes to the parking provision from the currently endorsed plans is the conversion of eight visitor car spaces for permanent dwelling car spaces, with the total parking provision of forty-six car spaces maintained. This would exceed the required parking provision of Clause 52.06 requirement by seven car spaces.

It is acknowledged that objection grounds indicated that there is little capacity for on-street visitor parking (including the construction period), while traffic generation and safety implications to both vehicles and pedestrians alike, would occur as a result of the proposal. Also acknowledged in the objection grounds is:

- a) That McIntyre and Ireland Streets are used as a short cut route to avoid the Warrigal Road / Burwood Highway signalised junction;
- b) That commercial vehicles regularly use McIntyre Street as a key route to/from Burwood Highway via the Burwood Cemetery approximately 550 metres south-west of the site;
- c) That two-hour parking restrictions have been recently introduced to McIntyre and Judith Streets; and
- d) That there is heavy congestion along McIntyre Street particularly between Ireland Street and Burwood Highway during peak hour periods.

9.1.1 (cont)

- e) From this perspective, it is acknowledged that the proposal would likely have a noticeable impact on traffic congestion and parking in the area along McIntyre Street and the surrounding street network given the intensity of the development. It is also acknowledged the proposal maintains the originally approved parking provision of 46 car space for two or less bedroom dwellings (36 dwellings).

However, it is considered that the site is unique within the Residential Growth Zone (area of substantial growth) of Burwood in that it does not have a direct access to a major road, being Burwood Highway. The loss of 8 visitor car spaces would have a noticeable impact on the local street network given that the reliance and convenient use of public transport would clearly be lower than if the site fronted Burwood Hwy and the tendency to use vehicles would be, in turn, higher. While the zero provision of visitor car spaces satisfies the parking requirement under Column B of Clause 52.06, it is considered that the proposal has not done enough to satisfy key decision guidelines of Clause 52.06 that seek to protect the role and function of nearby roads and the ease and safety with which vehicles gain access to the site; as well as protecting and enhancing the streetscape from an access and parking perspective.

To address this issue, it is recommended that the first six internal car spaces closest to the entry of the carpark be converted back to visitor car spaces. This is considered a reasonable outcome when balancing provisions of Clause 52.06 with the local context of the area and address the relevant objection grounds.

Amenity (Overlooking / Overshadowing / Noise)

Shadow diagrams for the equinox and three dimensional shadow sections have been provided. The proposed shadowing will comply with Standard B21 of Clause 55 of the Whitehorse Planning Scheme (applied as a tool to assist assessment of reasonableness in the absence of applicable standards for developments five storeys or over, including Clause 58).

In context with the original proposal, this would translate to a slight decrease in the extent of overshadow with the retirement village adjoining to the west of the site at 9am, but would result in a slight increase to the extent of overshadow to the private open space for 2/53 McIntyre Street adjoining the site to the east at 3pm. As the key periods between 9am and 3pm are relatively well complied with concerning overshadowing impacts, Standard B21 continues to be met and would meet the relative objection grounds.

Balconies and windows have generally been provided with screens or raised sill heights that would generally achieve compliance with Standard B22 of Clause 55 of the Whitehorse Planning Scheme (applied as a tool to assist assessment of reasonableness in the absence of specific standards for developments five storeys or over). The exceptions are the first floor and second floor balconies and main habitable room windows, which generate a small level of overlooking into the retirement village, which would be an increased amenity impact to the originally approved development.

This issue can however be addressed as a condition of approval requiring that either highlight windows and/or screening devices be employed in accordance with Standard B22 'Overlooking' to address this concern and thereby, meet the relevant objection grounds.

It is considered that noise generated by the occupants of the proposal can be expected to be commensurate with that to be reasonably expected for the residential use of residential land in an area of substantial change. This issue was addressed under the original determination and it is considered that the circumstances have not change as a result of the proposed changes.

9.1.1 (cont)

Vegetation Removal

Tree Removal

As part of the original approval, Trees 9, 17, 18, 20 and 24 were considered by Council's arborist as the trees that could be retained given the location and design of the proposal. All other trees were approved to be removed. As part of the subject amendment application, there are no changes from what trees were to be retained and removed. The main difference is that the SLO9 now applies and requires a permit for the proposed tree removal, whereas tree works were previously considered under Clause 55 (Res Code) and the Guidelines for Higher Density Residential Development, from a landscape perspective.

It is acknowledged that the presence of the SLO9 and additional permit trigger adds greater weight towards encouraging that the proposed development be sensitively designed to protect and retain established trees that contribute to the surrounding significant landscape. As part of this consideration, Trees 12 and 15 (both trees are Red Gums – 22 metres and 23 metres high), and Tree 24 (Lemon Scented Gum – 19 metres) are the most dominant, established canopy trees that are good specimens visible to the surrounding area due to their large canopies and height and thus, would meet the intent of the SLO9 if retained.

Like the original approval, Tree 24 has been retained with encroachment being well below 10% in accordance with the relevant Australian Standard. This tree's location within the front setback is the most prominent of the significant trees on site that will continue to contribute to the landscape character of the streetscape and surrounding area if this proposal was supported.

The central location of Trees 12 and 15 unfortunately mean that there is no opportunity to avoid their loss. This would apply to whether the development was an apartment building in this instance, or a higher density townhouse development unless a significant reduction of dwelling numbers or site coverage was provided. While both trees currently display a large canopy, their health and structure is of fair-poor, indicating that the life expectancy of both trees are also likely to be limited.

Additionally, the location of the proposed crossover would result in the loss of street Tree 1. This was also an outcome agreed to as part of the original approval and would result in a major redesign if this tree's retention was proposed.

It is acknowledged that objection grounds emphasized the importance of vegetation retention for the benefit of the streetscape, wider landscape and established landscape screening to the western property boundary in particular. However, in this instance the circumstances remain unchanged from the original approval, other than the additional permit trigger under the SLO9. Had these trees being located on the periphery of the site, there may have been an opportunity to avoid or minimise their loss or impact. However, a major redesign would not justify the retention of these trees given the VCAT history associated with this proposal.

As stated, the strong push to retain the established landscape screening to the west adjoining property related to Trees 5 to 8. While Trees 6 to 8 can be retained, Tree 5 must be removed if to accommodate the basement and graded private open space area associated with Dwelling G02. The proposed amendments do not seek to change the circumstances of the original approval, and thus, in this instance, as directed by the original approval, the removal of this tree is justified. The removal of this tree should be consequently supported.

Replacement Planting

In the general sense, the proposal has provided an adequate landscape outcome and setting as part of the adjoining streetscape. It is, however, considered that a greater mix of native canopy trees is required to provide an acceptable offset of native canopy vegetation loss, while also providing a great landscape screening response given the mass and scale of the apartments, and the character and amenity impacts of the surrounding area.

9.1.1 (cont)

It is recommended that an additional 8 metre high native canopy tree be provided within the south-eastern corner of the frontage to provide balance with the Lemon Scented Gum being centrally retained within the front setback. Additionally, an 8 metre high native canopy tree also be planted along the rear boundary centrally adjacent to Dwelling B04, and the additional provision of taller shrubs (minimum 4 metres high) along both western side and rear boundaries, would further visually relieve the solid mass of the development to the streetscape and boundary interfaces.

This would ensure more acceptable landscape and offset outcomes expected of the SLO9 and Clause 22.04 (Tree Conservation) in context with the wider significant landscape, while providing an acceptable landscape screen to soften the building mass of the development with the streetscape and adjoining properties.

It is acknowledged that objection grounds emphasized the importance vegetation has on the streetscape and wider landscape, as well their role in providing effective screens to adjoining properties. From this perspective, it is considered that these objection grounds have been responded to.

Response to Grounds of Objection not previously discussed.

Waste collection

As part of the original approval, a condition was included on the permit to ensure that both private collection and an amended waste management plan would be required. While the applicant has provided a revised Waste Management Plan (WMP), the total waste generated and frequency of bin collection falls below the expectations of Council's Waste Officer. These measurements would be required to be update as a condition of approval should the application be supported.

Nature of Tenancy / Dwelling Diversity

Objection grounds indicated that there is a perception that the dwellings would be used as student accommodation and would discourage the residing of families, resulting in a high number and diversity of people living in the neighbourhood. Concerns have been also been raised on the potential noise created and the safety for residents in the area.

In this instance, the proposal is for dwellings, not 'accommodation'. Consideration can only be given for what as has been proposed. If the subject application is approved, should the future owners wish to use the building for 'accommodation' in future, a permit would be required for its use and would be considered on its merits. There is also a specific policy (Clause 22.14) of the Planning Scheme which ensures the Student Accommodation is carried out to an appropriate standard.

Concerning the mix of dwelling types, it is acknowledged that the proposal would provide for 9 x one bedroom, 24 x two bedroom, and 3 x three bedroom dwellings respectively. The proposed amendment is considered to offer a higher diversity of dwelling types and floor layouts, which meets the provision of Clauses 16.01-3S and 21.06-4 (Housing Diversity) that encourages the provision of greater housing choice in meeting changing household needs. These policies do not specifically require a greater portion of family dwellings to be provided. It is considered that the objection grounds associated with these issues have been addressed.

Drainage

The proposal meets Standards B8 (site coverage) and B9 (Permeability or Stormwater Management) and the preferred character statement 'Garden Suburban 1', with a sufficient proportion of the site that is permeable (increased from 22% up to 31% of total site area), and a site coverage that is noticeably less than the original proposal (from 59% down to 52% of the total site area). Most of the permeable surfaces are along property boundaries to ensure that surface stormwater would be mitigated.

9.1.1 (cont)

Council's Asset Engineering officer also consented to the proposal, requiring that an on-site stormwater detention system be provided to ensure that stormwater is slowed down prior to entering the legal point of discharge. The existing Condition 12 on the permit also already required this outcome..

Is Vic Roads a Referral Authority?

The site is not located directly adjacent a classified Vic Roads road as defined within a Road Zone Category 1 (RDZ1). This means that (a) a permit is not required to vary the access onto a RDZ1 road and (b), that the views of the road authority, Vic Roads, are not required in this instance. It is considered that this objection ground has been addressed.

Assessment of Amended Permit Conditions (see Attachment 4)

The proposal firstly seeks to clean up the permit conditions and updating the permit to be consistent with the currently amended proposal. Conditions 1(a)-(f) focused on agreements made during the compulsory conference. While the Amendment proposal remains generally consistent with these outcomes, they no longer specifically relate with the amended footprint currently being considered. For this reason, the applicant's request to delete these conditions is considered acceptable.

Additionally, the application has requested that the preamble of condition 1 be updated to match the currently submitted plans. This is also considered acceptable.

Condition 1(h) ensured that sufficient gradients be provided for the accessway and car park, while condition 1(i) required minor adjustments to the car park layout and column locations, both in accordance with Clause 52.06 (Parking Provisions). Council's Engineering officer has confirmed that the Amendment proposal has still not met either permit condition. Consequently, both conditions remain outstanding and must be retained accordingly.

Condition 1(j) required the submission of a schedule of external materials and finishes, while condition 1(k) required a notation on the plans that all obscured glazing must be of manufactured obscured glass. Both elements are provided on sheet 17 of 18 of the amended plans. As both conditions have been addressed, the proposed deletion of these conditions are warranted.

Condition 1(m) required that a revised WMP in accordance with the WMP condition (condition 9). The applicant seeks to delete condition 1(m) given that a WMP has been provided, and reword condition 9 to reflect this revised WMP document. Given that changes to the waste and recycling rates and collection frequency are required to be made, condition 9 must be retained, and condition 1(m) reworded to reflect the waste and recycling rates and collection frequencies expected from Council's Waste officer.

Condition 1(p) required the submission of an amended landscape plan in accordance with the landscape plan condition (condition 4). With the submission of a landscape plan, the applicant has requested that condition 1(p) be deleted while condition 4 be reworded to specifically reflect the landscape plan. The outcomes contained in conditions 1(p) (i) & (ii) however remain outstanding and must be retained accordingly. Additional replanting recommended in the 'Vegetation Removal' section earlier in this report, must also be reflected in condition 1(p).

The applicant seeks to reword condition 8 (Sustainability Management Plan (SMP) / Green Travel Plan) to reflect the SMP that was submitted as part of the application. Given that Council's ESD officer consented to this amended proposal, the proposed changes are considered acceptable.

9.1.1 (cont)

CONCLUSION

The proposal is for the construction of a part four storey part five storey apartment building comprising 36 dwellings, with basement car parking.

The substantial assessment of whether a 5 storey building is, or is not appropriate in this context has been debated and determined through the VCAT process for the original application. The changes being considered under this amendment have been further assessed and are considered an improved outcome to the development originally approved.

The application has been advertised and 15 objections have been received, which have been discussed in this report.

It is considered that the application should be approved.

ATTACHMENT

- 1 Amended Plans [!\[\]\(5058eead7ec27d72c8ab2b63ea647659_img.jpg\)](#)
- 2 Originally Endorsed Plans [!\[\]\(cb3523a3f50b62a3af7e0a240f341cd8_img.jpg\)](#)
- 3 Tree Site Plan [!\[\]\(9b35053854014919fc241d4f2f4a5665_img.jpg\)](#)
- 4 Original Permit [!\[\]\(acc198bd2b3d56349cdc1e73faf7cd47_img.jpg\)](#)

Strategic Planning

9.1.2 78 Middleborough Road, Burwood East - Former Brickworks Site Development Plan - Consideration of submissions on changes to the approved Development Plan

FILE NUMBER: SF18/2225
ATTACHMENT

SUMMARY

A development plan was approved in July 2016 and endorsed earlier this year for the former brickworks site at 78 Middleborough Road, Burwood East. The owner of the site is now seeking to change the overall development plan to allow entertainment related uses to be part of the potential mix of uses in the retail centre.

The proposed changes were placed on public exhibition for 2 weeks from 15 – 29 October 2018. Twenty one submissions were received during the public exhibition period. This report reviews the submissions received during this public exhibition period and recommends that the changes to the Development Plan be approved for subsequent endorsement subject to a minor change in response to submissions as outlined in this report.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Ellis

That Council approve changes to the Development Plan (October 2018) for the former brickworks site at 78 Middleborough Road, Burwood East as shown in Attachments 1-4 subject to a minor change to the Economic Impact Assessment relating to the size of the potential cinema offer at the site relative to other existing cinemas in the market area.

CARRIED UNANIMOUSLY

BACKGROUND

Amendment C170 to the Whitehorse Planning Scheme was approved by the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987* ('the Act') and subsequently gazetted on 10 September 2015. The amendment:

- Rezoned the land at 78 Middleborough Road, being the former Brickworks in Burwood East, to a combination of Residential Growth, General Residential and Commercial 1 Zone;
- Applied a Development Plan Overlay, Schedule 6 (DPO);
- Updated local planning policies at Clauses 22.11 and 22.12 in line with the adopted Masterplan; and
- Included the adopted Masterplan for the site as a reference document in the planning scheme.

The DPO approved for the site requires that a 'development plan' be prepared to the satisfaction of the responsible authority before a permit can be granted to use or subdivide land, construct a building or construct or carry out works. The Draft Development Plan was exhibited in early 2016 and approved by Council, following direction by VCAT, in February 2018.

9.1.2

(cont)

Following endorsement of the existing Development Plan, the following planning permits have been assessed and approved, which shows the significant progress being made with approvals for the development:

Planning Permit No.	Approval Date	Description
WH/2016/141	29/9/2016	Subdivision into three large lots
WH/2016/267	23/2/2017	Subdivision to create land for a future 'Link road' between Burwood Highway and Middleborough Road.
WH/2016/415	24/2/2017	Creation of three new intersections to Middleborough Road and Burwood Highway.
WH/2016/473	26/3/2018	Subdivision of larger parcels on Eley Road in preparation for their further subdivision into residential lots.
WH/2016/1179	7/4/2017	Subdivision of future development parcel at corner of Middleborough Road and proposed Link Road. Site for sales / display office site.
WH/2016/1154	27/3/2018	Subdivision of land fronting Eley Road into 16 residential lots.
WH/2016/1199	6/4/2018	Development of a new signalised intersection on Middleborough Road and an upgraded intersection on Burwood Highway for the proposed link road. Retaining wall to access road next to the RSPCA north boundary.
WH/1016/1143	26/4/2018	Apartment Buildings 1 and 2 (six storey) adjoining the proposed Urban Plaza, with a total of 137 one and two bedroom dwellings.
WH/2016/1206	23/5/2018	Shopping Centre development fronting Middleborough Road.
WH/2017/330	6/7/2018	Residential aged care and retirement village development fronting Burwood Highway
WH/2017/52	13/7/2018	Staged subdivision and development of 85 medium density dwellings
WH/2016/1173	17/8/2018	Apartment Building 3 (six storey) adjoining the proposed Urban Plaza, with a total of 60 one and two bedroom dwellings
WH/2017/117	23/10/2018	Apartment Building 4 (six storey) adjoining the proposed Urban Plaza, with a total of 70 one and two bedroom dwellings and food and drink premises on the ground floor

The property owner (Frasers Property Australia) is now seeking to change the overall Development Plan for the site by adding entertainment uses, such as a cinema to the mix of potential uses to provide for greater flexibility and the potential for a broader range of experiences in the retail centre.

9.1.2

(cont)

Related changes to the approved Development Plan include:

- Updating the economic impact assessment based on a revised leasable floor space of 12,956m² and the potential six screen cinema complex.

Frasers believes that the revised leasable floor space in the retail centre reflects a better understanding of the proposed uses, the upper level floor space (which is not included in the existing Development Plan calculation of 10,500m²) and proposed uses such as the rooftop urban farm. The supermarket is also slightly smaller (decreasing from 4500m² to 4200m²) and there is an increase in non-retail uses such as 2,239m² for a potential six screen cinema complex.

It is noted that the footprint of the retail building will not increase as a consequence of these floor area changes.

- Refreshing the economic data and demographic information to include the 2016 census.
- Updating the planning context with recent State and municipal wide changes to the Whitehorse Planning Scheme.
- Altering the layout of the at-grade car park to the south of the retail centre.

Proposed changes to the Development Plan in the last three dot points are regarded as inconsequential. However the inclusion of entertainment uses, such as a cinema is considered to be a substantial change.

The Development Plan Overlay, Schedule 6 (DPO6) that applies to the site requires that a substantial amendment to an approved Development Plan be displayed for public comment for a period of 14 days. Council must consider any comments received before deciding whether to approve the amendment to the Development Plan.

The documents that are proposed to be changed and which form part of the approved Development Plan are shown with the changes highlighted in Attachments 1-4 and include the following reports:

- Development Plan report prepared by Tract Consultants;
- Economic Impact Assessment prepared by Urbis;
- Integrated Transport Plan prepared by Traffix Group; and
- Retail Design Report prepared by Tract Consultants.

DISCUSSION

It is important to note that the changes requested by Frasers are to an existing Development Plan that has already been approved for the site and that these changes relate to a discrete part of the proposal, being the retail centre located in the Commercial 1 Zone. Further, the proposed changes seek to include entertainment uses (such as cinema) and make consequential changes largely arising from this change. Display of the amended Development Plan is therefore not an opportunity to revisit those elements of the existing Development Plan that have already been exhibited, assessed and approved, and which are not changing.

The proposed changes to the Development Plan were placed on display for 2 weeks from 15 – 29 October 2018. Twenty one (21) submissions were received during the public exhibition period. A summary of the responses is provided below:

Overall Level of Support for Changes

- Support / partial support – 8 submissions
- Opposed to the changes – 7 submissions
- Unrelated comments or level of support unclear – 6 submissions

9.1.2

(cont)

Analysis of Community Feedback

Comments in support of the amended Development Plan indicated that cinemas would be a welcomed addition to the project and positive for the local area.

Concerns relevant to the amended Development Plan are summarised below together with the officer response. Further detail is shown in Attachment 5.

Entertainment Use

- Opposition to other entertainment uses such as gaming arcades, nightclubs and gaming machine venues
- *Response: No change required to the amended Development Plan.*
 - *Under Clause 22.12-3 of the Whitehorse Planning Scheme relating to the Former Brickworks Site, it is policy to encourage provision of "entertainment facilities on the site such as restaurants, cafes, entertainment and leisure activities, and specialty retail uses." Therefore other entertainment uses than just cinema can be considered. This is further supported by Clause 22.11 relating to the broader Burwood Heights Activity Centre and the related Structure Plan.*
 - *Under the Commercial 1 Zone, uses such as Cinema and Cinema based entertainment facility, a Tavern and Hotel do not require a planning permit, however, the schedule to Clause 52.28 relating to Gaming, specifically prohibits gaming machines from the Burwood Brickworks site. A Nightclub would require a planning permit. Liquor Licencing for any of the above uses would also require planning permission.*

Traffic Impacts and Amenity Management

- Specifically, that any increased capacity of the development (through the inclusion of entertainment uses) will exacerbate the traffic impact concerns that submitters already have with the approved Development Plan such as:
 - Traffic impacts in surrounding streets to the north-east and north-west of the site and on Eley Road;
 - Congestion on the adjoining main roads and intersections; and
 - Inadequacy of traffic mitigation measures.
- Increased car noise and pollution generated during and after cinema operating hours and noise generated by the cinema activities.
- *Response: No change required to the amended Development Plan.*
 - *Most of the traffic-related concerns have been previously dealt with during approval of the existing Development Plan in July 2016 and will not be reconsidered in assessing the proposed changes before Council.*
 - *The updated Integrated Transport Plan anticipates that inclusion of entertainment uses, such as a cinema will make no material difference to the traffic assessment for the development. Further, VicRoads has provided in principle support for the changes to the traffic assessment.*
 - *Noise and pollution concerns will be governed by the Environment Protection Authority (EPA). Further, in terms of noise from cinema patrons (as distinct from traffic), the proposed cinema is located within and accessed via the shopping centre mall and therefore is not expected to result in an increase in noise from the development.*

9.1.2

(cont)

Economic Impact of Cinemas

- The viability and need for cinemas at the site given other cinemas nearby, specifically:
 - The impact on Hoyts Forest Hill;
 - That the impact assessment based on geographic distribution and population is too simplistic; and
 - Cinema trends have changed and justification for the proposed cinemas based on previous support for a 17 screen complex at the site is out of date.
- *Response: Minor change required to the amended Development Plan*
 - *The proposed changes to the Economic Impact Assessment are based on up to date information and is considered to be an accurate depiction of the current market. Having considered existing cinemas in the local region, the Economic Impact Assessment supports the inclusion of entertainment and cinema uses.*
 - *Objections based on potential commercial competition cannot be considered as they are not within the scope of the Planning and Environment Act, 1987.*
 - *As acknowledged in one of the submissions, the original Development Plan approved when the site was owned by Reading Properties included a much larger, 17 screen cinema. This followed lengthy proceedings at a State planning policy level, then through planning scheme amendments (C50, C63, C92 and C170) and subsequent consideration of the Development Plan at the time. Even with the existing cinema locations in the region, it was determined that this use could be contemplated.*
 - *The scale of the current proposal for a 6 screen cinema is arguably a response to the changing cinema trends. Further, regardless of the previous approval, the prospect of cinema and other entertainment uses is contemplated in State and local planning policy for this Major Activity Centre.*
 - *With Forest Hill / 6 screens, Pinewood / 4 screens, Glen Waverley /10 screens and Chadstone / 13 screens, Hoyts correctly point out that the Burwood Brickworks proposal (6 screens) is not smaller than most cinemas in the market. Rather, it is comparable to the number of screens at Forest Hill and Pinewood cinemas. It is therefore proposed to modify the second dot point on page 50 of the Economic Impact Assessment to read:*
"The six screen complex at Burwood Brickworks will be relatively small within the market and will not attract the same level of cinema visitation and spending as larger complexes."

Environmental management

- Ensuring the suitability of uses for the site, noting that an Environmental Audit Overlay also applies.
- *Response: No change required to the amended Development Plan. The EPA's requirements relating to the proposed childcare centre and food production landscaping are reflected in the conditions of the planning permit that has been issued for the retail centre.*

9.1.2

(cont)

Assessment of the Development Plan Changes

Having regard to the community comments received and to the relevant decision guidelines in the DPO, Schedule 6 and at Clause 65 of the planning scheme, it is considered that the proposed changes to the Development Plan are consistent with:

- The objectives of the Commercial 1 Zone and the DPO, which broadly, seek to create a vibrant and integrated mixed use development that will broaden the economic base of the Activity Centre and the municipality. The proposed changes contribute to these objectives by providing opportunities for entertainment uses in the retail centre which are not included in the existing Development Plan.
- The most relevant policies in the Whitehorse Planning Scheme at Clauses 22.11 and 22.12 for the Burwood Heights Activity Centre and the Former Brickworks Site respectively. Further detail on these clauses is included in the Policy Implications section below. The proposed changes address the objectives and vision of these policies by including scope for entertainment uses within the mix of uses envisaged for this strategic redevelopment site, the desirability of which is specifically referenced in these policies. The changes also respond to an identified need for uses such as entertainment that meets the current and future needs of the growing local and regional population, and which will create a level of vibrancy and community life expected to be delivered by key activity centres; thus broadening and strengthening the role of the Burwood Heights Activity Centre. Based on the economic impact assessment, it is anticipated that provision of entertainment uses such as a cinema will complement the existing entertainment offer in the local area and the region by improving access to socially engaging and leisure attractions.
- The Burwood Heights Activity Centre Structure Plan and the Master Plan for the site as the key guiding documents that informed the above policies.

In the context of the existing Development Plan, the proposed changes do not result in any additional car parking needs for the entertainment uses and does not make any material difference to the traffic assessment. From a built form perspective, the change to the retail and non-retail floor areas does not change the overall building footprint or massing shown in the existing Development Plan as the changes arise from internal alteration of the floor space. The proposed changes therefore integrate with the existing Development Plan.

There is significant background and past debate on the merit of entertainment uses, such as a cinema at Burwood Heights which was deemed to be an appropriate location for such uses once designated as a Major Activity Centre. Subsequent policy and planning controls applied to the Activity Centre and the former brickworks site reinforce the scope for establishment of such entertainment uses.

9.1.2

(cont)

CONSULTATION

As noted above, the DPO, Schedule 6 (at Clause 5.0) requires display of a development plan (or a substantial amendment to an approved plan) for public comment for a period of 14 days. Council must consider any comments received in response to display of the plan before making a decision whether to approve the plan (or amendment to an approved plan).

Over the long history of this project, the community has had multiple opportunities to influence development of the site. With this in mind, the community engagement program included:

- Consultation period of 2 weeks from 15-29 October 2018;
- Notification via the Council web site and Facebook page, mail out to landowners and occupiers in the local area and to stakeholders, agencies, local shopping centres and interested persons;
- Leader advertisement at the beginning of the consultation period,
- Documents on display at the Whitehorse Civic Centre, locally at the RSPCA, Bennettswood Neighbourhood House and Eley Park Community Centre, and on the Whitehorse web site; and
- Feedback captured via written and online submissions.

Twenty one (21) submissions were received and are discussed in this report and analysed in detail in Attachment 5. Ten written submissions, nine submissions through Council's online feedback site *Your Say Whitehorse* and two comments through Council's Facebook page were received during the consultation period.

Future planning permit applications that are generally in accordance with an approved development plan will be exempt from the usual notice requirements under the *Planning and Environment Act 1987*.

FINANCIAL IMPLICATIONS

Community consultation expenses for notification letters and advertising will be recouped from Frasers Property Australia. A statutory fee was also required to be paid for the application of the amended development plan. This fee was \$317.90, therefore only covering a small percentage of the cost to Council of assessing the amended development plan. The cost of officer input is mostly sourced through the strategic planning recurrent budget.

Officer input will be required to finalise the changes to the development plan and to assess future planning, and building and works approvals, etc.

POLICY IMPLICATIONS

Plan Melbourne 2017 – 2050, the Council Plan 2017 - 2021 and relevant Council strategies, such as the Burwood Heights Activity Centre Structure Plan, Housing Strategy, and Neighbourhood Character Study have all informed Council's approach to the planning for this strategic redevelopment site.

The proposed key change to the existing Development Plan to include entertainment-related uses in the retail centre is consistent with policies and zone objectives in the Whitehorse Planning Scheme; primarily:

Clause 22.11 Burwood Heights Activity Centre, by providing for *“future growth and development in the Activity Centre that:...contributes to a wide mix of uses.”* Further, it is policy to accommodate *“a mix of uses including retail, commercial, community, entertainment, health, leisure, residential and other associated uses that respond to the needs of the local and regional population now and into the future.”*

9.1.2

(cont)

Clause 22.12 Former Brickworks Site, where *“The Former Brickworks Site will become a new mixed-use development in the Activity Centre that provides residential, retail, entertainment, commercial, community services and leisure opportunities in a built environment that is exciting, engaging and diverse.”*

Objectives of this policy include:

“To ensure that use and development on the site complements the existing uses within and the ongoing role and function of the Burwood Heights Activity Centre and other existing activity centres in the region. ...

To provide for land uses and development...that...contribute to the establishment of a vibrant mixed use Activity Centre.”

In this clause, it is policy to:

Achieve a diversity of commercial, entertainment and leisure, retail, residential and community land uses that support the function of Burwood Heights as an Activity Centre.

Provide for entertainment facilities on the site such as restaurants, cafes, entertainment and leisure activities, and specialty retail uses.

Strengthen and broaden the economic base of the Activity Centre and the City of Whitehorse.

Clause 34.01 - Commercial 1 Zone, where an objective is to *“create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.”*

CONCLUSION

A development plan was approved in February 2018 for the former Brickworks site in Burwood East. The owners of the former Brickwork site have sought to change the approved Development Plan to allow entertainment related uses as a potential use in the retail centre.

Clause 5.0 of Schedule 6 to the DPO requires that a Development Plan and any substantial amendments be placed on display for public comment for a period of 14 days. Having placed the proposed changes to the Development Plan on display, this report considers the community feedback received and assesses the proposed changes against the planning scheme requirements.

Subject to a minor change to the Economic Impact Assessment, it is recommended that the amended Development Plan be approved.

ATTACHMENT

- 1 Development Plan Report (changes highlighted) (*Excluded from Agenda*)  
- 2 Integrated Transport Plan (changes highlighted) (*Excluded from Agenda*)  
- 3 Retail Centre Economic Impact Assessment (changes highlighted) (*Excluded from Agenda*)  
- 4 Retail Design Report (changes highlighted) (*Excluded from Agenda*)  
- 5 Summary of Community Consultation (*Excluded from Agenda*)  

Engineering and Environmental

9.1.3 Whitehorse Waste Management Strategy 2018-2028

ATTACHMENT

SUMMARY

The purpose of this report is to inform on the outcomes of community exhibition and consultation on the Draft Whitehorse Waste Management Strategy 2018–2028 and present the Whitehorse Waste Management Strategy 2018–2028 for consideration and adoption by Council.

The Draft Whitehorse Waste Management Strategy 2018-2028 describes strategies and actions to be undertaken by Whitehorse over the next ten years (2018–2028). The Strategy was developed following a review of Council's previous Waste Management Plan 2011, research of waste data and practices, Federal and State Government policies, and consultation with the community and key stakeholders. It is recommended that Council adopts the Whitehorse Waste Management Strategy 2018-2028.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council:

- 1. Adopts the Whitehorse Waste Management Strategy 2018-2028.**
- 2. Thanks those community members who provided contact details for their submission and comments on the draft Waste Management Strategy 2018-2028.**

CARRIED UNANIMOUSLY

BACKGROUND

The Whitehorse Waste Management Strategy 2018-2028 replaces and expands on the previous seven year Waste Management Plan 2011 that is due to expire this year. It sets a longer term vision around waste in Whitehorse. Council's waste efforts sit within a strategic framework at the National, State and Local level. The Whitehorse Waste Management Strategy 2018-2028 considers these efforts and highlights relevant legislation, policies, strategies and programs that will likely have implications for Council and the community into the future.

Waste Management services are considered a core Council function by most and cover a significant cost to Council. Council's 2018-2019 budget for waste services are a little over \$13.5 Million which is a rising cost year upon year. Disposal costs for landfill alone are expected to be \$3,628,000 with 52% of that paying for the State Government landfill levy.

There is a rising community expectation around the waste services and actions Council provides while the costs continuing to exponentially rise. To date Council have sought opportunities to keep costs minimal to the community through bundling together the waste collection contracts as well as group procurement waste contracts opportunities which offer economies of scale. The Waste Management Strategy 2018-2028 aims to step through some of the emerging challenges which Council will need to consider for the future and help highlight the complexities of waste to the community.

The Whitehorse Waste Management Strategy 2018-2028 is guided by Council's Vision and Plan and the Whitehorse Sustainability Strategy 2016 - 2022.

9.1.3

(cont)

Council at its meeting on 17 September 2018 considered a report on the Draft Waste Management Strategy 2018-2028 and endorsed it for public exhibition and comment. Council and the community have performed well over the period of the previous Waste Management Plan 2011 by diverting 51% of its waste from landfill, which is well above the State average of 45%. This has largely been attributed to the reduction in the garbage bin sizes from 120 litres to a standard 80 Litre bin.

To inform development of the Whitehorse Waste Management Strategy 2018-2028, Council engaged the services of experienced waste management consultants Blue Environment and community engagement specialists' i.e community. Blue Environment conducted analysis of data including a review of Council's Waste Management Plan 2011 actions and achievements, while i.e community conducted the comprehensive staff and community consultation.

The public exhibition phase of community engagement on the Draft Waste Management Strategy 2018-2028 concluded at the end of October 2018. Details of the community engagement activities are included in the Consultation section of this report.

DISCUSSION

The findings from the exhibition of the Draft Whitehorse Waste Management Strategy 2018-2028 along with the amended Whitehorse Waste Management Strategy 2018-2028 are presented to Council for its consideration and adoption. A copy of the Whitehorse Waste Management Strategy is attached as an Appendix to this report.

Findings from the exhibition of Draft Waste Management Strategy

Improving our communication methods to culturally and linguistically diverse communities and to those generating the most garbage were among some of the key issues that came out of the research and first phase of community consultation, along with encouraging more waste diversion from landfill overall.

As a result, during the second phase of community engagement with exhibition of the Draft Whitehorse Waste Management Strategy 2018-2028 we further explored in greater detail, those key issues identified. This included waste challenges surrounding the increase of multi-unit developments and engaging our culturally diverse population.

We also used the opportunity to close the loop on feedback provided from the first phase of community engagement, informing those who provided input, what we heard and how this informed the development of the Draft Whitehorse Waste Management Strategy 2018-2028.

A broad cross section of the community was engaged including ratepayers, residents, visitors, students and business operators. In summary:

- 400 people provided feedback
- 11% mainly spoke a language other than English at home
- 7% were students
- 96% live in Whitehorse with the other 4% being visitors

Overall the feedback was very positive with strong support for the overarching targets in the draft Strategy and confidence that these targets can be achieved if Council maintains its focus and the community plays its part. More than 80% of respondents indicated support or strong support. Similar with the first phase of community consultation, it was evident that the community is passionate about the issue of waste. While they are supportive, there was a call for the overarching targets to be more ambitious and timeframes to be reduced. The community is also seeking more commentary around why the targets are set at the levels they are, to help with understanding what is required to achieve more ambitious targets. The targets in the Whitehorse Waste Management Strategy 2018-2028 have been modified to be slightly more ambitious and with a justification to align more with the community expectation.

9.1.3

(cont)

Previous targets:

	Where we are now	Where we want to be mid term 2-5 years	Where we want to be long term 6-10 years
Minimal waste to landfill	51% diverted from landfill	Increase diversion of kerbside waste from landfill to 60%	Increase diversion of kerbside waste from landfill to 75%
Better resource efficiency	11% recycling bin contamination rate	Achieve a recycling bin contamination rate below 7%	Achieve a recycling bin contamination rate to below 5%

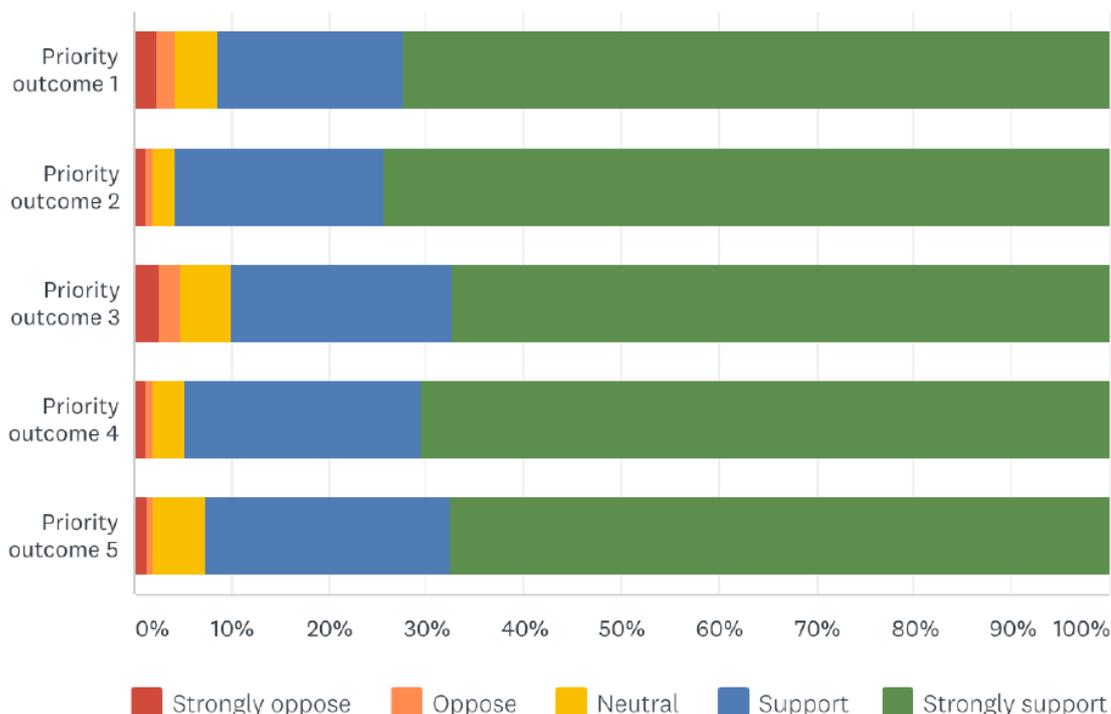
Amended targets:

Where we are now	Where we want to be by 2023	Where we want to be long term 2028	Justification
51 % waste diverted from landfill	Increase to 60%	Increase to 80%	Increased diversion in short term anticipated from a food waste and garden organics (FOGO) collection. Studies show a FOGO service in addition to other services previously implemented by Council could potentially help to boost diversion from landfill to around 60% in the first few years after implementation. Community behaviour change to the new system is likely to occur over time. Further diversion in 2028 will only be possible by using alternate waste technologies to further process the remaining garbage waste stream.
11% recycling bin contamination rate	Reduce by 40% to achieve a recycling bin contamination rate below 7%	Reduce by 60% to achieve a recycling bin contamination rate to below 5%	Contamination rates in bins fluctuate depending on the time of year, including a peak in levels during summer months. On average kerbside contamination has reduced by 1.02% from 2017-2018. Public and events bins will have different levels.

9.1.3
 (cont)

There was strong support for the five priority outcomes which were:

- Priority outcome 1 - Minimising Waste to landfill
- Priority outcome 2 - Maximising resource efficiency
- Priority outcome 3 - Leading the way
- Priority outcome 4 - Continuous improvements to our services
- Priority outcome 5 - Being agile in responding to modern challenges



More than 80 percent of the community responses indicated that the Waste Management Strategy 2018-2028 priorities are clear, and agreed that these are the right priorities to tackle. However a number of respondents indicated they weren't fully aware of what the outcomes exactly meant, so further explanation along with some wording changes to the priorities have been made in the Whitehorse Waste Management Strategy 2018-2028.

- Priority outcome 1: Minimising our Waste to landfill
- Priority outcome 2: Getting the maximum from our waste
- Priority outcome 3: Leading our community in supporting best waste management
- Priority outcome 4: Using new technology and innovation to improve our waste management
- Priority outcome 5: Responding promptly to modern waste challenges

Comments regarding the actions included in the Draft Waste Management Strategy 2018-2028 generally were for the actions to be clearer and more outcome oriented with measurable targets. The community consultants i.e. community, advised that this is a common finding with community consultation for local government strategies. While the headline targets are measurable, the wide mix of private waste services across all of Council's buildings and facilities means that baseline data isn't always available to enable Council to measure achievements.

9.1.3

(cont)

The Whitehorse Waste Management Strategy 2018-2028 looks to address these data gaps. It has maintained overarching targets and will progressively improve data capture and better measure corporate waste reduction targets and achievements. The overall strategic targets have been designed to be SMART in the context of waste indicators that Council currently gathers and reports on, including for the Council Plan and the Local Government Performing Reporting Framework (LGPRF) requirements.

SMART targets are Specific, Measurable, Achievable, Realistic and Time bound. They work from baseline data that we have captured in order to see and measure our progress.

A key theme that emerged throughout the community engagement is for Council and the community to focus on avoidance and prevention of generating waste in the first place, in addition to waste diversion and recycling. The community also wanted more simplistic language to be used with actions that spoke directly to them rather than in technical terms. The actions in the Whitehorse Waste Management Strategy 2018-2028 have been amended to reflect this.

The community also placed a significant emphasis on education and communication, particularly in relation to what can and can't be recycled. This is now more prominent in the actions.

Specific actions that received the most comments are included in the table below.

Please note that as the Waste Management Strategy 2018-2028 Action Plan overall have been amended the new action numbers differ to those in the draft Waste Management Strategy.

Draft action number	Original action	Comments from community	Final action plan number	Amended action
4	Continue to promote and incentivise changeover from 120L bins to use of smaller 80 L garbage bins	Some comments received thought that this could potentially lead to higher rates of contamination in recycling bins. Comments also received around how smaller bin sizes should be considered with other waste reduction measures and more recycling options.	12	We will recognise and reward our community to do the right thing, minimising waste and recycling right
6	Further promote garden organics services and benefits of keeping food waste out of landfill, in preparation for introduction of a food waste collection	There was strong support for this action overall. Some comments where that this action could be clearer on when a food waste collection will be introduced and that the community would like Council to introduce this service as soon as possible.	4	We will explore opportunities to further increase the uptake of Council's organics services and raise awareness of benefits of keeping organics out of landfill in preparation for introduction of a food waste collection <i>Action plan has been amended overall to reflect actions year by year and colours indicate different phases(e.g. planning, implementation/monitoring or advocacy)</i>

9.1.3
(cont)

Draft action number	Original action	Comments from community	Final action plan number	Amended action
11	Review network of public recycling and litter bins and draft guidelines on best practice requirements	Comments received indicated there was some possible confusion on the timing of this action which was interpreted as taking 3-5 years to implement rather than being implemented in years 3 to 5.	8	We will review our network of public recycling and litter bins and draft material to support their best use. <i>Action plan with more definitive years has also been amended</i>
12	Review current bin inspection program and investigate further strategies to target and assist those contaminating recycling and generating the most garbage	Comments received were mixed with some community members strongly supporting inspecting bins while others thinking this action may result in them being penalised and could encourage people to throw items if they are unsure in general waste.	9	We will review our current bin inspection and rewards program to further assist those contaminating recycling and generating the most garbage, primarily through improved waste education
13	Undertake internal review of waste and recycling at Council-run or supported facilities for better services and use	Respondents strongly supported this action however wanted the timing of the review to be sooner.	10	<i>Action timing has been amended to be delivered sooner</i>
15	Support Council staff to minimise waste and recycle right in staff induction and on-going communications and training	Comments strongly supported this action. Responses agreed that proper staff education was important so that Council staff know how to correctly dispose of waste and help lead the way for the wider community.	15	<i>Slightly reworded to:</i> We will support Council staff to minimise waste and recycle right, in staff induction and on-going work practices
18	Review and consult charging of waste services for sustainable management of rising cost of waste in future	Comments received expressed some concerns around a separate waste charge, particularly if this resulted in any higher costs. Respondents indicated that the action wasn't all that clear on what is being proposed and what this may mean.	24	<i>The possible introduction of a separate waste charge will be a major project in its own right, with detailed explanation and community engagement being a large and important component of the project.</i> <i>Action reword in Strategy to:</i> We will review and consult our community on separating out the charging of waste services from our general rates to be clear and open about the cost of waste.

9.1.3
 (cont)

Draft action number	Original action	Comments from community	Final action plan number	Amended action
19	Develop and review Whitehorse specific guidelines to proactively assist with and continue to consider best practice waste management within developed areas including multi-unit developments	Comments received strongly supported addressing waste in higher density areas. There was strong support for this action however with more simplistic language.	26	We will review and build on our guidelines to encourage best practice waste management within multi-unit developments
25	Align waste collection contracts to allow for best practice specifications and innovation for new technologies, collection methods and materials and value to the community	Comments received indicated that this actions wording was hard for the community to understand and that Councils Waste Contracts negotiations should focus on community needs.	20	We will continue plan for our future waste needs including review our waste contracts to ensure better services and value to the community
26	Explore options to improve hard waste through working with other Councils on best practice tender specifications and/or consider synergies with dumped rubbish service.	Comments received indicated the community would like to see more reuse and recycling from hard waste and that there are concerns hard waste and dumping are not being responded to in the best way.	29	We will explore options to improve our hard waste and dumped rubbish collections

A range of actions are proposed in the Waste Management Strategy 2018-2028 to achieve the outlined targets. The actions have been reworded to speak more to the community directly however in most instances they have not changed the intention of the action.

Key actions to achieve the priority outcomes and targets include:

- Kerbside collection of green organics to include food scraps. This will reduce the quantity of food waste that is currently going to landfill and greenhouse gas emissions generated as a result of rotting garbage. To capture the most food waste, best practice stipulates that garden organics bins should no longer be optional and may require changing the frequency of collections. Garbage waste bins in the long term collected fortnightly (with possible exception of those households that need a weekly collection for medical or special reasons), with a reduced weekly service presents the best opportunities to maximise our diversion of waste from landfill. A new food and garden waste collection could then become the main weekly collection in line with best practice. Planning for this change to service will need to happen carefully to address any community concerns and ensure the right mix of services is made available. Such service changes are best undertaken when new contracts are tendered, to achieve best value and smooth service implementation as well as time for further feasibility and communication to the community.

9.1.3

(cont)

- Investigating options for collecting better data and considering improved waste collection services for developed areas including multi-unit developments (MUDs). A multi-pronged approach is needed to improve waste standards, services and education for developments, from the initial development planning phase through to engaging transient communities in MUDs, if we want to achieve better waste practices and improve recycling in developed areas.
- Planning for our future waste needs and looking at alternatives for waste disposal with the closure of landfill sites in the south east of Melbourne. One such alternative may involve the procurement of an Advanced Waste Resource and Recovery Technology (AWRRT) facility to process Council's garbage waste in the future. The use of AWRRT for waste processing is inevitable, as the SUEZ landfill in Hallam may be closed within 5 years, leaving no landfills this side of Melbourne. This would force all waste to be transported to the North-West landfills at higher costs and adding to cross-town traffic congestion. There is general interest amongst the South-East cluster of Councils to collaboratively procure an AWRRT facility to recover resources from municipal garbage. This infrastructure has the potential to achieve significant change in our resource recovery and help improve Melbourne's liveability and sustainability. The North-West region landfills are also facing Planning and amenity challenges from nearby communities that may reduce their lifespan, so a long-term alternative is needed to landfill as the main means of disposal of residual waste.
- The need to consult the community sooner rather than later regarding sustainable future management of the rising costs of waste.
- Seeking best practice hard waste collections, correct use of hard waste services, and enforcement against litter and dumped rubbish.
- Leading the way for the community and increasing environmentally sustainable waste management practices and purchasing in Council operations.
- Best practice new kerbside waste and recycling contracts, including opportunities for multi-Council contracts to improve economic and environmental outcomes.
- Strategically aligning contracts for best value and where needed locking in for certainty, especially as recent commodity fluctuations of recyclable materials have impacted costs.
- Encourage and increase Council's use of recycled materials as part of Council's role in developing a circular recycling economy.

It is intended that more detailed explanations about key waste priorities and initiatives as well as pending service changes will be fully communicated with the community in a timely manner, so that there is a high level of community awareness and engagement about these issues. Any major waste or recycling service changes will be supported by advance communication using all of Council's community engagement platforms.

Key actions will be reviewed annually as part of Council's annual budget process to ensure that the waste and recycling services, proposed programs and projects remain affordable and in line with the priority outcomes.

The appendix of the Waste Management Strategy 2018-2028 contains the detailed action plan with the amended actions. The action plan has been modified to reflect year on year when the anticipated actions will occur up until year 5 rather than try to encapsulate the total 10 year period. A major mid-point review after 5 years will be needed to ensure priorities and actions remain relevant, and the Strategy is updated with any new data or information captured. The review will also consider new opportunities that may arise as a result of the changing environment or due to technology improvements.

9.1.3

(cont)

CONSULTATION

The Whitehorse Waste Management Strategy 2018 – 2028 was developed following feedback received from Council staff and from two phases of community engagement and consultation. The first phase of community consultation occurred between February and June of this year and the second phase was a 4 week period from the end of September to the end of October 2018. A comprehensive engagement program was undertaken to obtain the views of a broad cross-section of the Whitehorse community. This included:

- Establishing an online engagement hub for the project with surveys, online ideas forums, project updates, background of the project and FAQs
- Hard copy surveys, workshops, drop ins at shopping centres and Council facilities
- Interviews with stakeholders including internal and external

The second phase of community consultation focused more on targeting emerging populations and those living in or dealing with multi-unit developments. This included students, members working with or considered culturally and linguistically diverse (CALD) and owners corporations.

FINANCIAL IMPLICATIONS

The provision of waste and recycling services involves a significant portion of Council's annual budget and resources. The table below indicates the budgeted costs of each waste service for 2018-2019. Efforts to reduce waste to landfill, which is an increasing cost will assist in mitigating future inflating costs to Council.

Service	Annual cost for 2018/19	Comments
Garbage bin collection	\$3,588,000	
Garbage disposal to landfill	\$3,628,000	Includes landfill levy, which is 52% of disposal cost
Recycling bin collection	\$2,033,600	
Recycling processing	\$0	Future gate fee will apply, approx \$480,000 p.a.
Hard & green waste collection	\$1,332,600	
Hard waste disposal	\$482,100	
Garden bin collection	\$1,218,000	Optional service currently growing at 5% per annum
Garden waste processing	\$1,188,000	
Renew collection & drop-off	\$77,100	
TOTAL	\$13,547,400	

9.1.3

(cont)

Council will utilise the following financial considerations to ensure that the services, programs and projects achieve beneficial outcomes at an affordable cost:

- Seeking collaborative procurement opportunities where possible with other Councils to capitalize on economies of scale for larger contracts.
- The kerbside waste and recycling contract dates have been aligned so that future tenders can be packaged together to ensure that Council receives best value-for-money services.
- Savings from actions that result in a reduction of waste to landfill, given that landfill costs are escalating as a result of higher operating and landfill levy costs.
- Working towards the introduction of a waste charge separated from the Council rates which will be transparent for the community, helping to educate on the cost of waste and encourage more sustainable waste practices.
- Waste programs and projects will be reviewed each year as part of Council's annual budget process. The scope or timing of programs or projects will be adjusted as required to meet budget constraints.

The next 3 to 5 years of planning including delivering changes and improvements to Council's waste and recycling services will be very resource-intensive. The same scenario is being faced at every metropolitan Council in Melbourne.

Many of these changes are being forced onto Council through factors outside Council's control, such as closure of landfills and regulatory changes to waste policy at State or national level. Costing the implementation of measures in Council's Waste Management Strategy 2018-2028 will involve progressive adjustments to Council resources and budgets.

For example, it is anticipated that in order to plan, communicate and deliver a food waste collection service, a temporary Waste Projects Officer will be required for a period of up to 3 years. This may even need to be extended depending on how well we are aligning with our targets.

Additional resources will also be required for additional data capture in order to in future provide more targets, and to engage the community at key stages for major waste or recycling service changes.

Measures will therefore be carefully planned and fully costed ahead of the indicated timelines in the Strategy, for consideration as part of Council's budget process.

POLICY IMPLICATIONS

The Whitehorse Waste Management Strategy 2018-2028 is the key strategy for the management of waste in Whitehorse. It complements the waste initiatives and direction contained within the Whitehorse Sustainability Strategy 2016 - 2022.

ATTACHMENT

- 1 Strategy 

9.2 HUMAN SERVICES

9.2.1 Whitehorse Sport and Recreation Network - Appointment of Members

ATTACHMENT

SUMMARY

To seek Council endorsement of the appointees to the Whitehorse Sport and Recreation Network for the next two years, January 2019 to December 2020.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Davenport

That Council:

- 1. Appoints Annette Hawkins, Liz Upton, Kate Yeowart, Enrico Marrone, Alison Dunn, Ben Dall, Robert DiPasquale, Michael Davis, Angus Gauld and Anthony Nicholls to the Whitehorse Sport and Recreation Network for a period of two years to be reviewed at the end of 2020.***
- 2. Appoint Councillor Massoud and Councillor Bennett to the Whitehorse Sport and Recreation Network for the period of two years ending 2020, subject to annual review as part of Council's Delegate Appointment Process.***
- 3. Endorse the amended Terms of Reference as attached.***
- 4. All of the successful and unsuccessful individuals are advised of Council's decision.***

CARRIED UNANIMOUSLY

BACKGROUND

The Whitehorse Sport and Recreation Network (WSRN) has been operating since 2002. Its primary role is to provide an opportunity for community members with a knowledge and background in sport and recreation to network information and to provide a forum through which Council can consult and receive advice and guidance on the future of sport and recreation development within the City of Whitehorse. The term for existing members is two years with the opportunity to reapply at the conclusion of the term.

The opportunity to complete a nomination form was widely advertised and submissions were sought from club representatives and other interested individuals across the City of Whitehorse.

DISCUSSION

Applicants were required to submit an application to become a Network member and address a number of questions. The selection criteria used to assess these applications included:

Individuals

Must have:

- A good knowledge of how sport and recreation clubs operate.
- Awareness of issues facing local clubs.
- The ability to focus on broader issues, (not sport/club specific).
- Live or be involved in a Club within the City of Whitehorse.
- The ability to contribute to the future planning of sport and recreation in the City of Whitehorse.
- The ability to think and plan strategically.

9.2.1

(cont)

As a group there should be:

- A representation of a range of sport and recreation groups.
- A person able to ensure that the needs of people who experience a disability are considered.
- Encouragement for membership from both genders.

The Terms of Reference that govern the Network allow for a maximum of ten community members. A total of thirteen nominations were received for the 2019 - 2020 Network. After assessing each application and scoring against the selection criteria and in consideration of what is required as a group, it is proposed that the following ten people be appointed to the Whitehorse Sport and Recreation Network for a period of two years:

- **Annette Hawkins**
- **Liz Upton**
- **Kate Yeowart**
- **Enrico Marrone**
- **Alison Dunn**
- Ben Dall
- Robert DiPasquale
- Michael Davis
- Angus Gauld
- Anthony Nicholls

The five names in **bold** are existing members who will ensure the continuity of the group and that knowledge about the group's previous activities is retained.

Officers will undertake a review of the Terms of Reference that govern the WSRN given, Council at its meeting held 19 November 2018 resolved:

That:

1. Council change the terms of reference for the Whitehorse Sport and Recreation Network dated February 2017 to include two (2) Councillors as members of the Network.
2. Given the national focus of gender equality for opportunity in sport, that where feasible there is this same gender balance for the Councillors as representatives of Council on the Whitehorse Sport and Recreational Network.

CONSULTATION

Sporting groups and organisations within the City of Whitehorse were sent emails informing them that applications were being sought for the WSRN. The wider community was informed via advertisement in the 'Whitehorse Leader' and Council's website.

FINANCIAL IMPLICATIONS

An amount of \$4,300 has been provided in the current budget to resource the WSRN.

POLICY IMPLICATIONS

No policy implications for Council moving forward.

ATTACHMENT

- 1 Terms of Reference 

9.2.2 Sporting Facilities Guide Review

ATTACHMENT

SUMMARY

Council officers have undertaken a review of Council's Sporting Facilities Guide (SFG) - seasonal and casual users (Attachment 1) to reflect current practice.

RECOMMENDATION

That Council endorses the draft Sporting Facilities Guide to be sent to Whitehorse sport clubs, sporting associations, schools, casual users and made available to the broader community for comment.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

1. *Revises the Draft Sporting Facilities Guide by changing the following:-*
 - a. *Clause 5.3.4, a Tenant Club with a requiring additional use of a Sports Field will be charged a pro-rata Seasonal Fee, and not the Casual Fee.*
 - b. *Clause 6.2.1.4, floodlights to be able to be used until 9pm Monday to Sunday*
 - c. *Clause 7.1.2, Council Sport Fields may be used 8am-9pm Monday to Sunday*
 - d. *Clause 7.2.2 Council will consider requests for consumption outside the pavilion. Sporting Fields which already have consumption outside the pavilion will be supported. For Sporting Fields which do not have consumption outside the pavilion approved, Council will consider on a case-by-case basis. If supported, consumption outside the pavilion will not exceed the times listed in table 8.*
2. *Releases the revised Sporting Facilities Guide to Whitehorse sporting clubs, sporting associations, schools, casual users and be made available to the broader community for comment.*
3. *Refers an amount to the 2019/2020 budget to undertake an investigation into planning scheme controls to facilitate the ability for sports clubs to display sponsorship/promotional signage on sports field fencing and scoreboards.*

CARRIED

A Division was called.

Division

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

On the results of the Division the motion was declared CARRIED

9.2.2

(cont)

BACKGROUND

The sporting landscape across Whitehorse has changed involving the significant demand of female participation, growth in junior participation and the community expectations for sport facilities. Of particular note is the total participation spread with female participation in Whitehorse increasing from 8% (2010) to 14% (2017). When further examined, female participation in Whitehorse in the sport of Australian Rules Football has experienced a 354% increase and in cricket a 241% increase over the past seven years.

The Sporting Facilities Guide (SFG) provides the framework for the use, management and development of Council's sports fields and pavilions to support the changing landscape. It does not cover leased facilities i.e. athletic facilities, tennis clubs, lawn bowls or basketball stadiums etc.

DISCUSSION

Council manages over 50 seasonally allocated sports fields serviced by over 30 pavilions at sites across the municipality. Council significantly subsidises the cost to maintain these facilities. Of note over the past ten years (2008 – 2017) Council has spent approximately \$13.4M on maintenance on sports fields and pavilions. During the same period Council has received just under \$3M in fees. Over the past 10 years Council has invested approximately \$34M capital expenditure on pavilion upgrades.

The Guide has been updated to reflect current practice. Please refer to attachment 2 for the notable changes.

CONSULTATION

The draft Sporting Facilities Guide will be sent to the sporting fraternity in particular Whitehorse sport clubs, sporting associations, schools, casual users and made available for the broader community prior to finalising the document.

FINANCIAL IMPLICATIONS

The Sporting Facilities Guide outlines a fee schedule applicable for the use of Council's sports fields and pavilions. These fees are reflected in Council's annual budget.

POLICY IMPLICATIONS

The review updates a key document that guides the use of Council's sports fields and pavilions.

ATTACHMENT

- 1 Draft Sporting Facilities Guide 
- 2 Amendments 

9.2.3 Annual 5 Star Food Hygiene Assessment Program

FILE NUMBER: SF

SUMMARY

To inform Council of the results of the 5 Star Food Hygiene Assessment (FHA) program for 2018 and to recommend three food businesses for the Food Premises of the Year Awards for 2018.

The report also provides Council with information on enhancements to the FHA program for 2019 to strengthen allergen management.

Finally the report recommends Council write to the Minister for Health requesting amendments to food safety legislation to incorporate food safety requirements on third party delivery services.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Cutts

That Council:

1. **Endorses the following businesses as the recipients of the 5 Star Food Hygiene Assessment Award for 2018: -**
 - **Class 1: Mecwacare Simon Price Centre – 13-25 Strabane Avenue MONT ALBERT NORTH**
 - **Class 2: Zagar’s Charcoal Grill – 9 Royton Street BURWOOD EAST**
 - **Community Groups: Nunawading Christian College Primary Campus – 161 Central Road NUNAWADING**
2. **Endorses the awarding of Certificates of Achievement in food safety for 46 premises listed in Appendix A.**
3. **Write to the Minister for Health requesting amendments to food safety legislation to incorporate food safety requirements on the third party delivery services involved in the food sector**

CARRIED UNANIMOUSLY

BACKGROUND

The Food Hygiene Assessment (FHA) program was adopted by Council in 1996 as its principal food safety assessment system. The aim of the FHA program is to improve the safety of food being manufactured, handled, stored and sold in the municipality. The program provides meaningful and relevant information to Council, food business proprietors and consumers about the standard of commercial food safety being achieved in the municipality.

The program assesses medium to high risk food premises (as per Department of Health Risk Classification) against national food safety standards and provides a range of incentives aimed at encouraging proprietors to achieve standards of excellence in food safety.

One of these incentives is the provision of an annual FHA Award to acknowledge food businesses achieving the highest level of excellence in food hygiene during the year. There are three categories of food businesses, which are awarded the “Food Premises of the Year: -

- Class 1 (eg Aged Care, Child Care, Hospitals etc)
- Class 2 (eg Restaurant, Cafe, Take-Away, Delicatessen, Bakery, Supermarket)
- Community Groups (eg School Canteens)

9.2.3

(cont)

The recipients of the Food Premises of the year 2018 for the categories outlined above are to be awarded a plaque and a cheque (\$600 for Class 1 and 2 premises and \$300 for community groups) which will be presented by the Mayor.

Results

Overall there were 808 Food Hygiene Assessments conducted during 2018, representing a 3.5% increase in the number of registered food premises compared to 2017. The results for 2018 are outlined in the following table which includes comparative results for prior years.

Council Star Rating	Compliance Rating	2018	2017	2016	2015	2014
Five Stars Excellent (Incorporating Best Practice)	Compliant	226 (30%)	208 (26.6%)	203 (27.3%)	187 (25.5%)	213 (28.4%)
Four Stars Very Good		341 (42.2%)	337 (43.2%)	283 (38.0%)	288 (39.3%)	285 (38.1%)
Three Stars Satisfactory		188 (23.3%)	182 (23.3%)	202 (27.2%)	199 (27.1%)	191 (25.5%)
Two Stars Unsatisfactory	Major Non-Compliance	45 (5.6%)	42 (5.4%)	48 (6.4%)	49 (6.7%)	54 (7.2%)
One Star Poor	Critical Non-Compliance	8 (1%)	12 (1.5%)	8 (1.1%)	10 (1.4%)	6 (0.8%)
Total		808	781	744	733	730

The businesses recommended for the “Food Premises of the Year” award for 2018 under the three categories are as follows: -

Class 1: *Mecwacare Simon Price Centre – 13-25 Strabane Avenue, MONT ALBERT NORTH*

Class 2: *Zagar’s Charcoal Grill - 9 Royton Street, BURWOOD EAST*

Community Groups: *Nunawading Christian College Primary Campus – 161 Central Rd NUNAWADING*

Certificates of commendation in recognition of excellence in food safety standards are also recommended for 46 (5.7%) food businesses achieving a 5 star rating with a maximum assessment result of 100%. (Refer to Appendix A).

DISCUSSION

Star Ratings Defined:

A food premises achieving the 5 star and 4 star rating is one that demonstrates a high standard of compliance with legislative requirements with a FHA score rating between 91% and 100%. A 5 star rating also demonstrates best practice through implementing processes and maintaining records above and beyond legislative requirements.

A food premises achieving the 3 star rating is one that reflects a score rating between 81% and 90% with the premises demonstrating satisfactory compliance with legislative requirements.

9.2.3

(cont)

A food premises achieving the 2 star and 1 star rating is one that demonstrates a low standard of compliance with legislative requirements, including the Food Standards Code and Food Safety Program, with a 2 star rating awarded for a score between 71% and 80% and a 1 star rating awarded for a score of 70% or below.

The results for the Food Hygiene Rating Program for 2018 for businesses achieving 5 and 4 star (30% and 42.2% respectively) demonstrates high standards being recorded and maintained across 72.2% of food businesses that were assessed. This represents a positive result with an improvement of 2.4% above the result for 2017 and in particular an increase of 3.4% of business achieving 5 stars.

Overall, food safety performance for food businesses within Whitehorse continues to remain high with 95.5% of premises being compliant. This result is an improvement relative to the results for the previous 3 years: of 93.1% (2017), 92.5% (2016) and 91.9% (2015). The result also compares favourably against the state average of 77.3% of premises being compliant based on 2017 data.

A total of 53 premises (6.6%) achieved a rating that was below satisfactory with 5.6% receiving 2 Stars and 1.0% receiving 1 Star. While the objective of the FHA system is to have zero percent of premises achieving less than 3 stars unfortunately a small percentage of premises each year are assessed as being below the threshold. The result shows a decrease in the proportion of these premises over the past 5 years with the aim of continuing the trend into the future.

Unsatisfactory food safety performance is managed through Council's food safety non-compliance policy. The policy consists of a number of responses including the issuing of improvement notices and Food Act orders, increasing the number and frequency of inspections, issuing of penalty infringement notices (PIN's), the seizing of any unsafe foods, initiating the closure of a food premises, and instigating prosecution where deemed appropriate.

Five prosecutions were undertaken and seventeen PIN's were issued during the year for offences relating to unsafe food, unclean and unhygienic conditions, poor food handling practices and failure to register. PINs are used in situations where there is continued failure to comply with the requirements of the Food Act but where the seriousness of the offence does not warrant legal prosecution.

Overall Council's Environmental Health Officers (EHOs) conducted approximately 400 non-compliance / follow up inspections to ensure that identified food safety risks were managed, compliance achieved and acceptable food hygiene standards are maintained. This ensures that potential risks to the community are either eliminated or controlled.

In summary, enforcement activities and education initiatives were conducted to ensure that all premises recording 1 and 2 stars undertook measures to address any food safety risks and were compliant within specified timelines and performing to a satisfactory level.

Council's EHOs work closely with the food industry to support compliance. They provide on-going advice to businesses and promote the importance of maintaining food safety standards to build consumer confidence within the community.

Council hosted two information sessions during the year to raise awareness and educate businesses on managing food allergens within their business. There were over 140 attendees with one of the sessions hosted at the Box Hill Town Hall in conjunction with the Asian Business Association of Whitehorse (ABAW) which was also translated in Chinese language.

9.2.3

(cont)

Review of FHA Program

There has been an increased focus on food allergens over the past few years with eleven foods requiring mandatory declaration on labels of packaged foods. These foods can cause an allergic, intolerant or auto-immune response in some people. For unpackaged food such as meals from a café or restaurant, allergen advisory statements and declarations must be stated in connection with the display of the food or provided to the purchaser on request. Food businesses must also take reasonable measures to ensure no cross contamination of food and equipment is properly cleaned.

Minor changes will be included in Council's 2019 FHA program that are aimed at strengthening the assessment criteria regarding the management of food allergens within food businesses. This includes labelling of packed food articles in the manufacturing, wholesale and retail food sector as well as managing food allergens in the service and hospitality industry.

Online Food Ordering and Delivery Services

Council's Environmental Health Unit conducted extensive investigation and enforcement activities, including the seizing of food and equipment, and initiating legal proceedings in relation to a food business operating unregistered and selling food. The business in question operated from a number of various locations and was deemed as posing a serious risk to public health. The investigations revealed that the operator relied on online ordering and delivery services (Uber Eats and Menu Log) to sell food, and market his business. It is noted that the business operated at two locations that did not have a shop front where customers could directly purchase food.

A meeting was held with UBER Eats and the Department of Health and Human Services (DHHS) to discuss the matter and the evident risk of unregistered businesses commencing operations without any regulatory oversight. The particular concern with the relationship between a food delivery service and an unregistered business is that the arrangement allows an unregistered business to operate from an obscure location that is difficult to detect. There is no requirement under legislation for the delivery service to ensure that the food business is registered and therefore lawful.

As a result of the meeting, Uber Eats took immediate steps to cancel all accounts associated with the above mentioned operator. Uber Eats has also informed Council's Environmental Health Unit that it will be requesting evidence of registration prior to approving businesses for use of their service.

While this response is a positive step, it is one that relies on self-regulation in such an important area of public health. The response is therefore considered insufficient. It is recommended that Council write to the State Minister for Health requesting an investigation into the public health benefit of amending food safety legislation to incorporate legal responsibilities on third party businesses delivering commercial foods to the community.

CONSULTATION

The Environmental Health Unit conducts annual Food Hygiene Assessment workshops. The purpose of the workshops is to report on results of food safety performance of businesses, discuss common non-compliance issues and to update proprietors on changes and requirements of the Food Hygiene Assessment System for the forthcoming year. The forum also provides an opportunity to update businesses on changes to legislative requirements.

The Environmental Health Unit produces and distributes Guides on the 5 Star program to all registered premises annually. The Guides provide information on the FHA System that includes assessment criteria and how to achieve the 5 Star rating, as well as Best Practice records.

9.2.3

(cont)

FINANCIAL IMPLICATIONS

The total budgeted expenditure of Council's Food Safety Management Program is \$830,000. Council receives about \$625,000 in income which provides a total net cost to Council of \$205,000 for the program.

Appendix A – Food Businesses receiving Certificates of Commendation

Trading Name	Address
Paisley Park Early Learning Centre	86 Carrington Road, BOX HILL VIC 3128
Blackburn Early Learning Centre	118 Surrey Road, BLACKBURN NORTH VIC 3130
Klg Catering	70-88 Koonung Road, BLACKBURN NORTH VIC 3130
Middle Ground Café	3-5 Springfield Road, BLACKBURN NORTH VIC 3130
Kingswood College Tuckshop	355 Station Street, BOX HILL SOUTH 3128
Box Hill High School	1180 Whitehorse Road, BOX HILL 3128
The Cheesecake Shop	171 Middleborough Road, BOX HILL SOUTH 3128
Smart Brown Catering	1022 Whitehorse Road, BOX HILL 3128
Wattle Park Greengrocer	194 Elgar Road, BOX HILL SOUTH 3128
50 Birds Café	50 Birdwood Street, BOX HILL SOUTH 3128
Roberts McCubbin Primary School	57 Birdwood Street, BOX HILL SOUTH 3128
The Melbourne Deli	16/277-289 Middleborough Road, BOX HILL SOUTH 3128
Om Raamdo Pty Ltd	1031B Whitehorse Road, BOX HILL VIC 3128
www.thecaterers.com.au	3 Kerr Lane, BOX HILL NORTH VIC 3129
Kerries Creations	37 Barkly Street, BOX HILL 3128
Sweetland Road Early Learning Centre	24 Sweetland Road, BOX HILL VIC 3128
Elgar Home	610 Elgar Road, BOX HILL NORTH 3129
Box Hill South Neighbourhood House	47 Kitchener Street, BOX HILL SOUTH 3128
Box Hill Early Learning Child Care Centre & Kinder	152 Dorking Road, BOX HILL NORTH 3129
Presbyterian Ladies College	1/141-155 Burwood Highway, BURWOOD 3125
Green & Wood Espresso	1/301 Burwood Highway, BURWOOD VIC 3125
Trinity Manor Burwood	14-16 Edwards Street, BURWOOD 3125
Zagar's Charcoal Grill	9 Royton Street, BURWOOD EAST 3151
Easy East	26 Burwood Highway, BURWOOD 3125
Casa Bambini Blackburn	502-504 Middleborough Road, BLACKBURN 3130
Nunawading Christian College Primary Campus	161 Central Road, NUNAWADING VIC 3131
Meals On Wheels Silver Grove	22 Silver Grove, NUNAWADING VIC 3131
Mountainview Cottage	25 Mountainview Road, NUNAWADING 3131
Vinh Hao	3 Alfred Street, BLACKBURN 3130
Ron & Sue's Malaysian Delights	Vermont South Shopping Centre, Shop 2B/495-511 Burwood Highway, VERMONT SOUTH 3133
Got Cake	102 Vicki Street, FOREST HILL 3131
Woolworths Vermont (3173)	2A Stevens Road, FOREST HILL 3131
Blue Cross Community Services Group Pty Ltd	39 Livingstone Road, VERMONT SOUTH VIC 3133
Captain's Choice Fish & Chips	Brentford Square, 13 Brentford Square, FOREST HILL VIC 3131
Coles Forest Hill	Forest Hill Chase Shopping Centre, 106/270 Canterbury Road, FOREST HILL VIC 3131
Vermont Aged Care	770 Canterbury Road, VERMONT 3133
The Hidden Bakery	1/2 Penlyne Avenue, VERMONT VIC 3133
Lush Desserts	14 McCracken Avenue, BLACKBURN SOUTH 3130
Vermont Primary School OSHC	4-6 Nurlendi Road, VERMONT 3133
Vermont Secondary College	27-63 Morack Road, VERMONT 3133
Bio E Australia Pty Ltd	6 Trade Place, VERMONT VIC 3133
The Hungry Ape	943 Station Street, BOX HILL NORTH 3129
Box Hill Hospital Kiosk	8 Arnold Street, BOX HILL VIC 3128
Emmaus College	285 Warrigal Road, BURWOOD 3125
Via Matta Ristorante	602 Canterbury Road, VERMONT VIC 3133

9.3 CORPORATE

9.3.1 Intention to Lease Land at 96-106 Springvale Road, Nunawading

FILE NUMBER: SF08/271

SUMMARY

Council resolved on 15 October 2018 to commence the statutory procedures under Section 190 and Section 223 of the Local Government Act 1989 to lease part of the Council owned land known as the Nunawading Hub located at 96-106 Springvale Road, Nunawading to United Energy Distribution Pty Ltd for use as an electricity substation.

A public notice of Council's proposal was placed in The Age on Saturday 20 October 2018 and displayed for twenty eight (28) days on Council's Website. No submissions regarding the proposed lease have been received.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Munroe

That Council:

- 1. Having completed the public notice process in accordance with Sections 190 and 223 of the Local Government Act 1989 and having received no submissions, resolve to grant a lease over part of the Council owned land known as the Nunawading Hub located at 96-106 Springvale Road, Nunawading to United Energy Distribution Pty Ltd for a total lease term of thirty (30) years, with a nominal annual rental of one dollar (\$1) if demanded, and with a proposed commencement date of 1 December 2018.***
- 2. Authorise the Manager of Property & Rates to sign the lease.***

CARRIED UNANIMOUSLY

BACKGROUND

The Council owned property located at 96-106 Springvale Road, Nunawading (the Subject Property), is the site for the proposed Nunawading Hub.

The future electricity needs of the proposed Nunawading Hub necessitates the need for a new electrical substation, which is to be located on the northern title boundary of the Subject Property abutting Esdale Street.

The substation being located on the title boundary enables Council to maintain ownership and control of the electrical infrastructure, namely the onsite electrical cabling, from the proposed substation location across the Subject Property; thereby reducing any potential impediment relating to the development of the Nunawading Hub.

United Energy is the power authority in the Nunawading area and will be the lessee, while Zinfra acts on behalf of United Energy in relation to infrastructure requests; however, Zinfra will not be a party to the lease.

Zinfra confirmed the required substation area is approximately 41m² based on 6.40 metres x 6.40 metres dimensions, this area is required to provide adequate clearances and to also allow for 24 hour access.

It is important to note that Section 190 of the *Local Government Act 1989* (the LGA) does not grant any easements over Council owned land.

9.3.1

(cont)

DISCUSSION

Statutory Process:

Section 190 of the LGA states the following:

“Restriction on power to lease land:

- 1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.
- 2) Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
- 3) If the lease is to be-
 - a) For 1 year or more and-
 - i. The rent for any period of the lease is \$50 000 or more a year; or
 - ii. The current market rental value of the land is \$50 000 or more a year; or
 - b) For 10 years or more; or
 - c) A building or improving lease-the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.
- 4) A person has a right to make a submission under section 223 on the proposed lease.”

Given that the proposed lease term is to be thirty (30) years, Council was required to comply with Section 190 of the LGA and publish a public notice and hear submissions, if required, in accordance with Section 223 of the LGA.

CONSULTATION

The public consultation timetable for the proposed lease was as follows:

- | | |
|---------------------------|--|
| Monday 15 October 2018: | Council resolved to advertise its Intention to Lease over Council Owned Land |
| Saturday 20 October 2018: | Public notice displayed in The Age |
| Monday 22 October 2018: | Public Notice displayed on Council's Website |
| Monday 19 November 2018: | Public submissions close |

No public submissions were received.

FINANCIAL IMPLICATIONS

Even though the proposed substation may distribute electricity supply in the wider Nunawading area, it is being constructed at Council's request, meaning that Council is the primary beneficiary of the substation.

Consequently, it is deemed appropriate that the rent payable under lease, for the duration of the lease term, is a nominal rent of one dollar (\$1) per annum, if demanded.

All expenses associated with the lease and the statutory process will be borne by the Property & Rates 2018/19 recurrent budget and these expenses are estimated to be approximately \$10,000 + GST.

POLICY IMPLICATIONS

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

9.3.2 Intention to Lease Land at 10-12 Watts Street, Box Hill

FILE NUMBER: SF08/271

SUMMARY

Council resolved on 15 October 2018 to commence the statutory procedures under Section 190 and Section 223 of the Local Government Act 1989 to lease the Council owned land known 10-12 Watts Street, Box Hill to Early Childhood Management Services Inc.

A public notice of Council's proposal was placed in The Age on Saturday 20 October 2018 and displayed for twenty eight (28) days on Council's Website. No submissions regarding the proposed lease have been received.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Barker

That Council:

- 1. Having completed the public notice process in accordance with Sections 190 and 223 of the Local Government Act 1989 and having received no submissions, resolve to grant a lease of the Council owned land known as 10-12 Watts Street, Box Hill to Early Childhood Management Services Inc for a total lease term of two (2) years, with an annual rental of nine thousand dollars + GST (\$9,000 + GST) and no annual indexation for the duration of the lease, and with a proposed commencement date of 1 December 2018.***
- 2. Authorise the Manager of Property & Rates to sign the lease.***

CARRIED UNANIMOUSLY

BACKGROUND

In 1994, the former City of Box Hill, the Box Hill Institute of Technical and Further Education and the Australian Taxation Office entered into a Joint Venture Agreement to develop and manage a 75 place childcare centre, at the Council owned property known as 10-12 Watts Street, Box Hill (the Subject Property).

The construction of the Subject Property was completed by Council in early 1995 and subsequently licensed, and commenced operating as a childcare service in March 1995.

In April 1995, the Watts Street Child Care Centre Management Inc. (WCCMgt) became incorporated under the *Associations Incorporations Act 1981* and became the responsible legal entity acting as licensee and manager of the centre.

In 2005, WCCMgt contracted day-to-day management responsibilities and the role of licensee to Early Childhood Management Services Inc (ECMS), with ECMS becoming the stand-alone tenant in 2011.

ECMS is Victoria's largest "not-for-profit" provider of early learning and childcare services; and who, via 66 kindergartens and childcare centres, have been operating within metropolitan Melbourne for over twenty years.

Traditionally, childcare centres operate on a calendar year rather than on a financial year. Given that the existing lease expired on 30 June, Council wrote to ECMS advising that the existing lease will be placed in overholding from 1 July 2018 to 31 December 2018. This overholding extension will enable ECMS to provide continuity of service for the remainder of 2018.

9.3.2 (cont)

Photo #1: Aerial Photo of Subject Property



DISCUSSION

Childcare centres for the purposes of the *Retail Leases Act 2003* are considered a retail service; however, as ECMS are a “not-for-profit” organisation, means that the proposed lease would be exempt from the operation of the *Retail Leases Act 2003* based on the Ministerial Determination dated 13 October 2014 (the Determination).

The Determination provides Council, as landlord, with relief from a number of restrictions contained with the *Retail Leases Act 2003*; with the main relief being that Council can offer a two year lease term rather than five year lease term, along with being able to negotiate a targeted maintenance schedule.

However, the Determination caps the rent at \$10,000 inclusive of GST per annum, if the rent exceeds \$10,000 per annum during the life of the lease, the Determination cannot be applied.

The reasoning for seeking a two year lease term via the Determination is that it will enable Council Officers to assess the central Box Hill childcare supply over the next 18 months, enable Council to complete a “fit-for-purpose” building audit of the Subject Property and, if required, enable Council to undertake a public procurement process (i.e. Expression of interest or public tender) to secure a longer term market based tenancy agreement.

Council’s Lawyers have confirmed that the proposed lease can be granted in accordance with clauses 1b (ii) & (iii) of the Determination; however, they have also confirmed that Sections 190 and 223 of the *Local Government Act 1989* (the LGA) applied to the proposed lease.

9.3.2

(cont)

CONSULTATION

The dates for the Sections 190 & 223 process were as follows:

- Monday 15 October 2018: Council resolved to advertise its Intention to Lease Council Owned Land
- Saturday 20 October 2018: Public notice displayed in The Age
- Monday 22 October 2018: Public Notice displayed on Council's Website
- Monday 19 November 2018: Public submissions closed

No public submissions were received.

FINANCIAL IMPLICATIONS

All expenses associated with the lease and the statutory process will be borne by the Property & Rates 2018/19 recurrent budget and these expenses are estimated to be approximately \$15,000 + GST.

POLICY IMPLICATIONS

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

9.3.3 Delegated Decisions October 2018

SUMMARY

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

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Cutts

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

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for October 2017	Number for October 2018
Planning and Environment Act 1987	Delegated Decisions	135	189
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		17	25
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	86	89
Liquor Control Reform Act 1998	Objections and Prosecutions	2	6
Food Act 1984	Food Act Orders	8	2
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	5	3
Local Government Act 1989	Temporary Rd. Closures	5	11
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	Nil	6
	Property Sales and Leases	12	5
	Documents to which Council seal affixed	1	1
	Vendor Payments	931	987
	Parking Amendments	4	5
	Parking Infringements written off (not able to be collected)	327	319

9.3.3

(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS OCTOBER 2018

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

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/236	09-10-18	Application Lapsed	34 Wolseley Cres. Blackburn Vic 3130	Central	Buildings and works within 4 metres of vegetation	Neighbourhood Character Overlay
WH/2018/587	22-10-18	Application Lapsed	2 Vernon St. Blackburn Sth Vic 3130	Central	Construction of two double storey dwellings	Multiple Dwellings
WH/2018/592	22-10-18	Application Lapsed	28 Dobell St. Blackburn Sth Vic 3130	Central	Construction of one double storey dwelling to the rear of an existing dwelling	Multiple Dwellings
WH/2018/808	09-10-18	Application Lapsed	Bus Stop 4979 Station St. and Paisley St., Box Hill Nth	Elgar	Illuminated promotional sign at Bus Stop 4979 Station St. and Paisley St.	Advertising Sign
WH/2018/809	24-10-18	Application Lapsed	35 Donald St. Blackburn Sth Vic 3130	Central	Removal of Vegetation in Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2009/214/A	30-10-18	Delegate Approval - S72 Amendment	162-164 Middleborough Rd. Blackburn Sth Vic 3130	Riversdale	Business identification signs for existing medical centre	Permit Amendment
WH/2011/998/D	30-10-18	Delegate Approval - S72 Amendment	12 Brentford Square Forest Hill Vic 3131	Morack	Construction of ground floor shop extension, first and second floor office additions, and waiver of the car parking requirements	Permit Amendment

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2012/440/B	22-10-18	Delegate Approval - S72 Amendment	103/193-195 Springvale Rd. Nunawading Vic 3131	Springfield	Construction of a six storey building for a supermarket, shop, cafe and 86 dwellings, use of the land for sale of liquor, and reduction in car parking	Permit Amendment
WH/2013/762/C	17-10-18	Delegate Approval - S72 Amendment	10 Wridgway Ave Burwood Vic 3125	Riversdale	Construction of three double storey dwellings	Permit Amendment
WH/2013/802/A	17-10-18	Delegate Approval - S72 Amendment	83 Middleborough Rd. Burwood Vic 3125	Riversdale	Construction of ten triple storey dwellings.	Permit Amendment
WH/2014/1241/A	29-10-18	Delegate Approval - S72 Amendment	20-22 Canterbury Rd. Blackburn Sth Vic 3130	Central	Construction of a three storey building containing 23 dwellings, reduction in car parking requirements and alteration of access to a Rd. in a Rd. Zone (Category 1)	Permit Amendment
WH/2014/546/A	03-10-18	Delegate Approval - S72 Amendment	1/7 Prince Edward Ave Mitcham Vic 3132	Springfield	Construction of three, two storey dwellings in a neighbourhood residential zone	Permit Amendment
WH/2015/1049/A	18-10-18	Delegate Approval - S72 Amendment	4 Katupna Court Vermont Sth Vic 3133	Morack	Construction of two (2) double storey dwellings	Permit Amendment
WH/2015/215/A	29-10-18	Delegate Approval - S72 Amendment	24a Hawkins Ave Mont Albert Nth Vic 3129	Elgar	Construction of two double storey dwellings	Permit Amendment
WH/2015/681/A	31-10-18	Delegate Approval - S72 Amendment	7 Tara Ave Blackburn Vic 3130	Central	Construction of two (2) double storey dwellings	Permit Amendment

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2016/702/A	29-10-18	Delegate Approval - S72 Amendment	57 Lexton Rd. Box Hill Nth Vic 3129	Elgar	Amendment to the current permit for: development and use of the land for three warehouses and a place of worship, to include 'caretakers house' in association with the approved place of worship and associated deletion of condition 1B.	Permit Amendment
WH/2016/802/A	10-10-18	Delegate Approval - S72 Amendment	16-28 Nelson Rd. Box Hill Vic 3128	Elgar	Amendment to light pole location (lighting for lawn bowls rink)	Permit Amendment
WH/2017/162/A	15-10-18	Delegate Approval - S72 Amendment	5 Dalroy Cres. Vermont Sth Vic 3133	Morack	Construction of Two (2) Double Storey Dwellings	Permit Amendment
WH/2017/698/B	03-10-18	Delegate Approval - S72 Amendment	25 Tiller St. Burwood East Vic 3151	Riversdale	Proposal for two new double storey dwelling with associated landscaping, Drvwys and crossover	Permit Amendment
WH/2017/745/A	03-10-18	Delegate Approval - S72 Amendment	449 Canterbury Rd. Vermont Vic 3133	Springfield	Development of an additional two storey dwelling (retain the existing dwelling) and two lot subdivision	Permit Amendment
WH/2018/522/A	30-10-18	Delegate Approval - S72 Amendment	12 Acacia St. Box Hill Vic 3128	Elgar	Carport in NCO2	Permit Amendment

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2014/130/B	05-10-18	Delegate Nod Issued	2/21 Middlefield Drv. Blackburn Nth Vic 3130	Central	Construction of one double storey dwelling to the rear of the existing dwelling	Permit Amendment
WH/2016/979/A	31-10-18	Delegate Nod Issued	1 Thornton Cres. Mitcham Vic 3132	Springfield	Use of land as a restaurant, sale and consumption of liquor, construction of two external flues, reduction in the standard car parking requirements and waiver of the loading and loading requirements	Permit Amendment
WH/2017/1011	10-10-18	Delegate Nod Issued	81 Rooks Rd. Mitcham Vic 3132	Springfield	Construction of two (2) new dwellings and the removal of vegetation in a VPO1, VPO4 and SLO9	Multiple Dwellings
WH/2017/1042	29-10-18	Delegate Nod Issued	1 Leonard St. Burwood Vic 3125	Riversdale	Use of the land as a Medical Centre, construction of buildings and works within 4 metres of vegetation, vegetation removal, display of internally illuminated business identification signs and access to a Rd. Zone Category 1.	Other
WH/2017/324/A	09-10-18	Delegate Nod Issued	19 Rostrevor Parade Mont Albert Nth Vic 3129	Elgar	Amendment to plans for construction of three double storey dwellings	Permit Amendment

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/620	30-10-18	Delegate Nod Issued	60 Margaret St. Box Hill Vic 3128	Elgar	Construction of six (6) double storey dwellings and removal of vegetation	Multiple Dwellings
WH/2017/637	02-10-18	Delegate Nod Issued	11 Harker St. Burwood Vic 3125	Riversdale	Use of the land for the purpose of Panel Beating and Motor Repairs and a Reduction in the Car Parking Rate	Industrial
WH/2017/855	25-10-18	Delegate Nod Issued	19 Bronte Ave Burwood Vic 3125	Riversdale	Construction of four double storey dwellings with basement	Multiple Dwellings
WH/2017/862/A	15-10-18	Delegate Nod Issued	13 Victor Cres. Forest Hill Vic 3131	Morack	Construction of two (2) double storey dwellings, buildings and works within 4 metres of vegetation and vegetation removal.	Permit Amendment
WH/2017/953	24-10-18	Delegate Nod Issued	585 Whitehorse Rd. Mitcham Vic 3132	Springfield	Construction of a three storey building comprising six dwellings, tree removal and alteration of access to a Rd. in a Rd. zone, Category 1	Multiple Dwellings
WH/2017/994	08-10-18	Delegate Nod Issued	8 Meringer Court Nunawading Vic 3131	Springfield	Construction of five (5) x 3 storey dwellings and waiver of one (1) communal visitor car space	Multiple Dwellings

9.3.3
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/165	09-10-18	Delegate Nod Issued	173 Morack Rd. Vermont Sth Vic 3133	Morack	Construction of three, two storey dwellings and associated removal of vegetation within the Significant Landscape Overlay Schedule 9 (SLO9)	Multiple Dwellings
WH/2018/188	08-10-18	Delegate Nod Issued	46 Mitchell Rd. Mont Albert Nth Vic 3129	Elgar	Construction of one, three storey dwelling and associated tree removal within the Significant Landscape Overlay Schedule 9 (SLO9),	Special Building Overlay
WH/2018/277	04-10-18	Delegate Nod Issued	7 Neville St. Box Hill Sth Vic 3128	Riversdale	Construction of two double storey Dwellings and buildings and works within 4m of trees	Multiple Dwellings
WH/2018/320	15-10-18	Delegate Nod Issued	19 Victor Cres. Forest Hill Vic 3131	Morack	Construction of two double storey dwellings, buildings and works within 4 metres and removal of trees protected under the SLO9	Multiple Dwellings
WH/2018/321	22-10-18	Delegate Nod Issued	72 Shafer Rd. Blackburn Nth Vic 3130	Central	Development of the land for two (2) double storey dwellings, including associated buildings and works within 4 metres of protected trees and vegetation removal	Multiple Dwellings

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/352	15-10-18	Delegate Nod Issued	15 Rosalind Cres. Blackburn Vic 3130	Central	Buildings and works to alter and extend the existing double storey dwelling and associated tree removal	Special Landscape Area
WH/2018/360	18-10-18	Delegate Nod Issued	150 Central Rd. Nunawading Vic 3131	Springfield	Buildings and works for two attached double storey dwellings	Multiple Dwellings
WH/2018/435	09-10-18	Delegate Nod Issued	237-243 Whitehorse Rd. Blackburn Vic 3130	Central	The use of the land for a take away food premises and display of business identification signs.	Business
WH/2018/44	29-10-18	Delegate Nod Issued	71 Shafer Rd. Blackburn Nth Vic 3130	Central	Construction of two, two storey dwellings and removal of vegetation within SLO9	Multiple Dwellings
WH/2018/441	01-10-18	Delegate Nod Issued	1/32 Wellington Ave Blackburn Vic 3130	Central	Buildings and works within the significant landscape overlay schedule 2 for the construction of one dwelling and tree removal (Retrospective)	Special Landscape Area
WH/2018/492	16-10-18	Delegate Nod Issued	17 Victoria Cres. Mont Albert Vic 3127	Elgar	To construct a building or carry out works, externally alter a building, carry out works which change the appearance of a heritage place which are not undertaken to the same specifications and materials.	Heritage

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/549	29-10-18	Delegate Nod Issued	5 Lyndoch St. Box Hill Sth Vic 3128	Riversdale	Construction of two double storey dwellings and two lot subdivision and associated tree removal	Multiple Dwellings
WH/2018/553	26-10-18	Delegate Nod Issued	202 Central Rd. Nunawading Vic 3131	Springfield	Buildings and works (the construction of a dwelling), buildings and works within 4 metres of vegetation, vegetation removal.	Special Landscape Area
WH/2018/586	10-10-18	Delegate Nod Issued	11 Halifax St. Mont Albert Nth Vic 3129	Elgar	Buildings and works (easement upgrade) within 4 metres of protected trees and vegetation removal within Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2018/62	18-10-18	Delegate Nod Issued	9 Bishop St. Box Hill Vic 3128	Elgar	Construction of three (3) triple storey dwellings on a lot	Multiple Dwellings
WH/2018/631	15-10-18	Delegate Nod Issued	5 Evan St. Box Hill Nth Vic 3129	Elgar	Development of the land for two (2) double storey dwellings, including associated buildings and works within 4 metres of protected trees	Multiple Dwellings
WH/2018/690	31-10-18	Delegate Nod Issued	12 Sunnyside Ave Nunawading Vic 3131	Springfield	Removal of two trees in the Significant Landscape Overlay - Schedule 9	Special Landscape Area

9.3.3
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/117	23-10-18	Delegate Permit Issued	78 Middleborough Rd. Burwood East Vic 3151	Riversdale	Development of a six (6) storey apartment building comprising 70 dwellings and ground floor food and drink premises	Multiple Dwellings
WH/2017/927	03-10-18	Delegate Permit Issued	48 Stanley Grv Blackburn Vic 3130	Central	The development of land for buildings and works to existing dwelling (carport addition) and construction of a double storey dwelling to the rear including associated buildings and works within 4 metres of trees and vegetation removal	Multiple Dwellings
WH/2018/1001	22-10-18	Delegate Permit Issued	30 Daniel St. Burwood Vic 3125	Riversdale	Buildings and Works (front fence) within 4 metres of protected vegetation	VicSmart - General Application
WH/2018/1002	29-10-18	Delegate Permit Issued	7 Erica Court Blackburn Nth Vic 3130	Central	Removal of vegetation within SLO9	Special Landscape Area
WH/2018/1010	05-10-18	Delegate Permit Issued	5 Hastings St. Burwood Vic 3125	Riversdale	Removal of one tree (Tree 1)	VicSmart - General Application
WH/2018/1011	05-10-18	Delegate Permit Issued	5 Hastings St. Burwood Vic 3125	Riversdale	Removal of one tree (Tree 1)	VicSmart - General Application
WH/2018/1012	01-10-18	Delegate Permit Issued	2 Ida Court Vermont Vic 3133	Morack	Removal of one (1) tree	VicSmart - General Application
WH/2018/1013	18-10-18	Delegate Permit Issued	49 Glenburnie Rd Mitcham Vic 3132	Springfield	To lop one tree (Tree 1 - Eucalyptus botryoides)	VicSmart - General Application
WH/2018/1014	10-10-18	Delegate Permit Issued	49 Glenburnie Rd. Mitcham Vic 3132	Springfield	To remove a tree (Tree 2 - Eucalyptus botryoides)	VicSmart - General Application

9.3.3
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1015	10-10-18	Delegate Permit Issued	49 Glenburnie Rd. Mitcham Vic 3132	Springfield	To remove a tree (Tree 3 - Eucalyptus botryoides)	VicSmart - General Application
WH/2018/1016	10-10-18	Delegate Permit Issued	49 Glenburnie Rd. Mitcham Vic 3132	Springfield	To remove a tree (Tree 4 - Eucalyptus botryoides)	VicSmart - General Application
WH/2018/1018	02-10-18	Delegate Permit Issued	4 Clifton St Blackburn Vic 3130	Central	Removal of one (1) tree	VicSmart - General Application
WH/2018/1019	05-10-18	Delegate Permit Issued	21 Aubrey St. Vermont Vic 3133	Morack	Removal of one (1) tree within SLO9	VicSmart - General Application
WH/2018/1020	10-10-18	Delegate Permit Issued	26 Victor Cres. Forest Hill Vic 3131	Morack	Buildings and works (construct a carport) within 4 metres of protected vegetation	VicSmart - General Application
WH/2018/1030	25-10-18	Delegate Permit Issued	33 Tyne St. Box Hill Nth Vic 3129	Elgar	Removal of one (1) tree	VicSmart - General Application
WH/2018/1031	11-10-18	Delegate Permit Issued	25 Charlotte St. Blackburn Sth Vic 3130	Central	Removal of vegetation	VicSmart - General Application
WH/2018/1032	11-10-18	Delegate Permit Issued	25 Charlotte St. Blackburn Sth Vic 3130	Central	Removal of vegetation	VicSmart - General Application
WH/2018/1034	05-10-18	Delegate Permit Issued	3 Tarnook St. Vermont Sth Vic 3133	Morack	Removal of one (1) tree	VicSmart - General Application
WH/2018/1035	11-10-18	Delegate Permit Issued	25 Charlotte St. Blackburn Sth Vic 3130	Central	Vegetation removal	VicSmart - General Application
WH/2018/1040	31-10-18	Delegate Permit Issued	10 Meerut St. Mitcham Vic 3132	Springfield	Buildings and works within 4m of protected trees	VicSmart - General Application
WH/2018/1041	17-10-18	Delegate Permit Issued	1 Frisina Court Nunawading Vic 3131	Springfield	Removal of one (1) tree	VicSmart - General Application
WH/2018/1042	15-10-18	Delegate Permit Issued	315-319 Burwood Highway Burwood East Vic 3151	Morack	Display of internally illuminated business identification and high wall signage	Advertising Sign

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1046	05-10-18	Delegate Permit Issued	5 Jasmine Court Blackburn Sth Vic 3130	Central	Removal of one (1) tree within SLO9	VicSmart - General Application
WH/2018/1048	11-10-18	Delegate Permit Issued	1 Merton St. Box Hill Vic 3128	Elgar	Buildings and works for the construction of a dwelling	VicSmart - General Application
WH/2018/1050	11-10-18	Delegate Permit Issued	426 Canterbury Rd. Forest Hill Vic 3131	Morack	Removal of one (1) tree	VicSmart - General Application
WH/2018/1052	29-10-18	Delegate Permit Issued	17 Taldra St. Box Hill Nth Vic 3129	Elgar	Buildings and works (verandah) on a lot less than 300sqm	Single Dwelling < 300m2
WH/2018/1055	16-10-18	Delegate Permit Issued	14 Good Governs St. Mitcham Vic 3132	Springfield	Removal of one tree (Tree 1)	VicSmart - General Application
WH/2018/1060	17-10-18	Delegate Permit Issued	20 Rosslyn St. Blackburn Sth Vic 3130	Central	removal of one tree	VicSmart - General Application
WH/2018/1061	25-10-18	Delegate Permit Issued	20 Rosslyn St. Blackburn Sth Vic 3130	Central	remove one tree	VicSmart - General Application
WH/2018/1066	22-10-18	Delegate Permit Issued	13 Black St. Mont Albert Vic 3127	Elgar	Buildings and Works in a Heritage Overlay	VicSmart - General Application
WH/2018/1070	26-10-18	Delegate Permit Issued	424 Middleborou gh Rd. Blackburn Vic 3130	Central	Three Lot Subdivision	Subdivision
WH/2018/1079	19-10-18	Delegate Permit Issued	G09/ 2 Elland Ave Box Hill Vic 3128	Elgar	Installation of business identification signs (internally illuminated signs)	Advertising Sign
WH/2018/1081	25-10-18	Delegate Permit Issued	18 Holland Rd. Blackburn Sth Vic 3130	Central	Vegetation removal	VicSmart - General Application

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1082	25-10-18	Delegate Permit Issued	18 Holland Rd. Blackburn Sth Vic 3130	Central	Vegetation removal	VicSmart - General Application
WH/2018/1083	23-10-18	Delegate Permit Issued	18 Holland Rd. Blackburn Sth Vic 3130	Central	Vegetation removal	VicSmart - General Application
WH/2018/1086	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 3).	VicSmart - General Application
WH/2018/1087	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree - Tree 4	VicSmart - General Application
WH/2018/1088	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 5)	VicSmart - General Application
WH/2018/1089	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 6)	VicSmart - General Application
WH/2018/1090	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 7)	VicSmart - General Application
WH/2018/1091	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Remove one tree (Tree 8)	VicSmart - General Application
WH/2018/1092	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 9)	VicSmart - General Application
WH/2018/1093	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 10)	VicSmart - General Application
WH/2018/1095	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 12)	VicSmart - General Application
WH/2018/1096	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 13)	VicSmart - General Application
WH/2018/1099	26-10-18	Delegate Permit Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 16)	VicSmart - General Application

9.3.3
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1102	22-10-18	Delegate Permit Issued	1 Edgerton Rd. Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - General Application
WH/2018/1105	30-10-18	Delegate Permit Issued	39 Linda Ave Box Hill Nth Vic 3129	Elgar	Building of decking cabana with in 4m of a tree	VicSmart - General Application
WH/2018/1107	22-10-18	Delegate Permit Issued	1 Vista Court Forest Hill Vic 3131	Morack	Removal of one (1) tree	VicSmart - General Application
WH/2018/1108	22-10-18	Delegate Permit Issued	91 Rostrevor Parade Mont Albert Nth Vic 3129	Elgar	Removal of one (1) tree within SLO9	VicSmart - General Application
WH/2018/1114	17-10-18	Delegate Permit Issued	155-221 Warrigal Rd. Burwood Vic 3125	Riversdale	Construction of verandah as part of an existing retirement village community centre	VicSmart - General Application
WH/2018/1116	24-10-18	Delegate Permit Issued	20 Penllyne Ave Vermont Vic 3133	Morack	Removal of one protected tree (Sydney Blue Gum) in the SLO9	VicSmart - General Application
WH/2018/1117	22-10-18	Delegate Permit Issued	57 Alwyn St. Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - General Application
WH/2018/1122	30-10-18	Delegate Permit Issued	30 Grange Rd. Blackburn Sth Vic 3130	Riversdale	Vegetation removal	VicSmart - General Application
WH/2018/1123	30-10-18	Delegate Permit Issued	30 Grange Rd. Blackburn Sth Vic 3130	Riversdale	Vegetation removal	VicSmart - General Application
WH/2018/1126	22-10-18	Delegate Permit Issued	24 Cherry Orchard Rise Box Hill Nth Vic 3129	Elgar	Removal of one (1) tree	VicSmart - General Application
WH/2018/1139	24-10-18	Delegate Permit Issued	77 Parer St. Burwood Vic 3125	Riversdale	Removal of tree under landscaping overlay 9. Tree number 2	VicSmart - General Application

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1140	24-10-18	Delegate Permit Issued	77 Parer St. Burwood Vic 3125	Riversdale	Removal of tree under landscaping overlay 9. Tree number 23	VicSmart - General Application
WH/2018/1146	30-10-18	Delegate Permit Issued	67 Laburnum St. Blackburn Vic 3130	Central	Vegetation removal	VicSmart - General Application
WH/2018/1150	31-10-18	Delegate Permit Issued	339-347 Warrigal Rd. Burwood Vic 3125	Riversdale	Buildings and works (temporary portable offices)	VicSmart - General Application
WH/2018/1162	31-10-18	Delegate Permit Issued	599 Station St. Box Hill Vic 3128	Elgar	Buildings and works (external and internal alterations)	VicSmart - General Application
WH/2018/1204	31-10-18	Delegate Permit Issued	1/10 View St. Surrey Hills Vic 3127	Elgar	Extension of existing dwelling on a lot less than 300sqm	Single Dwelling < 300m2
WH/2018/142	29-10-18	Delegate Permit Issued	5 Twyford St. Box Hill Nth Vic 3129	Elgar	Development of the land for two (2) double storey dwellings, including associated tree removal and buildings and works within 4 metres of trees	Multiple Dwellings
WH/2018/19	08-10-18	Delegate Permit Issued	20 Sherman St. Forest Hill Vic 3131	Morack	Construction of two double storey dwellings and buildings and works within 4 metres of a Tree in the SLO9	Multiple Dwellings
WH/2018/222	22-10-18	Delegate Permit Issued	21 Belgravia Ave Mont Albert Nth Vic 3129	Elgar	Construction of two dwellings, buildings and works within 4m of protected vegetation and associated vegetation removal	Multiple Dwellings

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/262	05-10-18	Delegate Permit Issued	11/153-155 Rooks Rd. Vermont Vic 3133	Springfield	Use of land for restricted recreation facility (personal training studio)	Industrial
WH/2018/308	12-10-18	Delegate Permit Issued	2/210 Central Rd. Nunawading Vic 3131	Springfield	Proposed verandah to unit 2	Special Landscape Area
WH/2018/414	03-10-18	Delegate Permit Issued	46-48 Springfield Rd. Blackburn Vic 3130	Central	Development of the land for two dwellings including associated tree removal and buildings and works.	Multiple Dwellings
WH/2018/418	15-10-18	Delegate Permit Issued	5 The Mews Vermont Vic 3133	Morack	We are doing a knock down rebuild and the new building works are within 4 metres of vegetation. We also seek a permit to remove 2 trees within a SLO8.	Special Landscape Area
WH/2018/452	19-10-18	Delegate Permit Issued	11 Newbiggin St. Burwood Vic 3125	Riversdale	3 lot subdivision	Subdivision
WH/2018/506	18-10-18	Delegate Permit Issued	44 William St. Box Hill Vic 3128	Elgar	Construction of dwelling addition in heritage overlay (HO212) and buildings and works within 4 metres of protected trees (SLO9 and VPO3)	Heritage
WH/2018/530	24-10-18	Delegate Permit Issued	19 Heathfield Rise Box Hill Nth Vic 3129	Elgar	Remove two ash trees within Significant Landscape Overlay	Special Landscape Area

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/534	03-10-18	Delegate Permit Issued	11 Roselea St. Box Hill Nth Vic 3129	Elgar	Buildings and works within 4 metres of protected trees and vegetation removal	Special Landscape Area
WH/2018/552	10-10-18	Delegate Permit Issued	67 Vicki St. Forest Hill Vic 3131	Central	Development of the land for two (2) double storey dwellings, including associated buildings and works within 4 metres of protected trees and vegetation removal	Multiple Dwellings
WH/2018/554	08-10-18	Delegate Permit Issued	12 Glen Ebor Ave Blackburn Vic 3130	Central	Buildings and works to alter and extend the existing dwelling	Special Landscape Area
WH/2018/583	10-10-18	Delegate Permit Issued	3 Cloverlea Court Blackburn Vic 3130	Central	Buildings and works to construct one (1) double storey dwelling and vegetation removal	Special Landscape Area
WH/2018/598	02-10-18	Delegate Permit Issued	929 Whitehorse Rd. Box Hill Vic 3128	Elgar	Use of land for the sell and consumption of liquor	Liquor Licence
WH/2018/601	31-10-18	Delegate Permit Issued	35 Meldan St. Burwood Vic 3125	Riversdale	Construction of two (2) double story dwellings on a lot with vegetation removal and buildings and works within 4 metres of protected vegetation	Multiple Dwellings
WH/2018/625	26-10-18	Delegate Permit Issued	80 Luckie St Nunawading Vic 3131	Springfield	Construction of two double storey semi-detached dwellings	Multiple Dwellings

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/660	19-10-18	Delegate Permit Issued	387 Canterbury Rd. Forest Hill Vic 3131	Springfield	Construction and display of business identification signage	Advertising Sign
WH/2018/674	18-10-18	Delegate Permit Issued	31 Main St. Blackburn Vic 3130	Central	Buildings and works (front fence) within 4 metres of protected vegetation	VicSmart - General Application
WH/2018/68	31-10-18	Delegate Permit Issued	12 Pippin Ave Burwood East Vic 3151	Riversdale	Construction of two double storey dwellings on a lot buildings and works within 4 metres and removal of trees protected under the SLO9	Multiple Dwellings
WH/2018/694	09-10-18	Delegate Permit Issued	2/613 Whitehorse Rd. Mitcham Vic 3132	Springfield	Use of the land for the purpose of an Indoor Recreation Facility	Industrial
WH/2018/722	12-10-18	Delegate Permit Issued	G02/ 850 Whitehorse Rd. Box Hill Vic 3128	Elgar	Installation of two internally illuminated business identification signs	Advertising Sign
WH/2018/728	03-10-18	Delegate Permit Issued	409 Mont Albert Rd. Mont Albert Vic 3127	Elgar	The development of the land for buildings and works to extend the existing dwelling (ground floor additions and first floor extension), including associated tree removal and buildings and works within 4 metres of trees	Heritage

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/731	09-10-18	Delegate Permit Issued	52 Zetland Rd. Mont Albert Vic 3127	Elgar	Removal of vegetation	Special Landscape Area
WH/2018/733	19-10-18	Delegate Permit Issued	495-511 Burwood Hwy Vermont Sth Vic 3133	Morack	To subdivide common property on SP24525A creating Common Property No.1, No.2 & No.3. To rename the Owners Corporation to Owners Corporation No.1 & to create Limited Owners Corporations No.2 & No.3	Subdivision
WH/2018/734	17-10-18	Delegate Permit Issued	Bus Stop 12945 Springvale Rd and Caves Grv Forest Hill	Springfield	Erect internally illuminated and electronic signage at Bus Stop 12945	Advertising Sign
WH/2018/737	17-10-18	Delegate Permit Issued	Bus Stop 8238 Burwood Hwy and Oakham Ave, Burwood East	Riversdale	Erection of internally illuminated and electronic signage at a Bus Stop 8328	Advertising Sign
WH/2018/756	22-10-18	Delegate Permit Issued	16 Peter St. Box Hill Nth Vic 3129	Elgar	Two (2) lot subdivision	Subdivision
WH/2018/757	09-10-18	Delegate Permit Issued	338 Burwood Hwy Burwood Vic 3125	Riversdale	Twenty (20) lot subdivision	Subdivision
WH/2018/758	24-10-18	Delegate Permit Issued	18 Grandview Rd. Box Hill Sth Vic 3128	Riversdale	Three (3) lot subdivision	Subdivision

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/793	11-10-18	Delegate Permit Issued	4 Hood St. Mont Albert Vic 3127	Elgar	Demolition of existing dwelling and construction of new dwelling within heritage overlay and buildings and works within 4m of protected vegetation	Heritage
WH/2018/801	22-10-18	Delegate Permit Issued	Bus Stop 8685 Burwood Highway and Tiller St.	Riversdale	Illuminated promotional sign at Bus Stop 8685 Burwood Highway and Tiller St.	Advertising Sign
WH/2018/802	24-10-18	Delegate Permit Issued	Bus Stop 8671- Station St. and Cyril St. Box Hill Sth	Riversdale	Erection of internally illuminated and electronic signage at a Bus Stop 8671	Advertising Sign
WH/2018/805	17-10-18	Delegate Permit Issued	Bus Stop 8239 Burwood Highway and Royton St., Burwood East	Riversdale	Illuminated promotional sign at Bus Stop 8239 Burwood Highway and Royton St.	Advertising Sign
WH/2018/806	17-10-18	Delegate Permit Issued	Stop 8241 Burwood Highway, adjacent to 12 Keats St.	Riversdale	Illuminated promotional sign at Bus Stop 8241 Burwood Highway, adjacent to 12 Keats St.	Advertising Sign
WH/2018/807	26-10-18	Delegate Permit Issued	Bus Stop 8228 Station St. and Boardman Cl, Box Hill Sth	Riversdale	To display one internally illuminated electronic promotional sign and one internally illuminated promotional sign.	Advertising Sign
WH/2018/814	16-10-18	Delegate Permit Issued	30 Nurlendi Rd. Vermont Vic 3133	Morack	Removal of Vegetation (3 trees)	Vegetation Protection Overlay

9.3.3
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/818	24-10-18	Delegate Permit Issued	13 Browns Rd. Nunawading Vic 3131	Springfield	2 lot subdivision to coincide with development permit	Subdivision
WH/2018/832	29-10-18	Delegate Permit Issued	39 Simpsons Rd. Box Hill Vic 3128	Elgar	5 Lot residential subdivision	Subdivision
WH/2018/842	26-10-18	Delegate Permit Issued	34 Peter St. Box Hill Nth Vic 3129	Elgar	2 Lot Subdivision of 2 townhouse development	Subdivision
WH/2018/843	29-10-18	Delegate Permit Issued	42 Esdale St. Blackburn Vic 3130	Central	Three lot subdivision	Subdivision
WH/2018/854	03-10-18	Delegate Permit Issued	15 Blackburn Rd. Blackburn Vic 3130	Central	Buildings and works to construct a first floor addition to an existing building	Business
WH/2018/876	12-10-18	Delegate Permit Issued	45 Baratta St. Blackburn Sth Vic 3130	Central	Buildings and works within 4 metres of protected trees	Special Landscape Area
WH/2018/882	29-10-18	Delegate Permit Issued	1-2/602 Whitehorse Rd. Mitcham Vic 3132	Springfield	Use as a restricted recreation facility (children's gymnasium)	Business
WH/2018/94	03-10-18	Delegate Permit Issued	11 Ireland St. Burwood Vic 3125	Riversdale	Construction of three, two storey dwellings and vegetation removal within SLO9	Multiple Dwellings
WH/2018/950	11-10-18	Delegate Permit Issued	2/28 Glenburnie Rd. Mitcham Vic 3132	Springfield	Buildings and Works (construct a new garage) on a land lot less than 500 square metres	Single Dwelling < 300m2
WH/2018/951	17-10-18	Delegate Permit Issued	194 Blackburn Rd. Blackburn Sth Vic 3130	Central	Buildings and Works (construct a new dwelling) within 4 metres of protected vegetation	Special Landscape Area

9.3.3
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/954	22-10-18	Delegate Permit Issued	338 Springvale Rd. Forest Hill Vic 3131	Springfield	Construction of two storage sheds	Business
WH/2018/975	05-10-18	Delegate Permit Issued	8 Julie St. Blackburn Nth Vic 3130	Central	Buildings and works (construction of a deck and verandah) within 4m of protected trees.	VicSmart - General Application
WH/2018/982	18-10-18	Delegate Permit Issued	Suite 2/1a Carrington Rd. Box Hill Vic 3128	Elgar	Construct and internally illuminated business identification sign	Advertising Sign
WH/2018/988	17-10-18	Delegate Permit Issued	15 Ayr St. Blackburn Sth Vic 3130	Central	Removal of two (2) trees	Special Landscape Area
WH/2018/991	10-10-18	Delegate Permit Issued	30 Daniel St. Burwood Vic 3125	Riversdale	Removal of one (1) tree	VicSmart - General Application
WH/2018/993	05-10-18	Delegate Permit Issued	43 Glen Valley Rd. Forest Hill Vic 3131	Springfield	Remove a tree	VicSmart - General Application
WH/2018/997	19-10-18	Delegate Permit Issued	6 Goold St. Burwood Vic 3125	Riversdale	3 lot subdivision	Subdivision
WH/2013/207/E	08-10-18	Delegate Refusal - S72 Amendment	19 Victoria Cres. Mont Albert Vic 3127	Elgar	Construction of a part double, part triple storey dwelling to the rear of an existing dwelling	Permit Amendment
WH/2016/931	31-10-18	Delegate Refusal Issued	23 Cochrane St. Mitcham Vic 3132	Springfield	Construction of two double storey dwellings	Multiple Dwellings
WH/2018/1017	10-10-18	Delegate Refusal Issued	49 Glenburnie Rd. Mitcham Vic 3132	Springfield	To remove a tree (Tree 5 - Euclayptus botryoides)	VicSmart - General Application
WH/2018/1038	11-10-18	Delegate Refusal Issued	127 Jolimont Rd. Vermont Vic 3133	Morack	Removal of one (1) tree	VicSmart - General Application
WH/2018/1065	15-10-18	Delegate Refusal Issued	19 Carrington Court Burwood East Vic 3151	Morack	Removal of one (1) tree within SLO9	VicSmart - General Application

9.3.3
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/1072	17-10-18	Delegate Refusal Issued	14 Howard St. Mitcham Vic 3132	Springfield	Removal of one tree within the Significant Landscape Overlay (SLO)	VicSmart - General Application
WH/2018/1073	17-10-18	Delegate Refusal Issued	14 Howard St. Mitcham Vic 3132	Springfield	Removal of one tree within the Significant Landscape Overlay (SLO)	VicSmart - General Application
WH/2018/1084	26-10-18	Delegate Refusal Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 1)	VicSmart - General Application
WH/2018/1085	26-10-18	Delegate Refusal Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 2).	VicSmart - General Application
WH/2018/1094	26-10-18	Delegate Refusal Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 11)	VicSmart - General Application
WH/2018/1097	26-10-18	Delegate Refusal Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 14)	VicSmart - General Application
WH/2018/1098	26-10-18	Delegate Refusal Issued	8 Lawson St. Blackburn Vic 3130	Central	Removal of one tree (Tree 15)	VicSmart - General Application
WH/2018/1120	25-10-18	Delegate Refusal Issued	4 Thornhill Drv Forest Hill Vic 3131	Morack	Removal of one (1) tree	VicSmart - General Application
WH/2018/273	11-10-18	Delegate Refusal Issued	481 Highbury Rd. Burwood East Vic 3151	Riversdale	Construction of Two (2) Double Storey Dwellings on a Lot	Multiple Dwellings
WH/2018/376	04-10-18	Delegate Refusal Issued	10 Eustace St. Blackburn Vic 3130	Central	Construction of a Shed and Removal of Vegetation	Special Landscape Area
WH/2018/953	16-10-18	Delegate Refusal Issued	15 Grace St. Mont Albert Vic 3127	Elgar	Removal of one tree	VicSmart - General Application
WH/2018/994	05-10-18	Delegate Refusal Issued	43 Glen Valley Rd. Forest Hill Vic 3131	Springfield	Remove a tree	VicSmart - General Application
WH/1970/9002 67	30-10-18	Withdrawn	1/10 View St. Surrey Hills Vic 3127	Elgar	Alterations to Dwelling 1	Permit Amendment
WH/1999/9108 68/A	2-10-18	Withdrawn	63-107 Fulton Rd. Blackburn Sth Vic 3130	Central	Buildings and work - Wholesale nursery	Permit Amendment

9.3.3
 (cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/775	25-10-18	Withdrawn	29 Hamel St. Box Hill Sth Vic 3128	Riversdale	Construction of three (3) double storey dwellings on a lot	Multiple Dwellings
WH/2018/1004	25-10-18	Withdrawn	1/1-3 Glen Ebor Ave Blackburn Vic 3130	Central	Vegetation removal	Special Landscape Area
WH/2018/1037	11-10-18	Withdrawn	6/27 Laburnum St. Blackburn Vic 3130	Central	Buildings and works (Removal of existing carport and balcony and construction of deck over carport) within a Special Building Overlay and on common property	VicSmart - General Application
WH/2018/600	03-10-18	Withdrawn	19 Carrington Court Burwood East Vic 3151	Morack	Removal of two (2) SLO9 trees	Special Landscape Area

9.3.3

(cont)

BUILDING DISPENSATIONS/APPLICATIONS OCTOBER 2018

Address	Date	Ward	Result
14 Faulkner Street, Blackburn South	30-10-18	Central	Consent Granted 79
16 Gerbera Court, Blackburn North	10-10-18	Central	Consent Granted 79
18 Aberdeen Road, Blackburn South	04-10-18	Central	Consent Granted 89
2 Boulton Road, Blackburn	08-10-18	Central	Consent Granted 75
3 Mall Court, Blackburn North	05-10-18	Central	Consent Granted 89
36 Raleigh Street, Forest Hill	18-10-18	Central	Consent Granted 86
39 Aldinga Street, Blackburn South	29-10-18	Central	Consent Granted 79
45 Baratta Street, Blackburn South	22-10-18	Central	Consent Granted 79
50 Baratta Street, Blackburn South	10-10-18	Central	Consent Granted 79
54 Bindy Street, Forest Hill	30-10-18	Central	Consent Granted
61 Canora Street, Blackburn South	10-10-18	Central	Consent Granted 80
67 Pakenham Street, Blackburn	03-10-18	Central	Consent Granted 76,74
8 Norfolk Street, Blackburn North	05-10-18	Central	Consent Granted 74
8 Primula Street, Blackburn North	09-10-18	Central	Consent Granted 89
9 Badenoch Street, Blackburn	08-10-18	Central	Consent Granted 84
10 Aldinga Street, Blackburn South	10-10-18	Central	Consent Refused 80
12 Burcote Street, Blackburn North	18-10-18	Central	Consent Refused 76,74
14 Faulkner Street, Blackburn South	30-10-18	Central	Consent Refused 80
16 Haydn Street, Blackburn	15-10-18	Central	Consent Refused 74
38 Charlton Street, Blackburn North	22-10-18	Central	Consent Refused 76
2a Hamilton Avenue, Blackburn	22-10-18	Central	Extension Of Time Approved 75
4 Pope Road, Blackburn	11-10-18	Central	Extension Of Time Approved 74
116-118 Thames Street, Box Hill North	03-10-18	Elgar	Consent Granted 116
2-10 Harrow Street, Box Hill	09-10-18	Elgar	Consent Granted 116
47 Victoria Crescent, Mont Albert	30-10-18	Elgar	Consent Granted 92,89
487 Belmore Road, Mont Albert North	11-10-18	Elgar	Consent Granted 79,86
55 Kerrimuir Street, Box Hill North	12-10-18	Elgar	Consent Granted 92,89
68 Harrison Street, Box Hill North	04-10-18	Elgar	Consent Granted 79
7 Vivianne Avenue, Mont Albert North	01-10-18	Elgar	Consent Granted 80
9 Milne Road, Mont Albert North	25-10-18	Elgar	Consent Granted 75, 76, 79, 80
3 Arnott Street, Mont Albert North	29-10-18	Elgar	Consent Refused S57, 74, 79
47 Victoria Crescent, Mont Albert	30-10-18	Elgar	Consent Refused 91
8 Hotham Court, Mont Albert	24-10-18	Elgar	Consent Refused 74
13 Trinian Street, Vermont	23-10-18	Morack	Consent Granted 74
18 Drovers Court, Vermont South	01-10-18	Morack	Consent Granted 74
2 Phyllis Court, Vermont	04-10-18	Morack	Consent Granted 80
20 Hampshire Road, Forest Hill	10-10-18	Morack	Consent Granted 74
21 Caldwell Road, Vermont	19-10-18	Morack	Consent Granted 79
43 Parkmore Road, Forest Hill	08-10-18	Morack	Consent Granted 89
16 Caldwell Road, Vermont	04-10-18	Morack	Consent Refused 79
202 Hawthorn Road, Vermont South	24-10-18	Morack	Consent Refused 74, 80
10 Winton Street, Burwood	05-10-18	Riversdale	Consent Granted 89
1160 Riversdale Road, Box Hill South	08-10-18	Riversdale	Consent Granted 80

9.3.3

(cont)

Address	Date	Ward	Result
16 Richmond Street, Blackburn South	15-10-18	Riversdale	Consent Granted 79
24 Kildare Street, Burwood	02-10-18	Riversdale	Consent Granted 82
3 Begonia Street, Box Hill South	26-10-18	Riversdale	Consent Granted 89
31 Uganda Street, Burwood	25-10-18	Riversdale	Consent Granted 83
56 Broughton Road, Surrey Hills	25-10-18	Riversdale	Consent Granted 92,89
6/17-19 Renown Street, Burwood	10-10-18	Riversdale	Consent Granted 76, S57
63 Russell Street, Surrey Hills	04-10-18	Riversdale	Consent Granted 86
9 Kitchener Street, Box Hill South	18-10-18	Riversdale	Consent Granted 79
11 Orloff Court, Burwood East	04-10-18	Riversdale	Consent Refused 80,75
16 Richmond Street, Blackburn South	15-10-18	Riversdale	Consent Refused 74
2 Pearce Street, Burwood	08-10-18	Riversdale	Consent Refused 75,80,79
22 Hilltop Crescent, Burwood East	23-10-18	Riversdale	Consent Refused 74
50 Begonia Street, Box Hill South	18-10-18	Riversdale	Consent Refused 83
1/43-45 Shady Grove, Nunawading	23-10-18	Springfield	Consent Granted 77,76
12 Lucknow Street, Mitcham	29-10-18	Springfield	Consent Granted 74
2/37 Halls Parade, Mitcham	29-10-18	Springfield	Consent Granted 80
26-32 Mcdowall Street, MITCHAM	12-10-18	Springfield	Consent Granted 116
311 Springfield Road, Nunawading	29-10-18	Springfield	Consent Granted 79
389 Springfield Road, Nunawading	08-10-18	Springfield	Consent Granted 79, 76,85
63 Carween Avenue, Mitcham	26-10-18	Springfield	Consent Granted 85
68 Cochrane Street, Mitcham	24-10-18	Springfield	Consent Granted 79
127 Brunswick Road, Mitcham	15-10-18	Springfield	Consent Refused 89
389 Springfield Road, Nunawading	08-10-18	Springfield	Consent Refused 74
68 Cochrane Street, Mitcham	24-10-18	Springfield	Consent Refused 74

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS OCTOBER 2018

Under the Planning and Environment Act 1987

Decision Date	Act Section	Decision	Street Address	Ward	Proposal	Reference
9/10/18	20(1)	Delegate Approval	Municipality	All	Request to the Minister for Planning under section 20(1) of the Planning and Environment Act 1987 to provide an exemption from the amendment notification requirements of section 19 of the Act and to approve an extension to the interim tree protection controls in Significant Landscape Overlay, Schedule 9 (approved via Amendment C191) for a further year to 31 December 2019.	Amendment C214

9.3.3

(cont)

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION OCTOBER 2018

Contract Number	Service
Contract 30077	Master Key and Locksmith Services
Contract 30088	Iris Street, Burwood Road Reconstruction
Contract 30085	Parkside Street Road Reconstruction Blackburn
Contract 30086	Victoria Crescent Mont Albert Road Reconstruction
Contract 30070	Design Advisory Services - Whitehorse Centre
Contract	Supply and Installation of Parking Ticket Machine

REGISTER OF PROPERTY DOCUMENTS EXECUTED OCTOBER 2018

Property Address	Document Type	Document Detail
Leases		
332 Blackburn Road, Burwood East	Lease	Dental Surgery - New Lease to incumbent
Fire Services Property Levy (FSPL)		
1/25 Blackburn Road, BLACKBURN	Not applicable	Category changed from 'Commercial' to 'Residential'
Rateability Changes (Section 154 of the Local Government Act)		
16 Good Governs Street, MITCHAM	Property Now Rateable	Dwelling of former ministers residence demolished
9 Pursell Avenue, BLACKBURN SOUTH	Property Now Rateable	Dwelling of former ministers residence demolished
1, 2& 3/ 46 William Street, BOX HILL	Exempt-Charitable	Residences used by Yooralla Society of Victoria for disability housing

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL OCTOBER 2018

Deed of Variation Whitehorse City Council and Noelene Duff 24.10.18

PARKING RESTRICTIONS APPROVED BY DELEGATION OCTOBER 2018

Address: **Victoria Crescent, Mont Albert:** from 112m south of Whitehorse Road to 167m north of Trafalgar Street – west side
Previously: 21 'Unrestricted' parking spaces
Now: 21 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Carrington Road, Box Hill:** from Elgar Road to Thurston Street – north side
Previously: 30 '1-Hour, 8am to 6pm, Monday to Saturday' parking spaces
Now: 30 'Permit Zone, 8am to 6pm, Monday to Saturday' parking spaces

Address: **Pope Road, Blackburn:** from southern Boundary 28 Pope Road to Bell Street – west side
Previously: 8 'Unrestricted' parking spaces
Now: 8 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Katrina Street, Blackburn North:** from 40m east of Caroline Crescent to 43m east of Caroline Crescent – north side
Previously: 1 'P5 Minute, Monday to Friday' parking space
Now: 1 'Unrestricted' parking space

9.3.3
 (cont)

Address: **Hughes Street, Burwood:** from western property boundary of 15 Hughes Street to eastern boundary of 15 Hughes Street – north side
Previously: 2 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
Now: 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

VENDOR PAYMENT SUMMARY – SUMS PAID DURING OCTOBER 2018

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
04/10/2018	\$1,939.63	8	EFC
04/10/2018	\$87,564.64	48	CHQ
04/10/2018	\$459,654.32	51	EFT
04/10/2018	\$28,705.51	4	EFT
11/10/2018	\$7,908.70	15	EFC
11/10/2018	\$48,507.87	32	CHQ
11/10/2018	\$1,851,782.90	320	EFT
18/10/2018	\$8,101.85	12	EFC
18/10/2018	\$46,071.56	51	CHQ
18/10/2018	\$465,437.96	48	EFT
24/10/2018	\$3,134,994.10	1	EFT
24/10/2018	\$13,394.94	16	EFC
24/10/2018	\$44,512.55	34	CHQ
24/10/2018	\$2,859,605.68	346	EFT
30/10/2018	\$5,153.01	1	EFT
04/10/2018	\$1,939.63	8	EFC
04/10/2018	\$87,564.64	48	CHQ
GROSS	\$9,063,335.22	987	
Monthly Lease Payments	\$37,338.28		
Direct Debit Payments	\$193,184.49		
CANCELLED PAYMENTS	-\$32,974.75	-30	
NETT	\$9,260,883.24	957	

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 Munroe report on his attendance at the Metropolitan Transport Forum held on the 5 December 2018, where Mr Greg Day, Edunity, Political - Policy Adviser to MTF reported on the pre - election of the public transport forum, summarising the policies and results.
- 10.1.2 Cr Massoud reported on her attendance at the Whitehorse Disability Advisory Committee held on the 5 December 2018.
- 10.1.3 Cr Liu reported on her attendance at the Whitehorse Manningham Regional Library event Libraries Changing Lives Launch held on 30 November 2018.
- 10.1.4 Cr Davenport reported on his attendance at the Visual; Arts Committee meeting held on the 21 November 2018.
- 10.1.5 Cr Ellis on her attendance at the Eastern Regional Affordable Housing Alliance meeting held 29 November 2018
- 10.1.6 Cr Carr reported on her attendance at the:
- Visual; Arts Committee meeting held on the 21 November 2018.
 - Municipal Association of Victoria (MAV) Reference Professional Group held within the last month.
- 10.1.8 Cr Bennett reported on his attendance at the Municipal Association of Victoria (MAV) Eastern Region Group meeting held on the 5 December 2018.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Liu

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendation from the Special Committee of Council Meeting of 3 December 2018

10.2.1 Gift Register Accessibility on Council's Website

SPECIAL COMMITTEE OF COUNCIL RECOMMENDATION

Moved by Cr Barker, Seconded by Cr Davenport

That Council request that the current gift register for Councillors and Senior Council Officers be prepared in a format which can and will be uploaded on Council's website for access by the community as part of Council's good governance and transparency policy.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

That Council request officers to prepare a report reviewing the current requirements for declaring and registering gifts for Councillors and officers and the most appropriate means of access by the community as part of Council's good governance and transparency policy.

CARRIED

A Division was called.

Division

For

Cr Carr
Cr Cutts
Cr Davenport
Cr Ellis
Cr Liu
Cr Massoud
Cr Munroe

Against

Cr Barker
Cr Bennett

On the results of the Division the motion was declared CARRIED

10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
19.11.18 5:30 - 6:15pm	Continuous Improvement Program Update and Expo	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport (arrived at 5:50pm) Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown T Wilkinson P Smith A De Fazio (ACM) H Rowlands K Marriott S Cann A Ghastine T Johnson M Hassan M Ackland T Peak A McCarthy	Nil	Nil
19.11.18 6:30 – 6:45pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> 9.1.1 39 Nicholson Street, Nunawading (Lot 2 LP 85488) Councillor Appointment to Organisations and community bodies 	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown T Wilkinson P Smith A De Fazio (ACM) H Rowlands J Russell	Nil	Nil
26.11.18 6:30- 10:30pm	Strategic Planning Session <ul style="list-style-type: none"> Capital Works Update Permanent Tree Control Workshop Budget 2019-2020 Indoor Sports Feasibility Study Sporting Facilities Guide Review and Pavilion Guide Bennettswood Reserve and Gardiner's Creek Reserve Box Hill City Oval 	Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green N Brown T Wilkinson P Smith A De Fazio S Hewett K Marriott A Egan V McLean K Sinclair I Benjamin S Belmore P Warner	Nil	Nil

<p>03.12.18 6:30-10:30pm</p>	<p>Councillor Briefing Session</p> <ul style="list-style-type: none"> • Audit Committee Update • Budget 2019/20 • Special Committee Agenda 3 December 2019 • Other business Motions • Waste Management Strategy • Whitehorse Centre Design Competition Update • Financial Report as at 31 October 2018 • Draft Council Agenda 10 December 2018 	<p>Cr Bennett (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Massoud Cr Munroe (left at 9:05pm and did not return) Cr Stennett</p>	<p>N Duff J Green N Brown T Wilkinson P Smith S Freud J Russell S Cann S Hewett I Kostopoulos I Barnes M Kerr T Johnson L Papageorgiou K Marriott A Egan J Hansen S Belmore K Sinclair S Price</p>	<p>Nil</p>	<p>Nil</p>
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COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Cutts

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Ellis reported on her attendance at the ICTC Conference held on the 14-16 November 2018.
- 11.2 Cr Liu reported on her attendance at the:
 - ICTC Conference held on the 14-16 November 2018.
 - Sydney Planning Summit held on the 28-29 November 2018

Attendance

Cr Davenport left the chamber at 9:31pm, returning at 9:33pm.

- 11.3 Cr Massoud reported on her attendance at the CEDA Mental Health Reform event held on the 4 December 2018.
- 11.4 Cr Munroe reported on his attendance at the Eastern Climate Action Melbourne seminar held on the 29 November 2018, where Mr Paul Brown Managing Director Ironbark Sustainability, Energy Smart Cities spoke on trends in energy, transport and technology will combine to change our energy system.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

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

CARRIED UNANIMOUSLY

12 CONFIDENTIAL REPORTS

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Cutts

That in accordance with Section 89 (2) (h) of the Local Government Act 1989 the Council should resolve to go into camera and close the meeting to the public as the matters to be dealt with relate to any other matter which the Council or special committee considers would prejudice the Council or any person.

CARRIED UNANIMOUSLY

The meeting was closed to the public at 9:42pm.

12.1 City of Whitehorse - Australia Day Civic Awards 2019

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Cutts

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

CARRIED

The meeting was reopened to the public at 9:46pm.

13 CLOSE MEETING

Meeting closed at 9:48pm

Confirmed this 29th day of January 2019

CHAIRPERSON