



# City of Whitehorse

## MINUTES

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### Virtual Council Meeting

Held via Zoom

on

**Monday 16 August 2021**

at 7:00pm

**Members:** Cr Munroe (Mayor), Cr Barker, Cr Carr (Deputy Mayor), Cr Cutts, Cr Davenport, Cr Lane, Cr Liu, Cr McNeill, Cr Massoud, Cr Skilbeck, Cr Stennett

**Mr Simon McMillan**  
Chief Executive Officer

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Meeting opened at 7:00pm

**Present:** (Mayor) Cr Munroe, Cr Barker, Cr Carr (Deputy Mayor), Cr Cutts, Cr Davenport, Cr Lane, Cr Liu, Cr McNeill, Cr Massoud, Cr Skilbeck, Cr Stennett

**Officers:** S McMillan, S Cann, J Green, T Johnson, S White, C Altan, J Russell

## 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

*"Whitehorse City Council acknowledges the Wurundjeri and all peoples of the Kulin Nation as the traditional custodians of the land. We pay our respects to their Elders past, present and emerging"*

## 2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

## 3 DISCLOSURE OF CONFLICT OF INTERESTS

Cr Davenport declared a Conflict of Interest in Notice of Rescission 6.1, Notice of Motion 6.2 and Notice of Motion 6.3, due to his employment with the tenderer.

Cr Stennett declared a Conflict of Interest in item 9.4.1 Rotary Overseas Recycling Playground Program Review, as he is currently serving as President of the Rotary Club of Nunawading.

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Council Meeting 19 July 2021.

### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Skilbeck

***That the minutes of the Council Meeting 19 July 2021 having been circulated now be confirmed.***

**CARRIED UNANIMOUSLY**

## **5 RESPONSES TO QUESTIONS**

- 5.1 Mr Peter Carter, submitted two question on Nelson-Thurston Active Transport Link

### **Question 1.**

City of Whitehorse has proposed a Nelson-Thurston Active Transport Link. The Link only appears as a dashed link in strategies. There is limited road space (Nelson Rd is only 4m wide); VicTrack does not permit any structure within 6m of the centre of nearest rail-line.

Detail design of the Link is essential to inform Council what setbacks are required for the proposed Link and ramps on private land, prior to approving any Planning Permit.

Has the City of Whitehorse developed more detailed plans of this link, (and approach ramps) to inform Council and Councillors what would be required (setbacks) to build Link?

Mr Jeff Green Director City Development read out the question and responded on behalf of Council:

Officers have not prepared plans at this stage, however we are intending to commence a feasibility study later this year.

### **Question 2.**

It is noted that the Nelson Rd-Thurston Link is not mentioned in Vicinity's permit applications for a 25 Storey Commercial building and 51 Storey residential tower; it might be assumed that Vicinity is not interested in this link being developed.

If the City of Whitehorse has not developed more detailed plans, would City of Whitehorse identify whose responsibility it is to develop such detailed plans; i.e. City of Whitehorse, Vicinity, or interested members of Whitehorse community, or State Government; so that Whitehorse is fully informed prior to assessing/approving the Permit Applications that will ensure the link can be developed?

Mr Jeff Green Director City Development read out the question and responded on behalf of Council:

As outlined under question 1, Council will undertake a feasibility study. Vicinity Centres are aware of the proposed link and are working with Council to ensure that their development plans do not inhibit the prospect of a link being constructed in the future.

- 5.2 Mr David Morrison, Blackburn Village Residents Group submitted two questions

**Question 1.**

The Permit Application documents for Vicinity make reference to a Masterplan for Box Hill Metropolitan Activity Centre, (presumably developed by Vicinity) and to discussions with Whitehorse about it. Given that the Permit Applications give a context to what other future developments are proposed, will Council provide the community with such Masterplan (regardless that it may not yet be finalised) so that it is fully informed with respect to potential Objections?

Mr Jeff Green Director City Development read out the question and responded on behalf of Council:

A Master Plan has not been formally submitted to Council at this stage by Vicinity Centres. If and when a formal lodgement is made community consultation will occur.

**Question 2.**

Will Council ensure that level crossing removal works, with the new Mont Albert/Surrey Hills Station, unlike Blackburn Station, will have power services underground to allow for canopy tree planting?

Mr Jeff Green Director City Development read out the question and advised that officers will take this question on notice and will provide a response to Mr Morrison shortly.

## Attendance

Cr Davenport having declared a conflict of interest in 6.1, 6.2 and 6.3 was removed from the virtual meeting at 7:10pm prior to discussion on the items and remained in the waiting room.

## 6 NOTICES OF MOTION

### 6.1 Notice of Rescission No 146 Cr Cutts

Councillor Cutts moved that the motion of the Council Meeting passed on 19 July 2021, be rescinded:

#### MOTION

Moved by Cr Cutts, Seconded by Cr Stennett

#### *That Council:*

- 1. Accept the tender and sign the formal contract document for Contract 30218 for the provision and installation of Parking In-ground Sensor Monitors received from Data Consultants Australia (ABN 28-548-551-396), of L5, 355 Spencer Street, West Melbourne Vic 3003, trading as DCA, for a revenue-share arrangement for a period of five years with an option of two additional years.*
- 2. Authorise the Chief Executive Officer to award extensions of this contract, for a further two years subject to satisfactory performance of the contractor at the conclusion of the initial contract term.*
- 3. Authorise the recruitment of permanent staff to service the contract as detailed in the report.*

*be rescinded.*

**LOST on the casting vote of the Mayor**

**A Division was called.**

#### Division

<b>For</b>	<b>Against</b>
Cr Barker	Cr Lane
Cr Carr	Cr Liu
Cr Cutts	Cr Massoud
Cr McNeill	Cr Munroe
Cr Stennett	Cr Skilbeck

**On the results of the Division the Rescission Motion was declared LOST  
on casting vote of the Mayor**

## 6.2 Notice of Motion No 147 Cr Cutts

*Notice of Motion No. 147 lapsed as Notice of Rescission 146 was LOST.*

***That subject to the notice of rescission 146 being carried, Councillor Cutts proposes to move as follows:***

- 1. That Council not accept the tender and formal contract document for Contract 30218 for the provision and installation of Parking In-ground Sensor Monitors received from Data Consultants Australia (ABN 28-548-551-396), of L5, 355 Spencer Street, West Melbourne Vic 3003, trading as DCA.***
- 2. That Council amend Tender 30218 and proceed to market and invite appropriately qualified service providers to tender for the provision and installation of 1200 (approx.) Parking In-ground Sensor Monitors.***

## 6.3 Notice of Motion No 148 Cr Barker

### **MOTION**

Moved by Cr Barker, Seconded by Cr McNeill

***That a report be provided by Council officers addressing the following:***

- 1. A review of the efficacy of other jurisdictions' employing differential/discriminatory pricing for street versus multi-deck parking to enhance amenity and parking equity and options for Council.***
- 2. Investigate the possibility of converting Surrey Drive and Irving Ave, Box Hill to restricted metred parking.***
- 3. Consider temporarily changing the use of under-utilised Council owned land in the Box Hill Metropolitan Activity Centre to paid off street parking.***
- 4. Investigate opportunities to extend timed parking restrictions within the Box Hill Metropolitan Activity Centre where appropriate in order to align with business activity (i.e. parking restrictions extended to 9pm Monday to Saturday).***

The Mayor indicated he would put points 1, 2, 3, and 4 of the motion to the vote in parts

The Mayor put Item 1 of the motion to the vote which was **CARRIED UNANIMOUSLY**

The Mayor put Item 2 of the motion to the vote which was **CARRIED UNANIMOUSLY**

The Mayor put Item 3 of the motion to the vote which was **CARRIED**

The Mayor put Item 4 of the motion to the vote which was **LOST**

### **Attendance**

Cr Davenport was readmitted to the virtual meeting at 7:56pm



#### 6.4 Notice of Motion No 149 Cr Barker

##### COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

***That Council write to the Minister for Health and the State Member for Box Hill requesting that a solution be found by Eastern Health to provide appropriate 24 hour parking options for nursing staff at Box Hill Hospital, either on-site or via a shuttle service to nearby multi deck parking.***

**CARRIED UNANIMOUSLY**

#### 6.5 Notice of Motion No 150 Cr Lane

##### COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Skilbeck

***That the term for the Whitehorse Councillor Representatives to the Whitehorse Manningham Library board be for a period of two years commencing with the current appointments.***

**CARRIED**

**A Division was called.**

##### Division

##### For

Cr Carr  
Cr Cutts  
Cr Lane  
Cr Liu  
Cr Massoud  
Cr McNeill  
Cr Munroe  
Cr Skilbeck  
Cr Stennett

##### Against

Cr Barker  
Cr Davenport

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

#### 6.6 Notice of Motion No 151 Cr Davenport

##### COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

***That Council receives an officer report to***

- 1) Describe the implementation of the State Government Better Approvals Project within the City of Whitehorse;***
- 2) Examine ways to streamline planning processes when retail outlets and commercial properties are re-purposing (i.e. change of shop front, signage) with a view to supporting business within Whitehorse (not only additional education and websites).***

**CARRIED UNANIMOUSLY**

## 7 PETITIONS

Nil

## 8 URGENT BUSINESS

Nil

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **9.1.1 172-210 Burwood Highway, Burwood East (Lot 2 PS 314233B) Buildings and works to extend existing shopping centre, display of internally illuminated and electronic business identification sign and associated alteration of access to a road in a Road Zone Category 1**

FILE NUMBER: WH/2006/304/D  
ATTACHMENT

#### **SUMMARY**

*This section 72 planning permit amendment application proposes to extend the western end of the Burwood One Shopping Centre northwards- expanding the retail area, and southwards- expanding the multi-deck car park, and to display additional business identification signs. The planning permit amendment application was advertised, and a total of five objections were received. The objections raised issues with amenity impacts, trees and the historic operation and approvals for the Shopping Centre. A Consultation Forum was held on 16 March, 2021 chaired by Councillor Skilbeck, at which the issues were explored, however no resolution was reached between the parties. Subsequently to the Forum, Councillor Skilbeck has called this application in to be decided by Council. 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 Section 72 Amendment application be supported, subject to conditions.*

#### **COUNCIL RESOLUTION**

Moved by Cr Skilbeck, Seconded by Cr Carr

#### **That Council:**

- A. Being the Responsible Authority, having caused Application WH/2006/304/D for 172-210 Burwood Highway, BURWOOD EAST (Lot 2 PS 314233B) to be advertised and having received and noted the objections is of the opinion that amending Planning Permit WH/2006/304 (issued for buildings and works (to extend existing shopping centre), use of the land for a restricted recreational facility (gymnasium), variation of easement, a reduction in car parking requirements and alteration of access to a road in a Road Zone, Category 1) to allow for buildings and works to extend the existing shopping centre, display of internally illuminated and electronic business identification signs and associated alteration of access to a road in a Road Zone Category 1 is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant an Amendment to Planning Permit WH/2006/304 under the Whitehorse Planning Scheme to the land described as 172-210 Burwood Highway, BURWOOD EAST (Lot 2 PS 314233B, updating the Plans, Preamble and Conditions as follows:**
  - **Amend Preamble to include:**  
**Display of internally illuminated and electronic business identification signs**
  - **Amend Conditions:**
    - **Condition 1.p) Amended to the following wording:**
      - p) Submit revised landscape plans showing planting of the following:**
        - i. Indigenous vegetation including trees and ground covers to the satisfaction of the Responsible Authority.**
        - ii. Planting of indigenous trees with a maximum height of 2m along the Blackburn Road frontage.**

### 9.1.1 (cont)

- iii. Details of discussions undertaken with surrounding residents in relation to trees beside the car park extension.*
  - iv. Details of future management of the trees beside the car park extension.*
  - v. Updated landscaping surrounding the extended areas which will provide screening and softening of the built forms and works, and be appropriate to the growing conditions and topography on site.*
- **Condition 1 – Add part 1 z):**
  - z) Delete the central (9 x 10.5 metre) business identification sign from the north façade.*
- **Condition 1 – Add part 1 aa):**
  - aa) The new pedestrian access ramp to be designed to meet DDA guidelines in accordance with Standard AS 1428.1-2009 Design for access and mobility, and VicRoads Accessibility (DDA) Guidelines Volume 3.*
- **Condition 1 – Add part 1 bb):**
  - bb) The new pedestrian crossing to be designed as per the relevant standards/guidelines including line marking, signs, sight lines, lighting etc.*
- **Condition 1 – Add part 1 cc):**
  - cc) Details of the construction materials, colours and finishes of the acoustic screen to be shown on the elevations and cladding schedule. The acoustic screen construction and locations are to be compliant with the recommendations detailed in Section 7 of the Acoustic Report prepared by Acoustic Logic and dated 9/10/2020, plus the acoustic screen added to the open south and east facing elevations of Basement Level 01.*
- **Condition 1 – Add part 1 dd):**
  - dd) The column locations to be dimensioned and shown to comply with the requirements of 'Diagram 1' of Clause 52.06-8.*
- **Condition 1 – Add part 1 ee):**
  - ee) Plans updated to clearly indicate which signs are approved to be internally illuminated or electronic, and to indicate that the illumination levels of internally illuminated and electronic signs will comply with the maximum values under AS4282:1997 – Recommended Maximum Values of Light Technical Parameters for Control of Obtrusive Light.*
- **Condition 1 – Add part 1 ff):**
  - ff) The Basement 01 Mezzanine Level (top level) of the extended car park to have the car park balustrade raised to 1.7 metres above the finished floor level.*
- Condition 1 – Add part 1 gg):**
  - gg) Details of direction signs and/or boom gates to be shown on the plans to demonstrate how the car park extension can be closed off in the night time period(between 10pm and 7am).*
- **Condition 1 – Add part 1 hh):**
  - hh) The plans and elevations to consistently dimension the west elevation of the car park extension to be set back 5.1 metres from the west boundary.*

### **9.1.1** (cont)

**Condition 2 - Amended to the following wording:**

*The requirements of the endorsed Waste Management Plan (WMP) must be implemented by the owners and occupiers of the site for the duration of the development's operation in accordance with this permit, to the satisfaction of the Responsible Authority. Any revision of the WMP or changes to the approved waste system of the development require Council approval.*

- **Condition 4 - Amended to the following wording:**

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

*The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.*

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

- **Condition 18 – Amended to the following wording:**

*Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed on the basis of a 10 year average storm recurrence interval and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority.*

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

- **Condition 20 – Amended to the following wording:**

*All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.*

- **Condition 25 – Amended to the following wording:**

*Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.*

*Certification by the Consulting Engineer that the civil works have been completed in accordance with the design plans and specifications is required by the Responsible Authority subsequent to the completion of all the works.*

**9.1.1**  
(cont)

- **Add the following new Conditions to the Permit, after Condition 40: and numbered accordingly:**

- 41. A Tree Management Plan (TMP) written in accordance with AS4970-2009 must be submitted to Council prior to the commencement of all buildings and works. The report must detail how Trees 4 - 11 will be protected pre, during and post construction, and must be to the satisfaction of the Responsible Authority (RA) and written by a qualified arborist with a minimum Diploma in Horticulture (Arboriculture).**
- 42. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed must form part of this permit. This plan must show -**
  - a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
  - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.**
  - c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:**
    - i. Providing a complete garden scheme,**
    - ii. Softening the building bulk,**
    - iii. Providing some upper canopy for landscape perspective,**
    - iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.**
  - d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition 1.**
  - e) The proposed design features such as paths, paving, lawn and mulch.**
  - f) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

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

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

- 43. All landscaping and tree planting in accordance with the endorsed landscape plan must be completed prior to the occupation of the approved extension to the satisfaction of the Responsible Authority.**
- 44. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. If any planted trees or shrubs die or are removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.**
- 45. The car park extension must not be utilised for vehicle parking between 10pm and 7am on any day, and access to this area must be restricted (utilising signs, boom gates and/or other methods) in the hours before 10pm in order to ensure that all parked cars are cleared prior to 10pm each day.**

**Details of direction signs and/or boom gates to be shown on the plans to demonstrate how the car park extension can be closed off in the night time period (between 10pm and 7am).**

**9.1.1**  
(cont)

- 46. Prior to the commencement of any building or demolition works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP submitted with this application unless otherwise provided to the satisfaction of the Responsible Authority. The SMP and Development Plans must contain and demonstrate:**
- a) A Green Star Design and As Built v 1.3 Scorecard that exceeds an acceptable overall score of 45 points. Supporting assessments and calculations that pertain to credits claimed associated with 'Energy', 'Water', and 'Stormwater' criteria must be provided to the satisfaction of the Responsible Authority.**
  - b) An Integrated Water Management Assessment addressing stormwater quality performance in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters) are satisfied.**
  - c) Appropriate access indicating the location and ensuring accessibility to maintain and service integrated water management systems demonstrated on Development Plans.**
  - d) That prior to the commencement of development and works, a BCA Section J or JV3 Energy Efficiency Assessment with documentation status detailed as Issued for Tender. Any changes to the Issued for Tender BCA Section J or JV3 Energy Efficiency Assessment documentation must be approved, to the satisfaction of the Responsible Authority. The BCA Section J or JV3 Assessment will indicate energy efficiency performance with respect to the development's reference/base case. The assessment is required to exceed, as a minimum, the National Construction Code 2019 Building Code of Australia requirements and include indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (i.e. U- and SHGC- values). The inclusion of renewable energy systems to demonstrate performance must be demarcated from the assessment.**
  - e) LED light fittings used to provide artificial lighting and designed to exceed National Construction Code 2019 Building Code of Australia requirements.**
  - f) Energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.**
  - g) Double glazing for all external windows.**
  - h) A commitment to divert at least 80% of construction and demolition waste from landfill.**
  - i) Use of low Volatile Organic Compound (VOC) and formaldehyde products.**
  - j) Timber species intended for use as decking or outdoor timber are not unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) and meet either Forest Stewardship Council or Australian Forestry Standard criteria with a commitment provided as an annotation on Development Plans.**
  - k) Where measures cannot be visually shown, include a notes table or 'ESD Schedule' on Development Plans providing details of the requirements (e.g. % energy efficiency improvement, energy and water efficiency ratings for heating/cooling, hot water and plumbing fittings and fixtures etc.).**

### **9.1.1** (cont)

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

*The requirements of the SDA must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of the SDA must be implemented by the dwelling owners and occupiers of the site when constructing and fitting out the dwellings and for the life of the dwellings in accordance with this permit, to the satisfaction of the Responsible Authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.*

- 47. The location and details of the signs shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.*
- 48. The advertising signs are to be constructed and maintained to the satisfaction of Responsible Authority. If the signs are in a state of disrepair they must, at the direction of the Responsible Authority, be removed from the site.*
- 49. The intensity of the light/illumination in the internally illuminated advertising sign permitted must be limited so as not to cause distraction of motorists in adjoining streets or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.*
- 50. The signs must not:*
  - a) Dazzle or distract drivers due to their colouring;*
  - b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles;*
  - c) Be able to be mistaken as an instruction to drivers.*
- 51. The signs must not contain any flashing light.*
- 52. No bunting, streamers and festooning are to be displayed on the subject site to the satisfaction of the Responsible Authority.*
- 53. The faces of the displayed business identification signs are to be to the satisfaction of the Responsible Authority.*
- 54. 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.*
- 55. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.*
- 56. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.*
- 57. Certification must be provided from a suitably qualified structural engineer that ensures that the works do not affect the structural integrity of the stormwater pipe and retaining wall before or after construction.*

### 9.1.1 (cont)

58. *A drainage/floodway easement must be created over the overland flow path / floodway (shown in hatched red on the plans by Elenberg Fraser Drawing Number A097.1B Revision 1 dated 2/12/2020) and shown on the title to the benefit of Whitehorse City Council.*

**Transport for Victoria Conditions (Reference: PPR 35103/21):**

**59. Luminance Standard**

- a) *During the operation of the signs, the following maximum average luminance and Threshold Increment values must not be exceeded:*

<i>Lighting condition</i>	<i>Max average luminance (cd/m<sup>2</sup>)</i>	<i>Max %</i>	<i>Adaptation Luminance</i>
<i>Full sun on face of signage</i>	<i>No limit</i>	<i>-</i>	<i>-</i>
<i>Daytime luminance</i>	<i>6000</i>	<i>-</i>	<i>-</i>
<i>Morning and evening twilight, and overcast weather</i>	<i>700</i>	<i>-</i>	<i>-</i>
<i>Night time</i>	<i>350</i>	<i>20%</i>	<i>5</i>

- *Note 1: Threshold increment as defined and calculated in AS4282*
- *Note 2: Twilight is defined as the period when the sun is below the horizon but light from the sun is still indirectly visible. When the sun is 18 degrees or more below the horizon the amount of visible light is very low, and this is defined as night time.*

**60. Electronic Sign**

- a) *The electronic sign must be dimmable and have a suitable control system to enable maximum lighting levels to be set or adjusted if deemed necessary by the Responsible Authority and the Head, Transport for Victoria.*
- b) *Where illuminated during the day, the electronic sign must be fitted with Photocell/s (light sensor/s) that measure the ambient light and control system technology that enables the luminance of the sign to automatically adjust relative to the measured ambient light level.*
- c) *Any changes to brightness levels must be applied during an image transition, not while an image is being displayed.*

**61. Image changes**

- a) *Where the graphical content or colours will change between successive advertising images, the average luminance change between the new image and the previous image must not exceed 30%.*

**62. Operational Parameters for Electronic Sign**

- a) *The content displayed must remain static for at least 30 seconds before it can be changed.*
- b) *The transition from one displayed content to another must be instantaneous.*
- c) *Electronic sign must not display content:*
  - i. *Giving the illusion of continuous movement.*
  - ii. *Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.*



**9.1.1**  
(cont)

- iii. *Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right (apart from the display of parking location information).*
  - iv. *With a flashing background, flashing text, flashing images, blinking or fading or brightening elements.*
  - v. *Contain any animation/ moving images.*
  - vi. *Capable of being interpreted as projections beyond the face of the advertising screen such as through 3D technology.*
  - vii. *Consisting of present time or other temporary update information relating to news, weather, or time.*
  - viii. *Containing video, movie or television broadcasts.*
  - d) *The advertising area must not be split into two screens with different messages.*
  - e) *The sign and any displayed advertisement must not include any ancillary extension, embellishment or accessorisation within or outside the display area unless the Head, Transport for Victoria has agreed to in writing prior to its installation.*
  - f) *The use of sound or motion to activate any sign is not permitted.*
  - g) *The use of sound to interact with road users is not permitted.*
  - h) *The electronic sign must not dazzle or distract road users due to its colouring.*
  - i) *In the event of an attack by a computer hacker or similar resulting in unauthorised display of content or any other display malfunction, the affected sign or signs must shut down and cease any form of visual output until the malfunction is repaired.*
- 63. Lighting Compliance Record**
- a) *The operator must keep a Lighting Compliance Record of the operation of the sign. This must be provided to the Head, Transport for Victoria within 5 days of a written request. The Lighting Compliance Record must include:*
    - i. *The sign's luminance (cd/m<sup>2</sup> or as a percentage of its maximum luminance) in minimum 10-minute intervals.*
    - ii. *The sign's photocell (light sensor) reading of the ambient light in minimum 10-minute intervals.*
    - iii. *For each different set of images displayed (image loop), a compliance report demonstrating that the luminance change between images is less than or equal to 30%.*
    - iv. *All record information must be time and date stamped to show the time of measurement.*
    - v. *Compliance Records must be maintained for a minimum of 12 months.*

**Expiry Conditions:**

- 64.** *This permit, as it relates to signs, will expire if the signs not constructed and displayed within four years from the date of this permit.*
- 65.** *This permit, as it relates to signs, expires fifteen years after the date it is issued. Upon expiry of this permit as it relates to signs, the approved signs and the structures built specifically to support and illuminate them must be removed.*
- 66.** *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within two years from the date of issue of this permit,*
  - b) *The development is not completed within four years from the date of this permit.*

### 9.1.1 (cont)

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

- **Add new Permit Notes:**

**Permit Notes:**

**Waste:**

- A. Waste collections for this development are to be completed internally by Private waste collection contractor.**
- B. Council issued bins will not be required for this development.**
- C. Waste collection vehicles are to enter and leave the developed site in a forward direction.**
- D. Mobile Garbage Bin usage is to be shared by the occupiers of the development.**
- E. The approved Waste Management Plan will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the Waste Management Plan. Any revision of the Waste Management Plan or changes to the approved waste system of the development requires Council approval.**
- F. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.**
- G. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.**

**Asset Engineering:**

- H. 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.**
- I. The requirement for on-site detention will be noted on the stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- J. 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**
- K. Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning Permit, amendment of the Planning Permit might be required.**
- L. Report and consent – Land Liable to Flooding is to be approved by the Responsible Authority prior to approval of the building permit. If a change of minimum floor levels for is required, amendment of the Planning Permit might be required.**

**9.1.1**  
(cont)

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

**CARRIED UNANIMOUSLY**

### 9.1.1 (cont)

#### MELWAYS REFERENCE 61 K7

Applicant:	Burwood One Development
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay Schedule 4
Relevant Clauses:	Clause 11 Settlement Clause 12 Environment and Landscape Values Clause 13 Environmental Risks and Amenity Clause 15 Built Environment and Heritage Clause 17 Economic Development Clause 18 Transport Clause 21.05 Environment Clause 21.07 Economic Development Clause 22.01 Heritage Buildings and Precincts Clause 22.02 Visual Amenity and Advertising Signs Clause 22.04 Tree Conservation Clause 22.06 Activity Centres Clause 22.10 Environmentally Sustainable Development Clause 52.02 Signs Clause 52.06 Car Parking Clause 52.34 Bicycle Facilities Clause 53.18 Stormwater Management in Urban Development
Clause 65	Decision Guidelines
Ward:	Eley



		Subject site	 North
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### **9.1.1**

(cont)

## **BACKGROUND**

### **History**

The existing East Burwood Kmart Plaza commenced operation in 1969 and aside from the addition of an auto service function and garden centre outlet, did not undergo substantial alteration until the mid-1990s.

In April 1996 the Minister for Planning approved Amendment L79 to the Nunawading Planning Scheme, which facilitated the development of an additional 5000 square metres of retail floor space and allowed a number of commercial uses to establish within this area without the need for further planning approval. This was translated into a site-specific control under the Local Section of the Planning Scheme, which limited the gross floor area of the centre to 15,500 square metres. Additional controls included a prescribed car parking rate, the requirement to ensure development was in accordance with an endorsed Concept Plan as well as further requiring the submission of a plan of development to address issues of amenity and landscaping.

In addition to the above, the amendment allowed the rezoning of the lower car park area at the western end of the land from Residential C to Restricted Business Zone, which was consistent with the remainder of the site.

In November 1996, Council approved the Development Plan as required by the specific controls subject to a number of conditions which required further details pertaining to landscaping and waste management.

On 5 August 1999 the new format Whitehorse Planning Scheme was approved by the Minister for Planning. The new Planning Scheme deleted the site-specific provisions under the Local clause and the controls over approved uses and construction of the buildings and works were translated into a transitional planning permit, which was issued on 13 August 1999.

Planning Permit WH/2006/304 was issued by VCAT on 24 March 2008, and allows for buildings and works (to extend existing shopping centre), use of the land for a restricted recreational facility (gymnasium), variation of easement, a reduction in car parking requirements and alteration to access to a road in a Road Zone, Category 1.

Secondary consent was granted on 3 December 2010 to amend plans to show retention of existing loading dock area including modifications, increase in floor space and number of car parking spaces and general buildings and works. An amended 'site plan and ground level plan' included a notation for a 10m setback from the property at 49 Witchwood Crescent, to be compliant with Condition 1.y) of the permit.

An application to amend the planning permit pursuant to Section 87 of the Planning and Environment Act 1987 was approved by the Tribunal on 15 June 2011. The amendment to the permit allows for changes to the operating hours and staff numbers of the gymnasium, increase in medical practitioner numbers, increase in the number of seats and a new carwash in the multi deck car park.

A number of secondary consents to update the approved plans have been granted since 2011.

A Section 72 Amendment to amend Condition 11 to allow the gym to operate 24 hours daily was approved on 26 February, 2014.

A Section 72 Amendment to amend Condition 17 to allow the permitted restaurant seating to be allocated to more than one tenancy was approved on 19 February 2015.

### **9.1.1**

(cont)

#### **Section 57 Amendment to the current application**

On 17 May 2021, the applicant lodged a Section 57 Amendment to this Planning Permit application, proposing to amend the application to internally illuminate the proposed business identification signs on the north and east facades. Additional notice of this application was not required as a result of this amendment. These facades face Burwood Highway and the existing car park, and it is therefore considered that the internal illumination of these signs will not result in an increase in material detriment to any person.

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

The subject site is the shopping centre known as Burwood One located on the south-west corner of the intersection of Burwood Highway and Blackburn Road, Burwood East. The site is generally rectangular, with a frontage to Burwood Highway of 271 metres and a frontage to Blackburn Road of 189 metres, producing a site area of 58,732m<sup>2</sup>. The land is described as Lot 2 of Plan of Subdivision 314233B, and is not encumbered by any restrictive covenants. Several easements are located on the site:

- Easement E1 is a 3.05-4.40 metre wide drainage easement which abuts the central portion of the western boundary, and is setback 2.06 metres from the southern portion of the western boundary and runs parallel to the southern boundary at a 4.4 metre setback for a distance of 39.97 metres, then tapers to an abuttal with the south boundary, ceasing at 58.01 metres from the south-west corner of the lot.
- Easement E3 is a 3.05 metre wide sewerage easement that abuts the western boundary for a length of 42.43 metres to the north of the south-west corner of the lot, and abuts the southern boundary for a length of 85.69 metres to the west of the south-east corner of the lot.
- Easement E2 is a 3.05 metre wide drainage and sewerage easement that covers the overlapping section of Easements E1 and E3.

A VicTrack substation, described as Lot 1 on the above Plan of Subdivision, is located at the north-west corner of the subject site.

The subject site has a significant slope, falling 8 metres from the north-eastern corner to the south-western corner, where the subject site has been significantly excavated below the level of the adjacent dwellings. The building level titles on the plans (such as “Ground Level” and “Basement Level”) are titles that are not meant to be descriptive, and are merely names for floor levels which are consistent across the subject site and also consistent with previous Planning Permits.

In the vicinity of the proposed extension, the Ground Level is elevated well above the natural ground level. This is because the designation of the “Ground Level” for the buildings on the site originates in the original Kmart building located at the higher portion of the land to the east of the subject site. As the site slopes down towards the west, the Ground Level becomes elevated, and the “Basement” levels below are constructed above ground. This results in the built form along the western boundary including parts of Basement Level 02 and Basement Level 01 situated above the natural ground level.

Vehicle access to the subject site is provided at two points along Burwood Highway, including a signalised intersection opposite Holland Road at the north-western corner, and one (unsignalised) access point to Blackburn Road at the south-eastern corner of the site which provides access to both car parking and the loading bay. The Vermont South tram route 75 runs along Burwood Highway.

The Burwood One Shopping Centre includes a Kmart, Coles and Aldi supermarkets, speciality shops, food and drink premises, and associated uses such as a gym and medical centre. The shopping centre is arranged in a horseshoe shape around a central at-grade car park and further basement and multideck car parking is provided at the south-west of the site. The site accommodates 26,584m<sup>2</sup> of retail floor area, served by 1,006 car spaces.

### **9.1.1**

(cont)

The site abuts residential lots to the south, comprising single and double storey detached dwellings. To the west, the southern portion of the western boundary abuts detached dwellings, while Witchwood Gully Reserve adjoins the northern portion of the western boundary, with residential land lots situated west of this reserve. At the south-west corner of the subject site, the adjacent residential lots are significantly elevated above the excavated ground level on the Burwood One site.

To the north, across Burwood Highway and to the east across Blackburn Road, the surrounding land is predominantly residential, with some exceptions, including a service station located at the north-west corner of the intersection of Burwood Highway and Blackburn Road, and a Church, retirement village and motel located to the east of the subject site.

#### **Planning Controls**

The proposal triggers the need for a Planning Permit under the following clauses of the Whitehorse Planning Scheme:

##### Commercial 1 Zone

Pursuant to Clause 34.01-4, a Planning Permit is required for buildings and works.

##### Design and Development Overlay Schedule 4

Pursuant to Clause 43.02-2, a Permit is required for buildings and works.

##### Signs

Pursuant to Clause 52.05 – a Permit is required to construct or display an internally illuminated and an electronic sign, and to display over 8m<sup>2</sup> of business identification signs

##### Land Adjacent to a Road Zone Category 1

Pursuant to Clause 52.29-2, a Permit is required to alter (intensify) access to Burwood Highway, which is a Category 1 road.

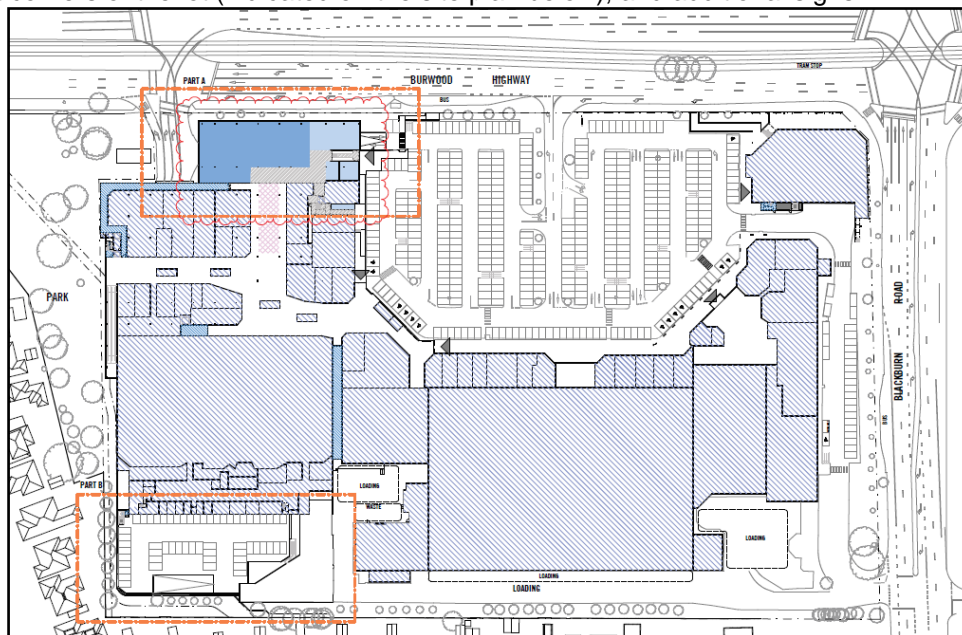
#### **PROPOSAL**

The application proposes extensions to the front (north) and rear (south) of the western side of the existing Burwood One Shopping Centre and associated new internally illuminated and electronic business identification signs.

This application is sought as Section 72 Amendment to the existing Planning Permit, as this permit includes a number of on-going use conditions which control elements of the Burwood One operation including operating hours of medical centre and restaurant uses. Given the extent of these on-going operational conditions, the current proposal is sought as an amendment to the existing Permit, rather than new Planning Permit, so that the one set of operational conditions can continue to apply to the consolidated extension.

### 9.1.1 (cont)

The proposed Amendment application comprises extensions at the north-west and south-west corners of the lot (indicated on the site plan below), and additional signs:



#### North-West Corner:

- Elevated two storey extension to the ground and first floor retail levels of the existing building, which will be elevated above the existing east-west vehicular accessway located along the Burwood Highway frontage which connects the Basement Level 02 car park with the central at-grade car park beside the Burwood Highway frontage, comprising:
  - At Basement Level 01 and part Basement Level 02, the existing vehicle access way and car park entrance will be decked over, supported by black columns partially clad with textured metal panels on the front elevation.
  - At the Ground Level, a 1,421m<sup>2</sup> extension accommodating a mini major tenancy and food and beverage uses, accessed internally from the existing food court and externally via a traveller from the at-grade car park to the east.
  - At the First Floor, a 1,503m<sup>2</sup> extension for a mini-major tenancy, to be accessed via the existing lift.
- The alignment of the existing vehicle accessway below this extension is not proposed to alter.
- The extension will reduce the setback of the north-west corner Shopping Centre from Burwood Highway from 20 metres to 3 metres.
- The existing pedestrian crossing over the internal vehicle accessway which connects the Burwood Highway footpath to the Ground Level retail tenancies is proposed to be relocated eastwards. Six new bicycle spaces are proposed along the Burwood Highway frontage at the top of the new pedestrian path.
- The extension will match the height of the existing Shopping Centre building, rising to 19.4 metres above the ground level at the north (front) elevation.
- The extended façade will be clad with white mesh over concrete, and will feature large windows with curved mesh screens at the ends of each window on the north facade.
- Two new in-ground grease traps will be located below car spaces in the Basement Level 02 car park, serving the new tenancies.



### 9.1.1

(cont)

- Ten new staff bicycle spaces located in the Basement Level 02 car park, with two new showers for staff added to the existing end of trip bicycle facilities located in the Basement Level 01 car park near the existing staff bicycle store.

#### South-West Corner:

- A two-deck extension above the existing open car park at Basement Level 02, which has been excavated into the natural contours of the site, and slopes upwards towards the south boundary.
- The existing Basement Level 02 car park will be reconfigured to position columns to support the extension.
- The existing Basement Level 01 car park will be extended southwards to within 8.5 metres of the south boundary, providing a 5.1 metre setback along the western boundary, but with the acoustic screens protruding into this setback.
- Insertion of a new Basement Level 01 Mezzanine above the extended Level 1 car park, accessed via a ramp from Basement Level 01.
- Provision of 98 additional car spaces.
- Tree 1 (Eucalyptus citriodora 19 metres high) located on the south boundary is to be removed.
- Acoustic screens are proposed along the western elevation and south-west corner of the car park at Basement Level 01.
- The car park decks will be partially open, featuring concrete balustrades typically 1.2 metres high and acoustic panels.
- The overall height of the extended car parks will be 10.5 metres (to the top of the balustrade of the mezzanine level) above the existing excavated ground level on the subject site, and 11.5 metres to the top of the lift and stairwell located at the north-west corner, which continues the height of the existing Basement Level 01 wall in this location.

#### Signs:

- West elevation:
  - Business identification sign 17.4 metres wide x 2 metres high above the roof level.
  - Business identification sign 20.7 metres wide x 4 metres high on the ground level façade.
- North elevation:
  - Internally illuminated business identification sign 17.8 metres wide x 2.3 metres high at the top of the north-east corner.
  - Internally illuminated business identification sign 9 metres wide x 10.5 metres high central to the façade.
  - Internally illuminated business identification sign 25.5 metres wide x 5.4 metres high on the western end of the ground level façade.
- East elevation:
  - Internally illuminated business identification sign 11.3 metres wide x 1.3 metres high at the top of the north-east corner.
  - Electronic LED sign 3.4 metres wide x 8.6 metres high central to the façade.
  - Internally illuminated business identification sign 8.3 metres wide x 1.4 metres high above the glazing at the south-east corner.

### **9.1.1**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting three notices on site: one facing Burwood Highway, one facing Blackburn Road, and one facing Witchwood Reserve. Following the advertising period five objections were received.

The issues raised are summarised as follows:

- **Amenity impacts:**
  - Noise of delivery trucks and cars 24/7 (including horns and screeching tyres) impacting on the residential amenity of the lots to the rear
  - Loading bay noise and noise of truck refrigeration units.
  - Noise impacts during Covid-19 restrictions are not an accurate representation of the usual noise emissions
  - Light impacts from car headlights
  - Overshadowing
  - Extensions will block air flow
  - Overlooking and loss of privacy to the neighbouring residential lots
  - Visual bulk presenting to neighbouring residents
  - Reduced air quality and increased odours from additional traffic exhaust fumes
  - Insufficient boundary setbacks from adjacent residential lots
- **Trees:**
  - The submitted Arborist Report indicates that the existing trees are causing displacement to adjoining residential lots
  - Loss of green space and landscaping
- Insufficient time to prepare objections around Christmas time.
- Contrary to previous approvals/enforcement on the site
- **Non-planning matters:**
  - Negative impact on surrounding property values
  - No commercial demand

### **Consultation Forum**

A Consultation Forum was held on 16 March, 2021, chaired by Councillor Skilbeck, and attended by planning officers. Five objectors attended the meeting, along with six representatives for the applicant including planning consultants, project managers, the Burwood One General Manager and the architect.

At the Forum, the objectors expanded on the concerns set out in their written submissions. In relation to the noise concerns, one objector requested that Burwood One provide double glazing to the windows of adjacent residents. Objectors raised concerns regarding the existing noise impacts of delivery trucks and cars in the existing car parks. Objectors advised they had measured the noise of trucks within the existing loading bay at 90 decibels, and that the running of refrigerator units in delivery trucks and the waste compactor associated with the existing site operation contributed to significant noise impacts to neighbouring residents. Objectors felt that the perforated mesh acoustic screening utilised on the existing car parks was not effective.

### 9.1.1

(cont)

The applicant advised that it was anticipated that the proposed extension would generate an additional two delivery trucks per hour attending the site. In addition, the proposed car park would adopt the recommendations of the acoustic report submitted with the application, which included the car park floor to be finished to reduce the screeching of tyres, and acoustic screening utilised on the Basement Level 01 west and south-west façade which includes perforated metal cladding on the interior face, backed with insulation and a solid panel on the exterior. It was noted that the acoustic report did not recommend double glazing neighbour's windows, but the applicant would pass this suggestion on to the owners of the Shopping Centre.

Objectors raised concerns regarding overlooking of their backyards and loss of security. The applicant noted that the Planning Scheme does not control overlooking from a car park, as this is not a habitable area where people will dwell for extended periods, but the applicant committed to raising the car park balustrade from 1.2 to 1.7 metres in height, in response to overlooking concerns.

In response to objector concerns regarding the size of the existing trees along the perimeter of the subject site, including their shading impacts and potential damage to properties, the applicant advised that they were willing to explore resident ideas for future of the trees along the shared boundaries.

#### Referrals

##### External

##### Transport for Victoria

No objection, subject to sign conditions limiting the luminance of the advertising signs and the operation of the electronic sign, and also requiring a Lighting Compliance Record to be maintained.

In addition, Transport for Victoria has noted that the application proposes to modify the pedestrian crossing on the car park and access ramp connecting to the existing bus stop on Burwood Highway. The access ramp should be designed to meet DDA guidelines in accordance with Standard AS 1428.1-2009 Design for access and mobility, and VicRoads Accessibility (DDA) Guidelines Volume 3. The pedestrian crossing should be designed as per the relevant standards/guidelines including line marking, signs, sight lines, lighting etc.

##### Internal

##### Engineering and Environmental Services Department

- Transport Engineer

- The location of the proposed columns next to the proposed parking bays have not been dimensioned and a condition is required to ensure these are located so that they are not within the area shown in 'Diagram 1' of Clause 52.06-8 to improve access to a parked vehicle.

- Parking provision is compliant.

- Waste Engineer

The submitted Waste Management Plan is approved, subject to standard conditions.

- Assets Engineer

No objection, subject to conditions

##### Planning Arborist

Tree 1 (to be removed). This tree is showing some signs of stress. In addition, there are limited areas in which to see it. Based on the proposal and that the tree is stressed, there is no objection to its removal.

### 9.1.1

(cont)

#### ESD Advisor

The submitted Sustainability Management Plan is approved, subject to standard conditions.

### **DISCUSSION**

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

The subject site is an existing shopping centre that is well-connected to public transport and the road network. State policy encourages the intensification of employment generating uses in areas with these locational characteristics close to where people live, in particular Clauses 11.03-1S Activity Centres and 15.01-4R Healthy Neighborhoods - Metropolitan Melbourne).

Clause 13.05-1S Noise Abatement seeks to strike a balance between protecting community amenity and allowing development by ensuring *that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 15.01-2S Building Design includes the Objective *to achieve building design outcomes that contribute positively to the local context and enhance the public realm.* The proposed extension to the existing shopping centre will update the building façade to Burwood Highway and improve the retail offerings on site, but this must be balanced with consideration of the residential interfaces adjoining the proposed car park extension to the rear.

Similarly, the Activity Centres Policy at Clause 22.06 identifies the contribution activity centres make to the local economy and seeks to encourage their long term viability through development and land uses that contribute to their adaptation, redevelopment and economic growth.

Clause 21.07 - Economic Development, also seeks to increase the number and diversity of employment opportunities in the municipality, specifically identifying retail and office activities as an area where opportunities can be created.

#### **Design and Built Form**

##### North-West Corner

The proposed two storey extension to the ground and first floor retail levels of the existing shopping centre at the western end of the Burwood Highway frontage will accommodate a mini major tenancy and food and beverage uses (total area 1,421m<sup>2</sup>) at the Ground Floor, and a further 1,503m<sup>2</sup> mini-major tenancy at the First Floor. The additional floor area is supported by the required car parking provision of an additional 98 car spaces. The applicant has stated that the extension is sought to enhance the role and function of the site and to provide additional retail offerings to meet the needs of the local neighbourhood. The extension and enhancement of the retail floor area is broadly supported by state and local economic development and activity centre policies outlined above.



### 9.1.1

(cont)

The retail extension protrudes forward of the existing front (north) façade of the shopping centre and will be elevated above the existing east-west vehicular accessway on the Burwood Highway frontage which connects the Basement Level 02 car park with the central at-grade car park. The existing façade in this location is dominated at the lower level (Basement Level 02) by metal grilles facing the existing auto repairs tenancy and the entrances to the basement car parks. At the upper levels, the existing façade includes a range of materials including timber-look cladding and glazing utilising blue-toned glass at the top level (Level 1).

The proposed façade will be supported by black steel columns and the extension will be primarily clad with pearl white textured metal panels over concrete, which will screen the lower portion of the existing accessway along the frontage, and will face the two new retail levels. Large areas of glazing are proposed wrapping around the western corner to the top level, and around the eastern corner serving both extended retail levels. The textured metal cladding will provide curved screens to portions of this glazing, providing organic curves to the northern (front) façade detail.

A new pedestrian entrance is proposed at the ground level on the western façade, with a protruding awning above the entrance serving as an architectural statement indicating the entry, and linking to a new pedestrian accessway across the car park and up a pedestrian ramp to the bus stop on Burwood Highway.

The proposed extension will extend the existing retail centre 24.6 metres northwards to within 3 metres of Burwood Highway. The building height of the proposed extension varies with the sloping topography of the site, but will have a maximum height of 19 metres at the Burwood Highway frontage (north-west corner), 21.7 metres to the west elevation, and 16 metres to the east elevation, facing the central car park. The extension is off-set 16.9 metres from the west boundary to the substation located between Burwood One and Witchwood Gully reserve.

The Design and Development Overlay Schedule 4 (DDO4) classifies Burwood One as a Category 3 Activity Centre: a large car-based centre on a main road. The preferred built form requirements for Category 3 Activity Centres set out in the DDO4 are:

- *Maximum height: 21.5 metres (6 storeys)*
- *Front setback: zero for lower levels, with upper levels over 14.5 metres high setback 3 metres from the front boundary.*
- *Side and rear setbacks (abutting residential lots): 5 metres for lower levels, with the setback heavily landscaped, and upper levels over 14.5 metres high setback 3 metres from the ground level footprint.*
- *Built form outcome: The scale of the development to provide an appropriate interface to surrounding residential properties*

Although matching the existing shopping centre height, the proposal will slightly exceed (by 0.2 metres) the preferred maximum building height under the DDO4, and this is acceptable as the excess building height is located at the north-west corner which is the lowest point of the land interfacing with the non-sensitive substation and Burwood Highway. It is noted that the proposed extension effectively contains only three storeys, rather than the six storeys referenced in the DDO4, and this is due to the high floor-ceiling heights provided to commercial uses. The built form setbacks of this north-western extension are compliant with the requirements of the DDO4, providing a 3 metre front setback to Burwood Highway.

Overall, the proposal will balance the building form at the north-east corner of the site, where a zero front setback is provided to Burwood Highway. The extension represents a contemporary addition which will blend harmoniously with the existing commercial architecture of the retail centre. The white textured metal cladding will unite successfully with the neutral tones of the existing shopping centre façade, and the glazed portions of the façade will activate the frontage.

### 9.1.1

(cont)

In accordance with Clause 22.10 Environmentally Sustainable Development Policy, the proposed extension is required to achieve best practice ESD outcomes. Council's ESD Advisor has indicated that the proposed development and submitted Sustainable Design Assessment are reasonably compliant, and conditions will ensure that Council's ESD expectations are upheld through the building construction process and operation.

#### South-West Corner:

At the south-west corner of the site, a two level extension is proposed above the existing Basement Level 02 open car park at the rear of the site. As shown in the photo below, the existing car park in this location is cut significantly into the site, and is generally lower than the surrounding residential lots, which are elevated above the subject site.



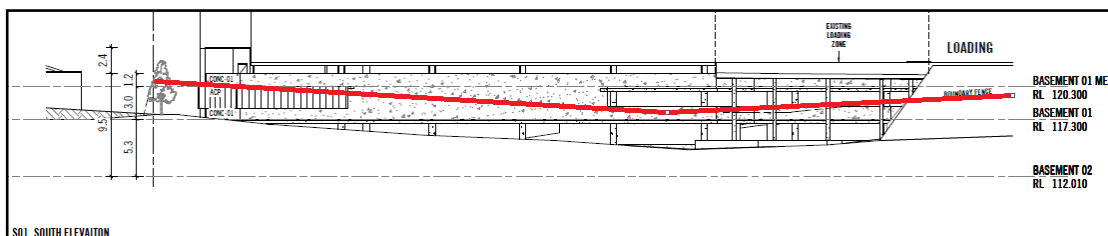
The existing carpark layout will be reconfigured to accommodate column locations, and the existing Basement Level 01 car park will be extended southwards by 30 metres, generally maintaining the existing 5 metre west boundary setback (5.1 metre setback provided) and providing an 8.9 metre setback to the south boundary. An access ramp from the Basement Level 01 car park will provide access to a Basement Level 01 Mezzanine car park which will not otherwise connect to the remainder of the car parking area, as it will sit at a lower level than the adjacent Lower Ground Level car park to the north. This top car park level will be unroofed.

The applicant has confirmed that the face of the car park is typically set back 5.1 metres from the west boundary, and an inconsistency is included on the submitted plans: the 4.8 metre west boundary setback dimension on plan A098.1b is incorrect, as the measurement is referencing the middle of the acoustic screen construction beyond the gap for ventilation. A condition will require this to be corrected and the setbacks shown consistent with the other plans.

Aside from the 11.5 metre high lift and stairwell at the north-east corner, the car park extension will have a maximum height of 11 metres (from the excavated lowest level to the top of the raised 1.7 metre balustrade of the Basement 01 Mezzanine level). The height of the extension reduces towards the south boundary, as the existing surface level of the Basement Level 02 car park slopes upwards towards this boundary.

### 9.1.1 (cont)

As the carpark is excavated into the original ground level, the overall building height above natural ground level will vary substantially with the slope of the land. This is demonstrated by the south (rear) elevation shown below, which has been annotated to show the top of the south boundary fence as a red line, indicating that only the top levels of the car park (Basement Level 01 and Basement Level 01 Mezzanine) will be higher than the south boundary fence.

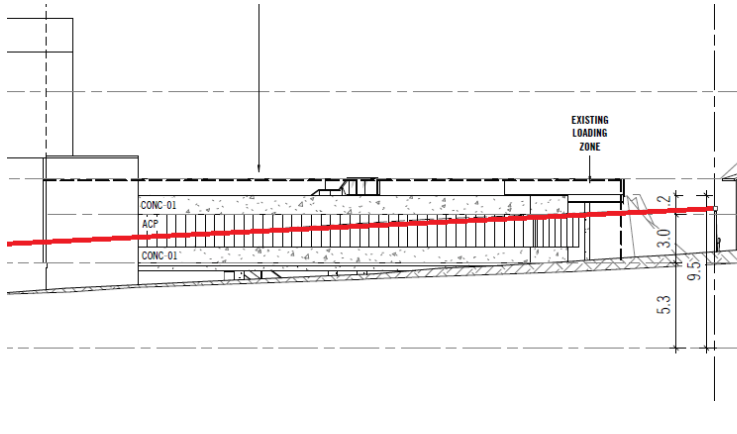
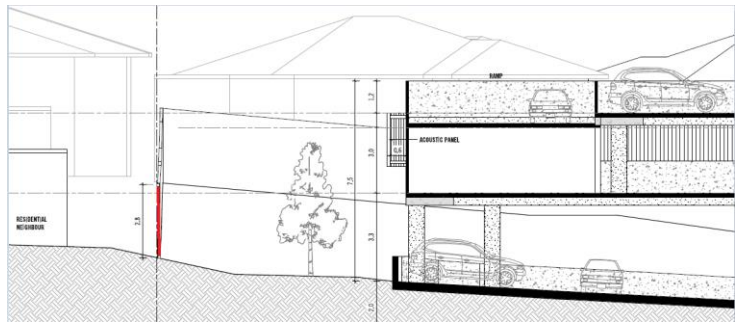


The table below provides details of the proposed car park height and interface with the surrounding lots at various locations:

Location	Proposed car park setback from boundary	Proposed car park balustrade height/Diagram
47 Witchwood Crescent	5.1m to the balustrade. 4.4m to the protruding acoustic screen	Lift and stairwell 8 metres above ground level at the property boundary. Car park balustrade proposed to be 5.5 metres above ground level at the property boundary. (The conditioned 0.5 metre increase in the balustrade height to 1.7 metres (to screen overlooking) will increase the car park balustrade height to 6 metres above ground level at the property boundary.)
45 Witchwood Crescent	5.1m to the balustrade. 4.4m to the protruding acoustic screen	5 metres above ground level at the property boundary. (The conditioned 0.5 metre increase in the balustrade height to 1.7 metres (to screen overlooking) will increase the car park balustrade height to 5.5 metres above ground level at the property boundary.)
Cross-section showing interface with No. 45 Witchwood Crescent West boundary fence coloured red	5.1m to the balustrade. 4.4m to the protruding acoustic screen	



### 9.1.1 (cont)

Location	Proposed car park setback from boundary	Proposed car park balustrade height/Diagram
West elevation (interface with No. 43-47 Witchwood Crescent) Basement Level 02 is mainly below ground level. West boundary fence coloured red		
35 Dorothy Street	8.9m to the balustrade and 8.2m to the protruding acoustic screen	6.5 metres above ground level at the property boundary. (The conditioned 0.5 metre increase in the balustrade height to 1.7 metres (to screen overlooking) will increase the car park balustrade height to 7 metres above ground level at the property boundary.)
37 Dorothy Street	8.9m to the balustrade and 8.2m to the protruding acoustic screen	7.5 metres above ground level at the property boundary. (The conditioned 0.5 metre increase in the balustrade height to 1.7 metres (to screen overlooking) will increase the car park balustrade height to 7.5 metres above ground level at the property boundary.)
Cross-section showing interface with No. 37 Dorothy Street South boundary fence coloured red	8.9m to the balustrade and 8.2m to the protruding acoustic screen	

The car park extension will be served by a new lift and stairwell located on the west elevation which will have a maximum height of 8 metres above the ground level at the west boundary in this location. These elements are only 5.5 metres wide at the west elevation, and represent a very small component of the overall area of the car park extension. The new lift and stairwell height continues the existing building height of the adjacent shopping centre in this location.

The new car park levels are proposed to be clad with concrete panels forming balustrades typically 1.2 metres high (conditioned to be raised to 1.7 metres at the top level) and acoustic screening panels along the western elevation and south-west corner of the car park at Basement Level 01. The acoustic panels will intrude 0.7 metre into the boundary setbacks. A total of 98 additional car spaces will be provided. No trolley bays are to be located in the extended car park.



### 9.1.1

(cont)

The extension requires the removal of four trees which currently grow within the car park area, including a 19 metre high *Eucalyptus citriodora* (Tree 1) which is located 19 metres from the south boundary within the existing car park area, and three small trees planted in the car park.

The proposed car park extension complies with the required DDO4 boundary setbacks, providing a 5.1 metre west boundary setback (consistent with the existing 5 metre setback) from the residential interface on the west boundary, and providing an 8.5 metre south boundary setback. The proposed car park extension has an 8 metre maximum built form height above natural ground level (to the lift and stairwell, and along part of the south elevation), and an maximum height of 11.5 metres above the excavated lowest Basement 2 Level. At the lowest part of the south boundary, the proposed car park presents as 8 metres above the ground level at the boundary, with the majority of the car park cut into the existing topography to some extent, limiting the height presenting to surrounding residential lots, as detailed in the table above. Overall, the car park is well below the 21 metre allowable height in the DDO4.

The car park provides a low scale building form which is consistent with the scale of surrounding residential development, and as such it complies with the requirement to interface appropriately with residential land.

The submitted shadow diagrams indicate that the shadows cast by the extended car park will fall within existing boundary fence shadows between 9am and 3pm at the Equinox, which would comply with the requirements of ResCode which is utilised as a guideline in this instance, as there are no equivalent standards to assess overshadowing from commercial premises.

#### Amenity

The objectors to this application primarily expressed concerns regarding the amenity impacts of the proposed car park extension, in particular the noise from cars and trucks traversing the extended car park, glare from headlights, overlooking and odours from vehicle exhausts.

Glare from headlights will generally be screened by the concrete car park balustrades which are proposed at 1.2 metres high and will be conditioned to be increased to 1.7 metres in height at the top level. The solid acoustic screens at Basement Level 01 will also shield direct headlight glare, and the lowest Basement Level 02 is predominantly below ground level and screened by retaining walls and boundary fencing. The eastern end of the south elevation of Basement Level 01 is not required to have acoustic screening, and this is located at one of the lowest points of the subject site, resulting in an open section of the car park which would allow for headlight glare to impact on adjoining residential lots a minimum of 8.5 metres to the south. In order to address this, a condition will require the provision of additional acoustic screening to the open south and east facing elevations of Basement Level 01, which will have the additional benefit of improving acoustic amenity at this interface.

The provision of natural ventilation to the car park will disperse vehicle exhaust emissions, and the landscaped boundary setbacks will further assist with limiting the transmission of exhaust fumes.

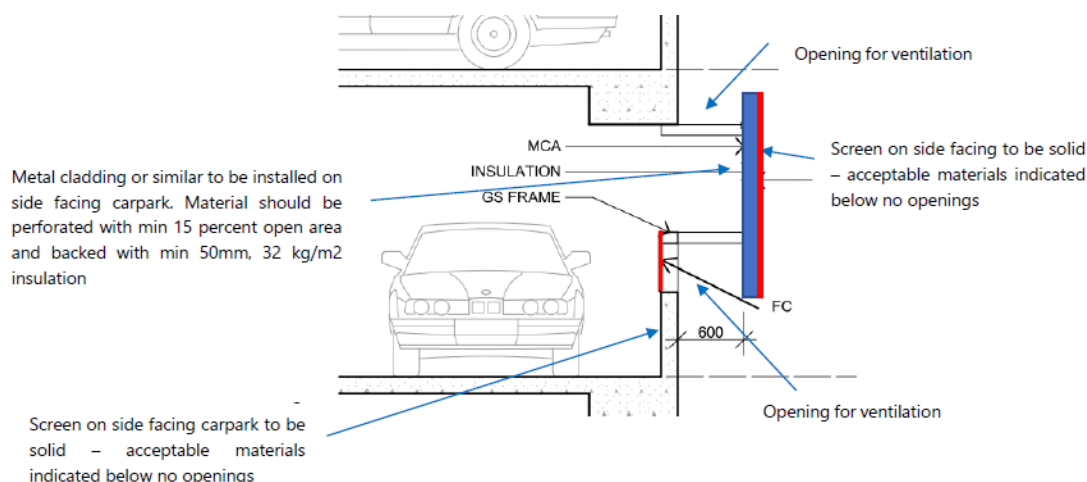
It is noted that there have historically been amenity issues associated with the existing loading bay operation and noise emissions from refrigerated vehicles parking on the site. The existing loading bay is not proposed to alter, although it is noted that the additional floor area will result in additional loading operations on the site. The shopping centre use is an existing circumstance and the intensification of that use does not require planning approval, except for an amendment to the existing restrictions on gymnasium memberships, number of medical practitioners or seats on the restaurant at the north-east corner of the site, none of which are sought as part of this application.

### 9.1.1 (cont)

It is acknowledged that in the past, the operation of the existing loading bay has required Planning Enforcement action to ensure that the loading operations do not unreasonably impact on the amenity of surrounding residential lots, however alterations to the existing loading bay layout are not contemplated as part of this application. Subject to the continuation of loading operations compliant with the requirements of previous enforcement action, it is considered that the anticipated increase in loading activity on the site does not warrant the addition of acoustic screening to the existing loading bay.

The proposed car park includes partially open elevations, with concrete balustrades and acoustic screen panels. An acoustic report was submitted with the application which identified that the following acoustic mitigation measures were required to the car park extension:

- 1.2 metre high solid screen around the top carpark level (except for the location of the access ramp (Note that this will be increased to 1.7 metres high as a condition of approval)
- The ramp and carpark surface are to have a broom finish to prevent 'tyre squeal'.
- Provision of a solid acoustic screen constructed along the western and part of the southern elevation of Basement Level 01, off-set 0.6 metre from the balustrade to provide for ventilation as detailed in the below cross-section which shows the edge of the proposed car park:



Details of the colour and acoustic screen panels fixed to the car park elevation require clarification, and this will form a condition of approval.

Options for the construction of the acoustic screen are detailed in the Acoustic Report, and, if approved, a condition will require the acoustic screen to comply with the Report recommendations. In addition to these recommendations, Section 6.1.2 of the submitted Acoustic Report sets out the vehicle movement and car park usage for the proposed car park, which includes advice that the car park extension will not be used during the night time period (between 10pm and 7am). A condition will require signs and/or boom gates to be shown on the plans to demonstrate how the car park extension can be closed off in the night time period.

Condition 8 of the current Planning Permit requires noise and other emissions to comply with EPA's State Environmental Protection Policy N-1 (SEPP N-1), and Condition 9 requires plant equipment to be positioned, screened and baffled so that there is no noise disturbance caused to the occupiers of adjoining properties. These conditions have on-going effect. Given that the proposed development will comply with the recommendations of the submitted Acoustic Report and the SEPP N-1, it is considered that there will not be unreasonable acoustic impacts to the adjacent residential lots associated with the proposed extension.

### 9.1.1

(cont)

Overlooking from a commercial car park is not restricted by the Planning Scheme or considered to be unreasonable, as this is an area where people do not tend to linger. The acoustic screens utilised will limit the potential for overlooking from the lower car park levels. At the Forum the applicant committed to raising the height of the upper Basement 1 Mezzanine Level car park balustrade from 1.2 to 1.7 metres, in order to screen potential overlooking, in response to objector concerns, and this will form a permit condition. The recommended extension of the acoustic screen to the eastern portion of Basement Level 1 will further screen overlooking opportunities.

It is considered that this proposed shopping centre extension will result in minimal built form and overshadowing impacts, as the 1.2 metre balustrade shown on the plans for the top car park level does not increase shadowing to surrounding residential lots and has a total 10.5 metre height well below the 21.5 metre height allowed by the DDO4. The condition to raise this balustrade by 0.5 metre (discussed above) will have a limited impact on shadows cast and will also provide for additional acoustic screening of the top car park level. The landscaping of the setbacks along the west and south boundaries will also screen and soften potential views as it matures.

#### Advertising Signs

In association with the retail floor area extension to the north-west of the site, a number of existing business identification signs will be removed from the north (Burwood Highway) frontage, and a number of new signs are proposed. These have been described in detail in the Proposal section above. Details of the sign faces have not been provided by the applicant as the proposed tenancies have not been let, and this is not unusual for commercial properties. Conditions can ensure that the displayed sign faces are to Council's satisfaction.



The two signs proposed on the west elevation are not proposed to be internally illuminated, which is appropriate as they will face Witchwood Gully Reserve which is a relatively sensitive interface. The existing west elevation includes some advertising signs, and the proposed signs will maintain a similar scale to the existing signs which are to be retained.

On the Burwood Highway (north) elevation, the proposed internally illuminated business identification signs will provide for business identification and will enliven the façade. On the east elevation (facing the central car park, the proposed internally illuminated business identification signs are complemented by an electronic LED sign. This sign is proposed to show static images with a dwell time of 30 seconds per image and an instantaneous transition time. No animated images are proposed for this sign.

### 9.1.1

(cont)

The electronic sign was referred to Transport for Victoria who have not objected to this sign, subject to conditions which will be included on a permit, should a permit issue. As this electronic faces inwards to the central car park, it will have reduced visibility from Burwood Highway. The combination of static images and an instant (i.e. - not animated) transition will limit the effect of any animation associated with the changing images of this sign. Given the scale of the proposed built form and the overall size of the Burwood One Shopping Centre, the proposed electronic sign is supported.

Council's Visual Amenity and Advertising Signs Policy aims to preserve visual amenity by avoiding signage clutter and excessive advertising on buildings ensuring that advertising signs do not become the dominant element in built forms. It is considered that the proposed signs on the north elevation will unreasonably dominate the proposed extension, as the signs are positioned to cover the majority of the unglazed portion of this façade, as shown on the montage below which depicts the signs on both the north and west elevations of the extension.



The proposed north façade has an area of approximately 850m<sup>2</sup>, of which approximately 22% is proposed to be glazed, and 32% proposed to be utilised for business identification signs. It is considered that covering nearly one third of the front façade with advertising signs is excessive, especially when the additional signs on the west and east facades are considered. Therefore, the central sign (9 x 10.5 metres) should be removed.

Subject to this alteration, the proposed signs are considered acceptable. It is noted that the north elevation faces residential lots across Burwood Highway, however the road reserve is 57 metres wide in this location, and illuminated at the signalised intersection with Holland Road, and so the additional internally illuminated advertising signs is unlikely to detrimentally impact on the streetscape character in this location. Permit conditions, including those imposed by Transport for Victoria, will be included to ensure that the intensity of lighting used for the internally illuminated signs will not unreasonably impact on the amenity of the area and the safety of the adjacent road.

#### Landscaping and Tree Removal

Council's Planning Arborist has noted that Tree 1 (19 metre high *Eucalyptus citriodora*) located near the south boundary is showing signs of stress and has no objection to its removal.

### **9.1.1**

(cont)

The objectors expressed concerns regarding the size of the existing trees around the perimeter of the subject site, including the overshadowing they caused to surrounding residential lots and potential damage from tree roots. Council's Planning Arborist has indicated that these trees may outgrow their space in the future, but with engineering solutions or management potential future impacts to the garden bed they have been planted in can be managed. These trees provide a visual screen between Burwood One and the surrounding residential lots, and the retention of landscape screening in this location is consistent with the requirements of the DDO4.

At the Consultation Forum, the applicant indicated a willingness to work with individual residents in relation to trees along the boundary interface.

It is noted that the DDO4 requires side and rear setbacks abutting residential lots to be heavily landscaped. Whilst the existing landscaping surrounding the extended areas can be maintained, these areas are likely to be disturbed by the construction process. Some of the existing landscaping is not in good condition, and the additional built form associated with the rear car park extension in particular warrants the provision of a new landscape plan. No landscape plan has been submitted with this application, and a landscape plan will be required to be submitted, should a permit issue. This plan must include details of future management of the trees around the perimeter of the site, and details of discussions undertaken with surrounding residents in relation to these trees.

The existing Condition 5 relates to the original shopping centre extension, requiring the development and landscaping to be completed prior to the commencement of retail use for the original extension, and the existing Condition 10 requires buildings and landscaping to be maintained to Council's satisfaction. The current Permit does not include detailed landscape plan conditions, and these will be added, in association with the requirement for landscaping around the extensions.

#### **Car Parking, Loading and Bicycle Facilities**

Council's Transport Engineer has confirmed that the proposed 98 additional car spaces meet the statutory requirement of 98 car spaces required 3.5 car spaces per 100m<sup>2</sup> of leasable floor area for the proposed a 2,800m<sup>2</sup> extension to the existing retail floor area. The Department of Transport has raised no objection to the associated increase in traffic to Burwood Highway and the Holland Road signalised intersection.

A 3 metre headroom is provided to the extended car park which is sufficient for cars, courier vans and smaller trucks. Burwood One is provided with an existing loading bay which can manage the additional loading and unloading demand from the expanded floor area, and Centre Management will advise all large vehicles to utilise the existing loading bay which has unrestricted height clearance.

Council's Transport Engineer indicated that the proposed column locations have not been dimensioned and do not appear to comply with the requirements of 'Diagram 1' of Clause 52.06-8 to improve access to a parked vehicle. The applicant has reviewed this issue and confirmed that this can be rectified through provision of amended plans, and a condition will give effect to this.

Any requirement for DDA compliant car parking will be assessed via the Building Permit process, and the applicant has advised that their Building Surveyor has indicated that no additional DDA compliant car spaces will be required (and none are provided).

Pursuant to Clause 52.34, the additional 2,800m<sup>2</sup> floor area requires the provision of 9 staff and 6 visitor bicycle spaces, and end of trip facilities for staff. A total of 16 new bicycle spaces are proposed to be provided (10 for staff and 6 for visitors). The existing shopping centre already provides end of trip staff facilities, and two additional showers are proposed in association with the additional bicycle spaces will achieve compliant outcomes.

### 9.1.1

(cont)

#### Flooding

The subject site is floodprone and the applicant provided a Flood Impact Assessment to Council's Asset Engineers, who have supported the proposal, subject to conditions. Conditions 18, 20 and 25 on the existing Planning Permit will be amended to reflect the latest conditions, and five new Asset conditions and nine additional Asset Notes will be added to the amended Permit.

#### Objectors Concerns not Previously Addressed

- Noise impacts during Covid-19 restrictions are not an accurate representation of the usual noise emissions

The acoustic measurements logging existing background noise were taken in late September and early October in 2020, when Victoria was still experiencing some restrictions due to Covid-19. As a result, it is expected that there were fewer vehicles on the road and fewer shopping centre customers present at that time than there may have been pre-Covid, so the background noise measurements were likely to be quieter than usual. As the acoustic assessment aims to limit the increase in acoustic impacts above measured background levels, the quieter background levels measured during Covid-19 will result in quieter acoustic impacts allowed, resulting in improved outcomes for surrounding residents.

- Insufficient time to prepare objections around Christmas time.

The notification period for this application commenced with notices being posted on 2<sup>nd</sup> December 2020. The notification period concluded on the 8<sup>th</sup> January 2021 when the last sign was removed from the site. The *Planning and Environment Act 1987* ('the Act') does not allow for Notice periods to be extended or relocated as a result of holidays such as Christmas, however Whitehorse Council has chosen to limit notification given over the key Christmas-New Year period. This application had a notice period of 37 calendar day, substantially longer than the 14 day period required by the Act. Furthermore, objections can be submitted up until a decision is made. As such, ample time has elapsed since notification to allow potential objectors to review and respond to this application.

- Contrary to previous approvals on the site

Condition 1 y) of the existing Permit was added by VCAT, requiring: *The wall of the ground level must be at least 10 metres from the rear boundary of 49 Witchwood Crescent.* In response to Condition 1.y), the ground level (supermarket) setback from the west boundary was increased to 10 metres opposite No. 49 Witchwood Crescent. The two lower level car parks (basement levels) remain at the originally approved 5 metre setback, which is consistent with Condition 1.y), as this condition referred specifically to only the ground level setback needing to be increased.

The originally considered plans for the supermarket extension provided a varied setback to the south boundary of between 42 and 52 metres. Secondary consent approval was given under Council delegation to "square off" the supermarket, to a consistent 42 metres.

- Negative impact on surrounding property values

The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

### **9.1.1**

(cont)

- No commercial demand

Consideration of commercial demand is outside the scope of the Planning Application process.

### **CONCLUSION**




The proposal for construction of Buildings and works to extend existing shopping centre, display of internally illuminated and electronic business identification sign and associated alteration of access to a road in a Road Zone Category 1 is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Commercial 1 Zone and The Design and Development Overlay Schedule 4.

Subject to the conditions discussed above, the proposal is considered to be an acceptable addition to the existing Burwood One Shopping Centre.

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

It is considered that the application should be approved.

### **ATTACHMENT**

- 1 Development Plans 
- 2 Montages and Sign details 
- 3 Previously Issued Planning Permit 

### **Attendance**

The Virtual Council meeting adjourned at 8:31pm for a five minute break, resuming at 8:36pm.

### 9.1.2 Whitehorse Business Grants Program 2021 Round Three

ATTACHMENT

#### SUMMARY

*The Whitehorse Business Grants Program round three is scheduled to open 4 October 2021 and close 22 October 2021. Two funding streams will be offered as per Round two, with Whitehorse businesses having the opportunity to attend grant writing workshops and information sessions.*

#### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr McNeill

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

- 1. Proposes the 2021/2022 Whitehorse Business Grants Program round three, with a total funding of \$250,000 opens 4 October 2021 and closes 22 October 2021.***
- 2. Offers two funding streams as part of the proposed Whitehorse Business Grants Program, round three.***

**CARRIED**

**A Division was called.**

#### **Division**

##### **For**

Cr Carr  
Cr Cutts  
Cr Davenport  
Cr Lane  
Cr Liu  
Cr Massoud  
Cr McNeill  
Cr Munroe  
Cr Skilbeck  
Cr Stennett

##### **Against**

Cr Barker

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

#### BACKGROUND

The 2020/2021 Whitehorse Recovery Grants Package - Business (WRGP-B) as part of Council's Pandemic Recovery Stimulus Package consisted of two funding rounds, with 577 applications received and 344 businesses successfully receiving a combined total of \$530,100 across the two funding rounds.

In June 2021, REMPLAN were engaged to perform an economic impact and benefits analysis of the Whitehorse Recovery Grants Package – Business. The report focussed on the following:

1. The economic impacts of grant funding in Whitehorse
2. A detailed economic impact analysis of both rounds 1 & 2 with respect to output, employment (jobs), wages and salaries, and value-added.
3. An overview of the data provided, and the allocation of grant funding across industry sectors (Attachment 1).



## 9.1.2

(cont)

The Whitehorse Recovery Grant Package- Business funding distribution of \$530,100 was estimated to have a total economic impact of \$1,083,573 on the Whitehorse economy, with a total economic multiplier of 2.044. Therefore, for every dollar of grant funding allocated across the two rounds, the broader Whitehorse economy was estimated to benefit by a further \$1.04, once flow-on supply chain and consumption effects were taken into consideration. The total employment impact is estimated at 3.93 FTE Jobs, with a total of \$316,444 paid in wages and salaries, which further adds \$530, 877 of expenditure in the Whitehorse economy.

Furthermore, a common theme reported to I&ED officers, was the level of confidence and sense of support businesses felt from Council to back themselves and pivot their business. Without the support of the Whitehorse Business Recovery Grant Package-Business, businesses lacked not only the finances but also the confidence to deliver their projects.

### DISCUSSION

Council at its meeting on 28 June 2021, adopted the Whitehorse Business Grants Program (WBGP) as part of the Pandemic Recovery Stimulus Package. The Whitehorse Business Grants Program – Round 3 will offer one funding round consisting of \$250K in total funding support.

The following changes are recommended based on feedback received from both the business community and officers for the upcoming WBGP Round 3:

- Businesses who were successful in receiving funding from round one or round two will be eligible to apply for funding in round three, subject to meeting the WBGP criteria and successfully acquitting previous grant funding.
- Simplify the name of the program from Whitehorse Recovery Grants Package- Business to Whitehorse Business Grants Program

Proposed Whitehorse Business Grants Program round three funding streams (same as round 2):

Grant Stream	Funding range	Purpose	General Information
1) Business Innovation	\$5,000 to \$10,000 (ex GST)	Costs associated with innovative projects  I.e. equipment that supports innovation, manufacturing projects etc.	This category objective is to assist businesses in pivoting, improve how they conduct their business and broaden their offerings.  Businesses required to complete a project plan (template provided), provide supporting documentation e.g. quotes. The applicant must discuss the project with an I&ED Officer.  Up to 20 grants available for round 3.

## 9.1.2 (cont)

2) Business Support	\$1,000 - \$3,000 (ex GST)	<p>Costs associated with supporting a business to continue to operate in a COVID safe environment, training and development, and market their business:</p> <p>Example:</p> <ul style="list-style-type: none"> <li>- Marketing (excluding subscriptions) and branding development</li> <li>- Commercial equipment (not small domestic appliances)</li> <li>- PPE Supplies, cleaning &amp; sanitising products, professional cleaning services.*</li> </ul> <p>* Applicants can apply for a maximum of \$250 for PPE and hygiene supplies as part of the overall funding amount requested.</p>	A reduction in funding amount specifically for PPE and hygiene supplies sets a realistic amount that is based on the acquittal documentation received from round 1 and 2.
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### CONSULTATION

Feedback was encouraged from businesses throughout the different stages (Application, Agreement and Acquittal) of the grant program. This feedback enabled officers to modify and streamline processes and overall, there was an overwhelming sense of positive impact that the WRGP-B program has had on the Whitehorse business community.

Investment and Economic Development (I&ED) officers received in excess of 600 plus phone calls and emails from businesses throughout the two programs. This enabled I&ED officers to receive feedback on how businesses were managing in relation to COVID19 and about the business grant program.

An example of feedback received from a Whitehorse business:

*It helped to give us some certainty in a time of great upheaval and has assisted us to bounce back stronger than prior. We knew pre COVID19 that we have a fantastic community in Whitehorse as we interact with them every day. The support we felt from both council, our customers and the local community over this period has reinforced our opinion that we are indeed privileged to work and live within this great area - Mitcham Business – Round 1 recipient.*

Finally, in response to the feedback and review of the WRGP-Business round one and two, there will continue to be a greater focus on educating and supporting businesses with the application process through the following avenues:

- 4 virtual information sessions
- 2 grant writing workshops with an external presenter
- 2 drop in sessions at the Civic Centre to discuss projects in person with I&ED officers
- 2 drop in sessions held in the Box Hill Mall with I&ED officers and Mandarin and Cantonese interpreters

I&ED officers have identified a need to further educate the business community in the acquittal component of the program. In response to this need, officers have developed acquittal information sessions to support businesses further through the process.

## 9.1.2

(cont)

### FINANCIAL IMPLICATIONS

	Budget	Expenditure
<b>Total Budget</b>	<b>8000</b>	
Marketing (Postcard and advertising)		1000
Grant writing workshop (Virtual) – presenter external x 2		2000
Translation of guidelines and application forms		2500
Smarty grants simplified Chinese application form TBC		2500
<b>Sub Total Expenditure</b>		
<b>Total Expenditure</b>		<b>8000</b>

### POLICY IMPLICATIONS

The Whitehorse Recovery Grants Package- Business is supported under the:

- Whitehorse Council Plan 2017-2021 Strategic Direction 5: Support a healthy local economy.
- Investment & Economic Development Strategy Extension 2020 – 2022:
  - 3a: Provide relevant and effective support to local businesses and business associations
  - 3b: Promote and support the ongoing prosperity of retail activity centres, industrial precincts and business parks
  - Provision of up to date information on business services, funding and grants to local businesses.

### ATTACHMENT

- 1 Industry Summary Rd 1 and 2 

## 9.2 COMMUNITY SERVICES

### 9.2.1 Acknowledgement of Country

---

#### SUMMARY

*This report provides Council with information regarding the current Whitehorse City Council Acknowledgement of Country (which was adopted by Council on an interim basis in March 2021). The report provides a recommendation to adopt a permanent acknowledgement based on the Victorian Aboriginal Heritage Commission's advice regarding what the acknowledgement should be, following the formal realignment of the boundaries of both the Wurundjeri and Bunurong People of the Kulin Nation.*

*From 1 July 2021, the Wurundjeri Woi Wurrung people are formally recognised as the Traditional Owners of the whole City of Whitehorse. .*

#### MOTION

Moved by Cr Massoud, Seconded by Cr McNeill

***That Council adopts the following Acknowledgement of Country:***

- ***In the spoken form to be used at Council meetings, official ceremonies, meetings forums etc.:***

***"Whitehorse City Council acknowledges the Wurundjeri Woi Wurrung people of the Kulin Nation as the traditional owners of the land we are meeting on and we pay our respects to their Elders past, present and emerging and Aboriginal and Torres Strait Islanders from communities who may be present today."***

- ***In the written form to be included in all Council documents such as strategic plans, policies etc.:***

***"Whitehorse City Council acknowledges the Wurundjeri Woi Wurrung people of the Kulin Nation as the traditional owners of the land. We pay our respects to their Elders past, present and emerging".***

#### AMENDMENT

Moved by Cr Barker, Seconded by Cr Davenport

***That Council adopts the following Acknowledgement of Country:***

- ***In the spoken form may be used at Council meetings, official ceremonies, meetings forums etc.***

***"Whitehorse City Council acknowledges the Wurundjeri Woi Wurrung people of the Kulin Nation as the traditional owners of the land we are meeting on and we pay our respects to their Elders past, present and emerging and Aboriginal and Torres Strait Islanders from communities who may be present today."***

- ***In the written form to be included in all Council documents such as strategic plans, policies etc.***

***"Whitehorse City Council acknowledges the Wurundjeri Woi Wurrung people of the Kulin Nation as the traditional owners of the land. We pay our respects to their Elders past, present and emerging".***

LOST

### **9.2.1** (cont)

**The Motion moved by Cr Massoud, Seconded by Cr McNeill was put and CARRIED  
UNANIMOUSLY**

---

#### **BACKGROUND**

Whitehorse City Council recognises Aboriginal and Torres Strait Islander people and their cultures as an integral part of the Australian and Whitehorse community.

After many years of complex negotiations concerning contested land between the Wurundjeri Woi Wurrung and Bunurong People, the Victorian Aboriginal Heritage Council has formally appointed the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation as the Registered Aboriginal Party (RAP) for the whole of the City of Whitehorse. This came into effect on the 1 July 2021.

As a result of the Victorian Aboriginal Heritage Council's decision and subsequently there being no contested land in the City of Whitehorse, Council's interim acknowledgement is required to change, to recognise the Wurundjeri Woi Wurrung people as the Traditional Owners of the land.

#### **DISCUSSION**

##### **Registered Aboriginal Parties**

Registered Aboriginal Party's (RAPs) are Traditional Owner Groups, legally recognised under the Aboriginal Heritage Act 2006 with responsibilities for managing and protecting Aboriginal cultural heritage relating to Country. As part of the process of recognition, RAPs are formally acknowledged as being able to speak on behalf of Aboriginal people with connections to the defined area.

##### **Acknowledgement of Country**

"Country" is the term used by Aboriginal peoples to describe the land, waterways, and seas to which they are connected. Country however is more than a place it contains complex ideas regarding, law, custom, language, spiritual belief, cultural practice, material sustenance, family and identity.

### 9.2.1

(cont)

An Acknowledgement of Country is a protocol delivered at the opening of meetings, conferences, special events and official functions, it is also a formal written statement contained in policies, plans and other printed material. It is a way for non-Aboriginal people to acknowledge and pay respects to the traditional owners of the land.

Unlike a Welcome to Country (which is delivered by an Aboriginal Elder of a RAP) an Acknowledgement of Country can be given by any non-Aboriginal person or an Aboriginal and Torres Strait Islander person who is not considered to be part of the appointed traditional owners group.

The recent appointment of the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation as the traditional owners of the City of Whitehorse provides an opportunity for Council to reframe the Acknowledgement of Country and promote the Wurundjeri Woi Wurrung people as the traditional owners to the community.

The following recommended Acknowledgment of Country is based on guidance provided by the Victorian Aboriginal Heritage Council and Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

The proposed Acknowledgement of Country is as follows:

In the spoken form to be used at Council meetings, official ceremonies, meetings forums etc.:

*“Whitehorse City Council acknowledges the Wurundjeri Woi Wurrung people of the Kulin Nation as the traditional owners of the land we are meeting on and we pay our respects to their Elders past, present and emerging and would also like to acknowledge Aboriginal and Torres Strait Islander people from other communities who may be present today.*

In the written forum to be included in all Council documents such as strategic plans, policies etc.:

*“Whitehorse City Council acknowledges the Wurundjeri Woi Wurrung people of the Kulin Nation as the traditional owners of the land. We pay our respects to their Elders past, present and emerging”*

### CONSULTATION

The Victorian Aboriginal Heritage Council and Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation have communicated with Whitehorse City Council in regard to the acknowledgement.

The acknowledgement is also in line with recommendations from Reconciliation Victoria.

### FINANCIAL IMPLICATIONS

Not Applicable

### POLICY IMPLICATIONS

- The proposed change to the Acknowledgement aligns with the Whitehorse Community Vision:
  - Theme 1.Diverse and Inclusive Community:
  - 1.4 Focus on understanding and celebrating First Nations peoples, including acknowledgement of history and culture.
- The proposed change aligns with the Municipal Public Health and Wellbeing Plan
- Document templates will be required to be updated to include the change to the Acknowledgement of Country.

## 9.2.2 Whitehorse Health and Wellbeing Plan 2017-2021

FILE NUMBER: 21/204055  
ATTACHMENT

### SUMMARY

*The Whitehorse Health and Wellbeing Plan 2017-2021 (the Plan) represents Council's long term commitment to working in partnership to improve the health and wellbeing of the municipality.*

*The Plan builds upon the work undertaken in previous Municipal Public Health and Wellbeing plans, strengthening Council's approach to supporting a healthy, vibrant, prosperous and sustainable community.*

*This report presents the key achievements of the Whitehorse Health and Wellbeing Plan 2017-2021 for the 12 months commencing 1 July 2020 to 30 June 2021, under each of the relevant Council Strategic Directions as well as the Whitehorse Health and Wellbeing Plan goals.*

*In addition, Council is required to report to the Secretary of the Department of Health and Human Services on the measures it proposes to take to reduce family violence and respond to the needs of victims in the local community.*

### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr McNeill

***That Council notes the achievements of the Whitehorse Health and Wellbeing Plan 2017-2021 for the period commencing 1 July 2020 to 30 June 2021.***

**CARRIED UNANIMOUSLY**

In 2020-2021 Council delivered over fifty significant initiatives to positively benefit the health and wellbeing of the community. These range from advocacy for affordable housing to helping people to manage their rate payments; from an intergenerational letter writing project to an online mental wellbeing series. All areas of Council have flexibly responded to deliver these benefits during the COVID-19 pandemic and focussed efforts on resilient recovery.

### BACKGROUND

*The Whitehorse Health and Wellbeing Plan 2017-2021 (the Plan) represents Council's long term commitment to working in partnership with the community and government to improve the health and wellbeing of the municipality.*

*The Plan builds upon the work undertaken in previous Municipal Public Health and Wellbeing Plans, strengthening Council's approach to supporting a healthy, vibrant, prosperous and sustainable community.*

*This report describes the achievements of the Whitehorse Health and Wellbeing Plan 2017-2021 for the 12 month period 1 July 2020 to 30 June 2021, under each of the relevant Council Strategic Directions as well as the Whitehorse Health and Wellbeing Plan Goals.*

### Review and reporting requirements

*The Plan is developed and reported on taking into account Council's responsibilities under the Victorian Public Health and Wellbeing Act 2008 (the Act), the Climate Change Act 2017 and the Family Violence Protection Act 2008, policy contexts of the State and Federal Governments, emerging trends and what the community is identifying as their priorities.*

## **9.2.2**

(cont)

The Act states that '*A Council must review its municipal public health and wellbeing plan annually and, if appropriate, amend the municipal public health and wellbeing plan*'. The legislation does not prescribe what a review might entail. The review of the Plan was undertaken through consultation with relevant departments and documenting achievements for the 12 month period. There are no changes to the Plan's existing goals and objectives; however it is noted that Council's COVID-19 response and recovery have been priority actions for 2020-2021, the Plan's final year.

### **DISCUSSION**

Whitehorse City Council plays an active leadership role in identifying and highlighting public and community health priorities throughout the municipality. The Plan's implementation is a vehicle through which Council, its partners and the local community can respond to these priorities.

#### **Victorian Public Health and Wellbeing Act 2017 Amendment**

In 2017 the Victorian Government amended section 26 of the Public Health and Wellbeing Act 2008 (Vic) to require Councils to specify measures and report on those in regard to reducing family violence and responding to the needs of victims in the local community.

A Council must report to the Secretary of the Department of Health and Human Services on the measures at the intervals specified by notice in writing. Actions to be reported to the Department are included in Attachment 1, in the section titled: Strategic Direction One, Family Violence Response and Prevention.

#### **Implementation of the Plan**

Implementation of the Plan, in partnership with key stakeholders (internal and external), guides Council and the community's efforts in achieving the health and wellbeing goals of the City of Whitehorse, which are:

1. Connected, safe, respected and resilient people, families and communities
2. Accessible, safe and welcoming places for all people
3. A sustainable environment and shared open spaces
4. Communicating, actively engaged Council
5. Economic opportunity for people

The Plan is a key Council document that provides a strategic planning focus, promotes partnerships and networks, highlights local health issues, involves all departments of Council, enables the integration of a social model of health and articulates links to regional, state and national health priorities.

#### **Council Plan alignment**

The *Whitehorse Health and Wellbeing Plan 2017-2021* identified numerous strategic activities which are aligned with and reported under the Council Plan. These activities contribute to the health and wellbeing of the municipality. Attachment 1, to this report highlights some of these to illustrate Council's influence on people's health and wellbeing through the work it does in the social, built, natural and economic domains.

#### **Partnerships**

Municipal Public Health and Wellbeing Plans help to provide the 'line of sight' between local and state efforts to prevent illness and promote health and wellbeing. Partnerships are crucial to this approach.



## 9.2.2

(cont)

A keystone of the *Whitehorse Health and Wellbeing Plan 2017-2021* is strengthening Council's work with local partners in a number of key areas of health and wellbeing. The Plan identified developmental areas where Council would strengthen partnerships and collaborative planning including:

- Prevention of family violence and violence against women
- Reducing harm from alcohol

### COVID-19 Pandemic

Subsequent to the implementation of the annual action plan, a major worldwide public health event has had sudden and profound impacts on everyone. The COVID-19 pandemic is a unique emergency event unlike any we have experienced in the past.

Since being reported in January 2020, the Whitehorse community has experienced a low rate of infection, with a total of 220 cases of COVID-19 recorded to April 2021 (Department of Health). This equates to a rate of 1.1 per 100,000 people. However, the impact of the control measures and fear of the virus itself have impacted our community in many ways including people's mental health.

Restrictions on human contact and movement as well as the wearing of personal protective equipment are public health controls that have not been implemented in our society before. The introduction of these restrictions is significantly impacting on the economy (constraints on people's ability to work and do business), education (students' ability to attend schools/tertiary institutes), health (constraints on access to health services, manifestations of psychological distress, mental health issues, decreased physical activity etc.) and social (impacts of people being isolated and more vulnerable).

### ACHIEVEMENT HIGHLIGHTS

Achievements of the Whitehorse Health and Wellbeing Plan 2017-2021 for the 12 months of 1 July 2020 to 30 June 2021 under each of the relevant Council Strategic Directions and Health and Wellbeing Goals are detailed fully in Attachment 1. Below is a snapshot of those highlights.

#### 1. **Health and Wellbeing Goal: Connected, safe, respected and resilient people, families and communities**

- Pandemic Response and Recovery
- COVID-19 Community Relief Grants, Facility Fee Relief and Rates Hardship Program
- Flexible, Safe Service Delivery for Youth, Families, Parents and Older People
- Community Information, Outreach and Support
- Mental Health Initiatives
- Immunisation, Parent Engagement and Community Education
- Maternal Child Health Reach
- Early Years Services Recovery
- International Students Project [Partnership]
- Virtual Community and Creative Arts Programs
- Global Fiesta Week
- Local Heroes Program
- Social Connections and Connecting Generations Projects
- #Call it Out for Respectful Relationships

## **9.2.2** (cont)

### **2. Health and Wellbeing Goal: Accessible, safe and welcoming places for all people**

- Integrated Transport Strategy
- Box Hill Urban Realm Treatment Guidelines
- Easy Rides Routes
- Our Club – A Place for Everyone
- Eastern Affordable Housing Alliance Advocacy and Social Housing and Homelessness Charter Group Advocacy [Partnership]

### **3. Health and Wellbeing Goal: A sustainable environment and shared open spaces**

- Interim Urban Forest Strategy
- Interim Climate Response Plan
- Digital Environmental Education
- Indigenous Planting
- On-demand Lighting Trial
- Sustainable Living Week
- Recycling Drop-off Points

### **4. Health and Wellbeing Goal: Communicating, actively engaged Council**

- Timely, Accurate Community COVID-19 Information
- Diverse Media for Local Languages
- Communications through Social Media Channels
- Centralised Electronic Direct Mail
- Rates Payment Calculator
- Healthy Workplace Achievements

### **5. Health and Wellbeing Goal: Economic opportunity for people**

- COVID-19 Business Relief Grants
- Local Business Promotion
- Neighbourhood Activity Centre Renewal
- Business Resilience Program
- Retail Precinct Audit
- Business Skills Programs
- Young People into Employment
  - Youth ConneXions Employment Support
  - Interns in Industry

The impacts of the COVID-19 pandemic and social restrictions on the health and wellbeing of our community require Council to continue to be flexible and focus efforts on resilient recovery and with consideration of increasing health inequalities.

## **9.2.2**

(cont)

### **CONSULTATION**

The review of the Plan's implementation and action planning for 2020-2021 was undertaken in consultation with all contributing areas of Council.

Cross-council departments responsible for the implementation of the Whitehorse Health and Wellbeing Plan were engaged to provide feedback about outcomes from their departments against the strategic directions of the Council Plan and the Health and Wellbeing Plan.

### **FINANCIAL IMPLICATIONS**

The review of the Plan was undertaken by Council's Community Development - Health & Wellbeing Officer. The time commitment to collect all of the information presented in the Attachment 1 equates to approximately \$5000.

### **POLICY IMPLICATIONS**

The Whitehorse Health and Wellbeing Plan 2017-2021 is consistent with objectives in the Whitehorse Council Vision, the Whitehorse Council Plan and State and Federal Government policy directions.

Many existing Council plans and strategies are integrated into and inform the Whitehorse Health and Wellbeing Plan 2017-2021 including: the Whitehorse Disability Strategy and Action Plan, the Whitehorse Diversity Plan, the Whitehorse Reconciliation Plan, The Whitehorse Community Participation Strategy, the Whitehorse Positive Ageing Strategy, the Whitehorse Recreation Plan, the Whitehorse Cultural Strategy, the Whitehorse Youth Plan and the Whitehorse Early Years Plan.

### **ATTACHMENT**

- 1 Achievements Summary 2020-2021 

### 9.2.3 Tender Evaluation (Contract 30301) Aqualink Pool Maintenance Services Supply

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#### SUMMARY

*To consider tenders received for the Contract 30301 - Aqualink Pool Maintenance Services Supply and to recommend the acceptance of the tender received from Roejen Services Pty Ltd, trading as Roejen Services, on a Schedule of Rates basis for a period of three years commencing on Tuesday 31<sup>st</sup> August 2021. The report also recommends authorising the Chief Executive Officer to award an extension of this contract, for a further two years subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial three year contract term.*

#### COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Carr

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

- 1. Accept the tender and sign the formal contract document for Contract of Pool Maintenance Services to the Aqualink facilities, received from The Trustee for ROEJEN SERVICES UNIT TRUST T/As Roejen Services Pty Ltd (ABN 30 273 382 860), of 2/45 Normanby Rd, Notting Hill Vic 3168, on a Schedule of Rates basis for a period of three years commencing on Tuesday 31<sup>st</sup> August 2021.***
- 2. Authorise the Chief Executive Officer to award an extension of this contract, for a further two years subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial three year contract term.***

**CARRIED**

**A Division was called.**

#### **Division**

##### **For**

Cr Carr  
Cr Cutts  
Cr Lane  
Cr Liu  
Cr Massoud  
Cr McNeill  
Cr Munroe  
Cr Skilbeck  
Cr Stennett

##### **Against**

Cr Barker  
Cr Davenport

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

### **9.2.3**

(cont)

#### **BACKGROUND**

The function of the pool plant at each of Council's two aquatic facilities is to ensure the quality of water within all pool assets comply at all times with the exacting standards set by state government health regulations. The pool plant assets are of significant importance to the successful operation of both aquatic facilities.

The Box Hill and Nunawading Aqualink facilities are required to contract a suitably experienced and qualified pool plant maintenance company to provide preventative and reactive pool plant maintenance services at the two Aqualink sites.

It is of critical importance to ensure each pool plant is maintained to a high standard and that repairs are completed in a timely and quality manner. This will ensure the health and safety of the community and the optimal operation of the assets. Council is seeking a company that has demonstrated experience and a proven history in successfully meeting the preventative and reactive maintenance requirements as outlined in the tender specification.

#### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday 13<sup>th</sup> February 2021 and closed on Wednesday, 10<sup>th</sup> March 2021. Council received three tenders at the time of the Tender close.

The tenders were evaluated against the following criteria:

- Financial (40%);
- Capability (30%);
- Credibility (30%);
- Occupational Health and Safety and Equal Opportunity (Pass/Fail).

The tender process identified that there are limited providers of this service in the market with just three submissions received. The reason being is that the number of commercial aquatic service companies with the staffing resources and infrastructure to provide 24/7 service and expertise is limited.

The tender submitted by Commercial Aquatics Australia was a non-conforming tender as the Tenderer failed to submit the Schedule of Rates as per the tender requirement.

The tender submitted by UPR Plumbing was a non-conforming tender as the Tenderer failed to submit the Schedule of Rates including parts as per the tender requirement.

The tender submitted by Roejen Services was a conforming tender.

Roejen Services is the current service provider of pool plant maintenance for both Aqualink centres. The company is an industry leader in innovation, with the recent implementation of a new website and client portal where the status of specific projects and service jobs can be monitored in real time. The client portal can also include safe operating procedures, advisory notes, Material Safety Data sheets, Safe Work Method Statements and facility fault reports.

Roejen Services will provide Aqualink staff with training (water chemistry management and plant equipment operation) and plant asset identification for the life of the contract. Asset identification forms the foundation of the asset condition report and assists with forecasting budgets and organising replacement parts. In addition, Roejen Services provides additional people resources to manage the Aqualink contract providing a greater level of responsiveness and communication.

All of these factors will ensure a high level of service and responsiveness resulting in minimal service interruptions at the facilities.

### 9.2.3

(cont)

The preferred contractor is Roejen Services Pty Ltd following the evaluation and assessment process where they have proven to be capable of providing extensive preventative and reactive maintenance support, technical knowledge and resources.

Further to this, Roejen Services Pty Ltd submitted a conforming tender application performing strongly in all of the criteria evaluation areas which is reflected in the scoring on the attached tender evaluation document.

The term of the contract is three years commencing on Tuesday 31<sup>st</sup> August 2021, with an option to extend the contract for a further two years at Council's discretion.

### CONSULTATION

Extensive consultation between the leisure facilities primary contacts for this contract occurred in the lead up and throughout the tender process regarding specifications and contract requirements.

### FINANCIAL IMPLICATIONS

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

The following items have been calculated to estimate the contract term expenditure:

- Tenderer's pricing as per the schedule of rates,
  - Pool plant maintenance requirements for a 12 month period extrapolated over the life of the contract,
  - Budgeted capital works pool plant maintenance funding for the life of the contract.
- 1.

A 15% contingency has also been included in the case of larger than expected price increases and additional unforeseen maintenance works due to changes in the operating environment as recommended by Council's Procurement department.

The estimated expenditure under this contract over the initial contract term is \$970,461 including GST. This expenditure will increase to approximately \$1,848,142 including GST if the option to extend the contract is exercised. The comparative expenditure for the life of the current contract (June 2016 - June 30 2021) was \$1,952,792 including GST.

NB: The yearly costs for the life of the contract are variable due to the capital works funds that are budgeted in line with the asset replacement program based on their operational life at the respective Centre's pool plants. The costs incurred over the life of the current contract are not necessarily indicative of costs moving forward due to the varying life cycles of plant equipment.

The costs incurred under this contract will be accommodated within the 2021/22 recurrent budgets for the Aqualink Centres.

Please see below for a breakdown of anticipated expenditure and the schedule of rates provided for the first three year term of the contract.

Aqualink	Operations	Capital	Total (inc GST)	Specification of rates	Capital	Total (inc GST)
Year One	\$250,545	\$11,000	\$261,555	\$217,536	\$11,000	\$228,536
Year Two	\$253,050	\$38,500	\$291,550	\$222,975	\$38,500	\$261,475
Year Three	\$255,581	\$251,900	\$507,481	\$228,550	\$251,900	\$480,450

## 9.3 CORPORATE SERVICES

### 9.3.1 Microsoft Enterprise Agreement Renewal

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#### SUMMARY

*This report is to recommend the preferred channel partner for the supply of a three year Microsoft Enterprise Agreement and recommends the Chief Executive Officer be authorised to sign the formal contract document on behalf of Council. It is recommended that the contract be awarded to Insight Enterprises Australia.*

#### COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

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

- 1. Accept Insight Enterprise Australia as the preferred Microsoft channel partner.***
- 2. Accept the offer from Insight Enterprise Australia (ABN 47 058 645 677), for the supply of software licensing and subscriptions and to sign an Enterprise Agreement with Microsoft Operations PTE Limited of Department 551, Volume Licensing 438B Alexandra Rd #04-09/12 Block B Alexandra TechnoPark Singapore 119968, for the amount of \$ 1,671,366, including GST for a period of 3 years.***
- 3. Authorise Chief Executive Officer to execute all necessary contract documents under this arrangement.***

**CARRIED UNANIMOUSLY**

---

#### BACKGROUND

In 2018, under an MAV led tender on behalf of Victorian local government, Council purchased Microsoft licences through Data#3 Limited for the fixed period of 3 years. This allowed Council to amortise the cost of outright purchases over the period in addition to paying software assurance (maintenance). This contract ended in August 2021.

As a refresh to the existing contract, the MAV completed a tender process (contract NPN 2.17-3) and following evaluation have selected five preferred suppliers, from which Council can choose a channel partner. Crayon Australia, Insight Enterprise Australia, Rhippe, SoftwareONE Australia and Data#3 Limited were the selected suppliers, each with a unique set of pricing and value-add offerings.

#### DISCUSSION

##### **Enterprise Agreements**

Enterprise Agreements (EA) are generally aimed at large businesses and offer significant cost savings based on business size categories. An EA enables the purchase of required software licenses with payment amortised over a 3 year period rather than an upfront lump sum. A condition of signing an EA is the up-take of Software Assurance, which provides the following benefits to Council:

- All future upgrades at no additional cost;
- Training credits;
- Technical support and problem resolution
- License Step-up – incremental cost and needs change

### 9.3.1

(cont)

For traditional licenses, once the capital cost of the software has been paid after year 3, the ongoing cost is only software assurance (software maintenance). Additional license and subscription requirements due to PC fleet increases or user demand is captured yearly during the True-Up process, which occurs at the end of each year of the Agreement.

Like most software vendors, Microsoft are moving their products to “cloud-based” offerings. This changes the traditional ‘per desktop’ software license to a per user annual subscription. This move also introduces various levels/types of subscription license depending on the features required for a particular user.

As user numbers, types and requirements change, resulting in the requirement to buy additional or different licenses, Council will be able to purchase at the agreed prices during the Enterprise Agreement term (True-Up).

Microsoft, in conjunction with the MAV, have renewed the EA as many local governments’ current agreements are due to expire in July-September, including Whitehorse. The intention of the agreement was to allow all Councils access to a sector-wide agreement and be rewarded with the lower cost option as a result of the economy of scale normally restricted to larger organisations.

The process involved the tendering of MS Licensing Services and license pricing. A panel of five vendors were selected – Crayon Australia, Insight Enterprise Australia, Rhipe, SoftwareONE Australia and Data#3 Limited. Vendors offer a management percentage over official Microsoft pricing as well as value-added services.

#### Options Summary with Recommended Microsoft Channel Partner

Option	Pros / Cons
“Do nothing” option (non-preferred)	<ul style="list-style-type: none"> <li>No support; Council unlicensed</li> <li>Ongoing compatibility issues</li> <li>Limited development opportunities</li> <li>Unsupported integration to corporate applications</li> <li>No opportunity to consider cloud based solutions</li> <li>High business continuity risk</li> </ul>
Re-sign to an Enterprise Agreement (Option 2 is the preferred option)	<ul style="list-style-type: none"> <li>Continuous access to state-of-the-art software</li> <li>Ongoing support</li> <li>Increased functionality</li> <li>Software Assurance benefits</li> <li>Facilitates adoption of cloud based solutions enabling better mobility</li> <li>Extends access to all staff to the Intranet, DevelopMe, email, etc.</li> <li>Enables frontline workers</li> <li>Enhances security and user experience through Single Sign-On and Multi-Factor Authentication</li> <li>Option 1: Continue current license type/numbers (non-preferred due to business and security requirements) <ul style="list-style-type: none"> <li>Limits the Council to accessing Microsoft products from the desktop and is tied to Council installation of the Microsoft suite of products</li> <li>Limited increase in security</li> </ul> </li> <li>Option 2: Adopt a flexible cloud-centric EA renewal option (Recommended option) with minimum costs for all current staff to be allocated a Microsoft account <ul style="list-style-type: none"> <li>Allows for further migration to the web based version of Microsoft Office 365, collaboration tools and other cloud services</li> <li>Allows alignment to the IT Strategy initiatives to enable a mobile workforce to work from anywhere, anytime, on any device.</li> <li>Increases Malware security for all Microsoft cloud based accounts by protecting against email and collaboration compromise.</li> <li>Allows for Mixed / Customised licensing, which better suits user profiles of WCC. These including basic, power and frontline staff</li> <li>Initially Council will continue to host some content onsite</li> </ul> </li> </ul>



### 9.3.1

(cont)

#### Benefits Summary of Option 2 – Adopt a flexible cloud-centric EA renewal

Action	Impact	Benefit
Modernising of the underpinning business systems	Increased functionality Increased stability Increased compatibility Increased collaboration Increased mobility	Increased productivity Better Customer Service Reduced downtime Reduced errors and conflicts Work anywhere, anytime
Closing licensing gaps	Increased cost	Risk mitigation
Software Assurance	Ongoing support	Stable, reliable systems
Ability for payments over 3 years	Reduced upfront costs	Better cost management
Ongoing supplier relationship	Value Added services	Better service

#### Other benefits

- Locking in acknowledged sector best pricing
- Dealing with an existing, known, reliable suppliers (MAV preferred, tried and tested)
- Increased ability to keep systems current
- Other Software Assurance benefits
- Cloud centric renewal allowing for greater functionality, mobility and security (core and then flex)

#### Channel Partner Selection

To assist in the selection of a preferred License Solution Partner, Council officers utilised Council's tender evaluation methodology. Our selection was based on the following criteria:

- Financial Benefit
- Demonstrated Knowledge
- Value Added services
- Experience
- Overall Track Record

Data#3 and Insight were shortlisted and suitability evaluated. The outcome of the evaluation resulted in Insight Enterprise Australia being the preferred vendor. The package offered by the company, exceeded Data#3 in terms of value added services. Insight Enterprise Australia demonstrated value add by assisting the Council to better understand the offerings available with the cloud-centric EA agreements and better assisted the Council to identify savings and right-sizing for the licence renewal options. Results of the evaluation are included below.

### 9.3.1

(cont)

#### FINANCIAL IMPLICATIONS

Whitehorse currently has an Enterprise Agreement for Microsoft licensing. This is due to expire at the end of August 2021. The table below outlines the previous and estimated future period spend (inc GST). The increased number of users allows for the allocation of Microsoft accounts for current staff.

	2018/19	2019/20	2020/21	2021/22	Budgeted 2021/22	2022/23	2023/24
Operational 1088 2885	311,685	311,685	311,685	476,077	476,077	476,077	476,077
True Up* n900 6708	52,800	57,100	84,000	121,000	121,000	96,866	25,269
No. of Users	700	745	780	905		1250	1340
Contract Commitments	700	700	700	905		905	905

**Table 1 - Product Set Required**

Office Productivity	
M365 E3 From SA	license for standard office based staff
M365 E5 From SA	license for Power users
M365 F3 Full	license for Frontline workers
Defender for O365 Plan 1	Cloud Malware filtering
Project Standard	
Visio Standard	
Server Products	
SQL CAL	
SQL Server Standard Edition	
SQL Server Standard Core	
System Centre Data Centre Core	
System Centre Standard Core	
Visual Studio Pro Sub MSDN	
Windows Remote Desktop Services CAL	
Windows Server Data Centre Core	
Windows Server Standard Core	

### **9.3.2 Tender Evaluation (Contract 30299) Enterprise Resource Planning (ERP)**

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#### **SUMMARY**

*This report is to consider tenders received for the Enterprise Resource Planning (ERP) Project (Phase 1 - Finance, HR, Payroll and Integration Layer) and to recommend the acceptance of the tender received from Accenture Australia Pty Ltd (ABN 49 096 776 895) for the amount of \$13,550,132, including GST over a 10 year period for Phase 1 modules.*

#### **COUNCIL RESOLUTION**

Moved by Cr Skilbeck, Seconded by Cr Lane

***That Council accept the tender and signs the formal contract document for Contract 30299 Enterprise Resource Planning (ERP) Project from Accenture Australia Pty Ltd (ABN 49 096 776 895) of 3 Sussex Street, Barangaroo, NSW 2000 for the tendered amount of \$13,550,132, including GST, over a 10 year period for Phase 1 (Finance, HR, Payroll and Integration Layer.)***

**CARRIED UNANIMOUSLY**

---

#### **BACKGROUND**

The Whitehorse City Council Strategic Organisational Review identified ERP as one of the foundational elements of the “Good to Great” Transformation.

Council recently reviewed the suitability and capability of its existing core Finance, HR and Payroll systems and developed a business case for change with the assistance of KPMG. The business case identified the requirement to replace a number of its core systems which are either end-of-life, high risk and of indeterminate ongoing vendor support, challenging internal support issues and/or simply do not meet the needs of WCC now or into the future. Further the business case speaks to system integration requirements and a staged consideration of other core software systems in the future years. In parallel, Council produced a new IT Strategy, linked to and mindful of the ERP business case.

In anticipation of the future of Local Government, changes with the Act, increased activity and community expectation, both the ERP business case and IT Strategy initiatives are logical steps for Council to pursue. Building on the 2014 IT Strategy's achievements, the ongoing work of Council's Digital Strategy and the synergies discovered throughout the development of the relevant business cases, all these initiatives are interdependent and fully aligned with Whitehorse's Technology Transformation and ‘Good to Great’ principles.

Positioning Council with a more proactive, holistic, foundational, customer service and efficiency driven mindset, the ERP Project is proposed as a staged, scalable and financially responsible approach. This will enable minimal disruption and risk to the business and allow a progression of modular proposals to be put to Council for consideration and budget approval over a number of budget cycles.

The business case to replace these systems was endorsed by Council in August 2020, with approval obtained to undertake the procurement activity in two phases inclusive of an Expression of Interest (EOI) and a Request for Tender (RFT) process. At this time an independent Probity Advisor was engaged to oversee the probity aspects of the procurement process, as well as an Independent ERP Specialist.

The project aligns with and fully supports Council's endorsed IT Strategy and Technology Transformation principles.

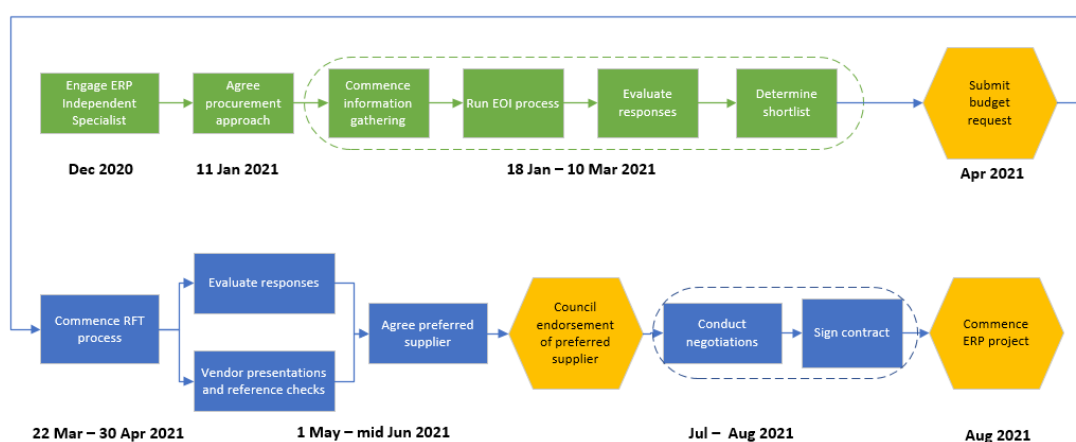
An indicative cost for the implementation phase was endorsed by Council in August 2020.

### 9.3.2 (cont)

The procurement was undertaken in two stages:

**Stage 1** – Release of an **Expression of Interest (EOI)** to the market, requesting interested vendors to respond to the broad requirements of the procurement, and to provide a solid estimate of their proposed pricing. This allowed WCC to validate the required budget for implementing the ERP Project, without having made a definitive procurement decision. Stage 1 was completed on 12 March 2021.

**Stage 2** – Release of a **Request for Tender (RFT)** to the shortlist of vendors determined as part of the evaluation undertaken of the EOI responses. This allowed WCC to complete the evaluation process with high confidence that a contract can be entered into that will closely match WCC's requirements. The RFT was released to shortlisted vendors on 12 April 2021.



## DISCUSSION

The scope of the ERP project is for the provision, implementation and ongoing licensing, maintenance and support of the ERP Platform for Finance, HR and Payroll, and the provision and support for an Integration capability. It is proposed that this will be done through an initial 5-year contract, with the option for a further 5 years.

### Evaluation

Council issued an Advanced Tender Notice two weeks prior to the release of the EOI to create market awareness. The EOI was advertised in The Age on 13 February 2021, and documents were made available on the WCC eTender Portal on the same date. The EOI closed 3pm, Thursday 4 March 2021 and an initial compliance review was conducted by the Procurement team.

Fourteen (14) EOI submissions were received. There were four (4) were deemed non-conforming. A further five (5) had significant weaknesses - offering less features and functionality and demonstrating lower capability and credibility and overall scores < 6.

The EOI responses were evaluated against the following criteria:

- The EOI Offer (Preliminary Estimates - not scored in EOI Phase)
- Capability (Ability to meet the requirements of the specification) 75%
- Credibility (Reputation, Experience and Qualifications) 25%

Following an extensive evaluation process, five (5) vendors were shortlisted and recommended to the Tender Evaluation Committee for inclusion in Stage 2, invitation only, RFT process.

### 9.3.2

(cont)

1. KPMG T/A KPMG Australia Technology Solutions Pty Ltd (ABN 29 606 612 962)
2. Deloitte Consulting Pty Ltd (ABN 86 611 750 648)
3. Accenture Australia Pty Ltd (ABN 49 096 776 895)
4. TechnologyOne Limited (ABN 84 010 487 180)
5. Discovery Consulting Group Pty Ltd (ABN 30 149 596 467)

The above vendors were issued an invitation to tender on 12 April 2021 and were closed at 3pm, Thursday 3 May 2021. Five (5) tender submissions were received. Two (2) were deemed to be non-compliant

The tenders were evaluated against the following criteria:

- The Tender Offer (Schedule of Rates, Disbursements and Expenses) 50%
  - Capability (Ability to meet the requirements of the specification) 50%
- Note: Capability is inclusive of:
- The proposed solution
  - Vendor implementation services
  - Vendor operational support
  - Vendor managed services

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

Shortlisted vendors from the Tender process were invited to present their product to the evaluation panel and key personnel. The evaluation panel arrived at a consensus score for each of the vendors based on their EOI submission, Tender response, clarifications, presentation and extensive referee and peer review feedback.

The Oracle-based product offering scored best in the EOI stage reaffirming the Evaluation Panel's early findings. Oracle was identified as the most suitable and comprehensive solution for WCC by 6 out of 12 vendors that proposed a solution. Further, all 3 of the participating 'Big 4' Audit & Advisory firms recommended Oracle as the best fit now, and for the longer-term strategic capability for WCC.

Further, when implementing a large enterprise system there are two key risk areas. These are the product itself, and the capabilities of the implementation partner (the vendor). The Evaluation Panel agreed, based on the RFT responses and the presentations, that the Oracle suite of products, including the 3<sup>rd</sup> party payroll systems were more suitable, and offered better future options for modular scalability. This meant that the decision was based on the capabilities of the vendor and their project resource focus and allocation throughout the implementation coupled with price. Implementation will include the allocation of a Continuous Improvement resource to ensure processes and system use are optimised.

Accenture Australia Pty Ltd was deemed to provide the best value outcome for Council. Accenture is the #1 Oracle System Integrator globally, delivering more than 7,000 Oracle projects to date and according to global research houses such as IDC and Forrester are named as implementation and support leaders for Oracle cloud applications. They have successfully completed similar works for other public and private sector organisations and have provided comprehensive responses to all WCC questions. Reference checks have been undertaken with the preferred vendor's past and current clients as part of the evaluation process. WCC's Probity Advisor has had oversight of the procurement and evaluation processes. Accenture are considered to provide the best value for money for this contract.

### **9.3.2**

(cont)

#### **CONSULTATION**

The formulation of the ERP Business Case involved extensive consultation with business units across a multitude of disciplines across Council via workshops, individual meetings and written feedback. Subject Matter Experts (SMEs) and Evaluation Panel members brought specific discipline knowledge to the both the EOI and RFT specification and evaluation phases.

#### **FINANCIAL IMPLICATIONS**

The KPMG Business Case provided an estimate of \$9.55M for the 2 year implementation phase – covering vendor implementation costs, licensing and support including WCC internal resource costs for the project. This guidance along with a 10 year cost estimate of \$18.0M for Phase 1 was provided to Council in August 2020 and again at the March 2021 budget weekend.

The Long Term Financial Plan has factored this guidance of \$18.0M over 10 years with indicative benefits projected at \$14.5M.

(10 Year projections now encapsulating Accenture's implementation and ongoing licencing, support and maintenance coupled with internal costs for ERP Phase 1 are currently less than the Business Case of \$18.0M, including a 10% contingency on implementation costs.)

Financial Analysis of submitted pricing schedules revealed a vast diversity in the allocation of resources, effort and the phasing of such. Accenture provided the strongest project resource focus and allocation across the project lifecycle, and this gave the Evaluation Panel an increased level of confidence that their approach was likely to have the lowest implementation risk and provided the greatest chance of success. The corresponding effect of this desirable focus is a bias to towards higher upfront costs in Years 1 and 2. However, with lower licensing and support costs, 10 year costs are within LTFP estimates and near identical to the next best performed vendor. The Panel strongly believes that the sharper focus on discovery, planning and overall project and change management will reduce the likelihood of rework and unexpected costs in the longer term.

### 9.3.2

(cont)

The table below represents the two year implementation phase and, with contingency, is slightly over Budget.

Note however the 2021/22 Budget was constructed prior to Request for Tender completion and under-estimated Year 1 expenditure - with a corresponding reduction in 2022/23. The 2021/22 timing increment will be managed in the context of other Transformation and Information Technology cash flows.

\$'m	2021/22		2022/23		Total Implementation
<b>Budget</b>		<b>2.09</b>		<b>7.46</b>	<b>9.55</b>
<b>Proposed</b>					
<b>Human Resources - Internal</b>	<b>0.88</b>		<b>1.21</b>		<b>2.09</b>
<b>Accenture Implementation</b>	<b>2.74</b>		<b>4.11</b>		<b>6.85</b>
<b>Licencing &amp; Maintenance</b>	<b>0.00</b>		<b>0.31</b>		<b>0.31</b>
<b>Contingency (10% of implementation)</b>	<b>0.27</b>		<b>0.41</b>		<b>0.68</b>
Proposed	Sub-Totals	3.89		6.04	9.93
<b>Variance</b>		<b>(1.80)</b>		<b>1.42</b>	<b>(0.38)</b>

### POLICY IMPLICATIONS

The ERP Project is consistent with Council's commitment to Technology Transformation and was procured in accordance with Council's Procurement Policy.

### 9.3.3 Strategic Internal Audit Plan - 2021/22

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#### **SUMMARY**

*Whitehorse City Council's 2021/22 Strategic Internal Audit Plan has been developed by Crowe Australasia. The Plan was approved by Council on 19 July 2021. Due to requirements discussed below, we are proposing changing the Information Technology Cyber topic from CyberCrime Assessment to Information Technology Cyber Security – Essential Eight and bringing forward this internal audit.*

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Skilbeck

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

- 1. Approve the change in Information Technology Cyber topic from CyberCrime Assessment to Information Technology Cyber Security – Essential Eight;***
- 2. Bring forward the Information Technology Cyber Security – Essential Eight internal audit as the second topic in the Strategic Internal Audit Plan with the report due in November 2021; and***
- 3. Rescheduled the Corporate Governance Internal Audit as the fourth topic in the Strategic Internal Audit Plan with the report due in May 2022.***

**CARRIED UNANIMOUSLY**

---

#### **BACKGROUND**

As per the approved Strategic Internal Audit Plan for 2021/22, we currently have CyberCrime Assessment as our fourth internal audit topic. In the draft plan, Crowe Australasia had the following options for Information Technology Cyber Security Audits:

1. CyberCrime Assessment; and
2. Information Technology Cyber Security - Essential 8.

During the May 2021 meeting, the Audit and Risk Committee selected CyberCrime Assessment internal audit. On 19 July 2021, the Council approved the 2021/22 Strategic Internal Audit Plan.

#### **DISCUSSION**

##### CyberCrime Assessment

Our Information Technology Department has some good controls relating to CyberCrime Assessment. Current controls include regular manual penetration testing and automated scanning on Whitehorse City Council's external and wireless infrastructure to determine its exposure to a targeted attack. Internal and external penetration tests are conducted yearly (alternately). Findings from these tests are converted to actions. Moreover, quarterly alerts from the ACSC's program are analysed and scheduled for remediation with high risk items addressed as soon as practical. Dark web scans for Council credentials are included in this report and appropriate action is taken once triaged.

Quarterly update on the findings and action taken will be provided to the Audit and Risk Committee.



### **9.3.3**

(cont)

#### Information Technology Cyber Security - Essential 8

In July 2021, cyber insurance policy for the Council was renewed and it was recommended that:

- For Council to receive Cyber insurance this year, multi-factor authentication for certain applications is required to be implemented by December 2021. This implementation is part of one of the Essential 8 controls; and
- To maintain Cyber insurance next year, there has been a recommendation that Council should consider and implement relevant Essential 8 controls.

Given the above recommendations, it is an opportune time for the Council to complete an audit on Information Technology Cyber Security – Essential 8. The objectives of this internal audit are to assess Council's performance against the Australian Cyber Security Centre's (ACSC) 'Essential Eight' cyber security mitigation strategies which includes multi-factor authentication process review.

We have consulted Crowe Australasia and the Audit and Risk Committee Chair about this proposal. They are supportive of the change. We have informed the Audit and Risk Committee members as well.

To ensure that we have a quality audit, we had further discussions with Crowe Australasia to verify the skills and experience of the information technology auditor. We confirm that Crowe Australasia will perform the Information Technology Cyber Security – Essential 8 internal audit in house and they have the necessary technical skills and knowledge to produce quality audit report.

The Memorandum of Audit Planning scope document for Information Technology Cyber Security – Essential 8 internal audit will be submitted to the Audit and Risk Committee for approval on 30 August 2021 prior to the commencement of the audit.

Crowe Australasia will perform this internal audit between September and October 2021. A report will be submitted to the Audit and Risk Committee in November 2021. Once we receive the recommendations and have a process in place for implementing the recommendations, we should be in a better position for cyber insurance renewal for 2022/23 which will take place around June 2022.

#### **CONSULTATION**

The following were consulted in preparation of this report:

- Director Corporate Services
- Manager Information Technology
- Crowe Australasia
- Audit and Risk Committee

#### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this progress report.

#### **POLICY IMPLICATIONS**

There are no policy implications arising from this progress report.

### 9.3.4 Review of Council's Expenses Policy

ATTACHMENT

#### **SUMMARY**

*The Local Government Act 2020, requires all Councils to adopt and maintain a Council Expenses Policy. When Council adopted its policy, it provided that the document be reviewed after 12 months of its adoption.*

#### **RECOMMENDATION**

***That Council:***

- 1. Receive and note the report.***
- 2. Endorse its updated Council Expenses Policy, provided as Attachment 1.***

#### **MOTION**

Moved by Cr Davenport, Seconded by Cr Barker

***That Council:***

- 1. Receive and note the report.***
- 2. Endorse its updated Council Expenses Policy, provided as Attachment 1, with the following changes:***
  - a) Amend clause 9.3 of the Policy to read:***

***Councillor issued mobile devices are to be used for related Council business activities but it is accepted that, on occasions, reasonable incidental personal calls will be made. A telephone account summary will be provided on a monthly basis at the end of each month for each individual Councillor and copies of telephone accounts will be available upon request;***
  - b) Amend clause 16.2 of the Policy to read:***

***Any invitations to attend an event or function, which are related and relevant to the 'duties of a Councillor', must be received in writing - ie a formal invitation by name, from the event organiser in order for Council to cover this expense (note: in writing is inclusive of email and social media messages);***
  - c) Amend clause 17.1 to read:***

***Each Mayor will be provided with:***

    - A perpetual Mayoral medallion for use at official functions and at the end of the Mayoral term will be presented with a replica medallion in recognition of their services;***
    - Secretarial support via the Executive Assistant to the Mayor and Councillors to assist the Mayor in performing their official duties;***
    - Office accommodation and associated equipment within the Civic Suite of the Whitehorse Civic Centre.***
  - d) Amend clause 18.2 to read:***

***The Mayor and Deputy Mayor using their private vehicles to carry out their official Council functions will be reimbursed reasonable expenses as per the applicable kilometers rate where such costs are incurred as part of their official duties.***

***(Note: For Councillors other than the Mayor and Deputy Mayor, travel within the municipality is deemed to be covered by the Councillor allowance).***

### **9.3.4**

(cont)

The Mayor indicated he would put points 2a), 2b), 2c) and 2d) of the motion to the vote in parts

The Mayor put Item 2a) of the motion to the vote which was LOST  
A Division was called.

#### **Division**

<b>For</b>	<b>Against</b>
Cr Barker	Cr Carr
Cr Davenport	Cr Cutts
	Cr Lane
	Cr Liu
	Cr Massoud
	Cr McNeill
	Cr Munroe
	Cr Skilbeck
	Cr Stennett

On the results of the Division the motion was declared LOST

The Mayor put Item 2b) of the motion to the vote which was CARRIED  
UNANIMOUSLY

A Division was called.

#### **Division**

<b>For</b>	<b>Against</b>
Cr Barker	Nil
Cr Carr	
Cr Cutts	
Cr Davenport	
Cr Lane	
Cr Liu	
Cr Massoud	
Cr McNeill	
Cr Munroe	
Cr Skilbeck	
Cr Stennett	

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

The Mayor put Item 2c) of the motion to the vote which was LOST  
A Division was called.

#### **Division**

<b>For</b>	<b>Against</b>
Cr Barker	Cr Carr
Cr Davenport	Cr Cutts
	Cr Lane
	Cr Liu
	Cr Massoud
	Cr McNeill
	Cr Munroe
	Cr Skilbeck
	Cr Stennett

On the results of the Division the motion was declared LOST

### 9.3.4

(cont)

**The Mayor put Item 2d) of the motion to the vote which was LOST  
A Division was called.**

#### **Division**

<b>For</b>	<b>Against</b>
Cr Davenport	Cr Barker
Cr Liu	Cr Carr
	Cr Cutts
	Cr Lane
	Cr Massoud
	Cr McNeill
	Cr Munroe
	Cr Skilbeck
	Cr Stennett

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

#### **BACKGROUND**

As part of the staged implementation of provisions of the new *Local Government Act 2020*, Council was required to adopt its first expenses policy on or before 1 September 2020. Council adopted its Expenses Policy at its meeting held on 24 August 2020.

#### **DISCUSSION**

The required review of Council's Expenses Policy has been performed with both an external and internal focus.

Firstly, with regards to the external focus; officers undertook a desk-based benchmarking exercise of the published Expenses Policies of four of the Eastern Region Group of Councils to gauge the level of consistency and detail between Whitehorse and the four Councils. The objective was to assess whether there were any identifiable deficiencies or omissions with Whitehorse's document. Notwithstanding subtle local emphasises on some elements, the Whitehorse document was found to be equally comprehensive and well-presented and accordingly, it was deemed that there were no substantive shortcomings with the document.

In relation to the internal aspect of the review, officers closely examined the document to identify whether there were any housekeeping, operational or formatting changes that should be addressed. As a result a number of changes were made to the draft updated document, provided as **Attachment 1**. Specifically, the nature of the changes are as follows:

##### **Housekeeping Changes (as no longer applicable)**

(E.g. Reference to Delegated Committee and/or Members, review dates and position titles)

- 9 separate changes were made under this category.

##### **Operational Changes (reflecting new adopted practices)**

- 3 separate changes were made under this category – as reflected in:
  - Clause 9.3 (In relation to mobile phone accounts);
  - Clauses 19.1 and 19.2 (In relation to Cabcharge and Ride Share usage and accounts); and
  - Clauses 23, 24, 25 (In relation to a biannual report to be provided to Council's Audit and Risk Committee, of Councillor expenses incurred and reimbursements made).

### **9.3.4**

(cont)

#### **Formatting Changes (unnecessary information or corrections)**

- 2 separate changes were made under this category – as reflected in:
  - Clause 4 (Typographical correction for last dot point);
  - Clause re Civic Support (deletion of reference to S41 LGA, as duplicated).

On the basis that the above-noted changes will ensure an attentive and accurate policy document that should serve Council for the next three years, the draft updated policy provided as Attachment 1, is recommended to Council.

#### **CONSULTATION**

The nature of this Policy, has not necessitated the need to initiate specific external consultation as such.

#### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with the preparation of this report.

#### **POLICY IMPLICATIONS**

When this Policy was developed, it provided that a 12 month review would be conducted and the findings of this review is now presented for Council's consideration.

#### **ATTACHMENT**

- 1 Council Expenses Policy August 2021 

#### **Attendance**

Cr Stennett having declared a Conflict of Interest in item 9.4.1 left the virtual meeting at 10:07pm prior to discussion on the item and did not return.

## **9.4 INFRASTRUCTURE**

### **9.4.1 Rotary Overseas Recycling Playground Program Review**

FILE NUMBER: SF19/2278

#### **SUMMARY**

*The purpose of this report is to provide an update to Council regarding its involvement in the Rotary Overseas Recycled Playground (RORP) program and to consider its future involvement. Council has formally been part of the program since 29 January 2020.*

*The program focuses on donating suitable public playground equipment from play spaces that are being renewed by Council, for reuse in less privileged countries overseas.*

#### **COUNCIL RESOLUTION**

Moved by Cr Cutts, Seconded by Cr Lane

***That Council:***

- 1. Continue to participate in the Rotary Overseas Recycled Playground Program (RORP); and***
- 2. Liaise with Rotary Nunawading to accept the new fee structure and update the required agreements associated with participating in the Program.***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

At its ordinary Council meeting on 25 November 2019, Council agreed to participate in the Rotary Overseas Recycled Playground (RORP) program.

The RORP program allows participating Rotary Clubs to acquire suitable public playground equipment that is being replaced by Council for reuse in playground projects in less privileged countries overseas. The program currently focuses on installations in Sri Lanka and Timor-Leste, with scope to extend to other countries.

The program commenced in 2017 and has connected many Councils with Rotary Clubs across Victoria. Whitehorse City Council's original partnership began in January 2020 when Council agreed to be part of the program with Rotary Flemington-Kensington. Our partnership club has since been reassigned to Rotary Nunawading.

This report is being presented to Council for consideration of its continued participation in the RORP program and outlines the benefits, costs and outcomes achieved to date.

#### **DISCUSSION**

Since its inception with Whitehorse City Council in 2020, equipment from ten different playgrounds ranging from small local to neighbourhood level classifications have been donated to the RORP program for reuse overseas. The equipment has come from playgrounds that were being renewed as part of Council's Play Space Renewal Program. Two have been fully installed in Sri Lanka; five are currently in transit to Sri Lanka and one to Timor-Leste; and two are being relocated in the 21/22 financial year (destination to be determined).

The playgrounds range from one piece of equipment such as a swing set, but more often can include an entire playground.

The program is reliant on labour and financial support from the project partners (such as Councils) to keep the program viable. Council Contractors, Council Officers and Rotary volunteers work together to facilitate the collection and relocation of equipment from site to Rotary's storage facility, ready for transportation overseas.

### **9.4.1**

(cont)

Council's contribution as part of our partnership agreement has included the supply of play equipment; project management of the play equipment removal and financial contributions to assist in the transport of the equipment.

In May 2021, Rotary Nunawading requested a change to the current fee structure associated with the program. This is discussed in the Financial Section of this report.

#### **CONSULTATION**

Consultation has been undertaken with Council Parks and Natural Environment, City Services and Project Delivery and Assets departments. Feedback is supportive of Council's continued participation in the program from a strategic policy direction, as well as from sustainability and project delivery perspectives. .

Both Rotary Nunawading and Rotary Flemington-Kensington have been consulted regarding their involvement in the program, and are pleased with the outcomes so far and are wanting to continue the partnership with Council.

As part of the continuation of the RORP program, Rotary Nunawading will be requested to provide confirmation of shipping paperwork and photographs of the re-purposed play equipment once installed

No community consultation is deemed necessary as the impact on the playgrounds in Whitehorse is unaffected by the RORP program.

#### **FINANCIAL IMPLICATIONS**

Council's Play Space Renewal Program prioritises playgrounds that are reaching the end of their useful life. The end of a playgrounds useful life is typically dependent on the condition of the equipment; non-compliances; the age and structural integrity of the equipment. To date Council has contributed equipment from ten of these playgrounds to the RORP program, and incurred approximately \$18,700 (ex GST) in costs. This figure is inclusive of both actual expenditure and in-kind support.

The breakdown of costs covers the program start-up (\$3,000 ex GST); Costs paid to Rotary for transporting equipment (\$5,700 ex GST); Construction costs to remove and relocate equipment (\$6,000 ex GST); and in-kind support for project management of the project components, relating to the RORP (\$4,000 ex GST). This totals \$18,700 (excluding GST) in costs associated with the ten playgrounds that have been contributed to the RORP program.

In May 2021, Rotary Nunawading requested a modification to the current agreement to better cover the real cost of transporting the equipment that was relative to the size of the equipment being transported.

The initial agreement with Rotary Flemington-Kensington in January 2020 committed \$500 ex GST per playground to be paid, and in June 2020, was increased to allow \$600 ex GST for a smaller sized play space, and \$750 ex GST for a larger sized play space. The proposed fee structure recently requested by Rotary Nunawading, moves away from the original "flat fee" rate - to a "flat fee" plus cost "per post". This is outlined in the table below.

## 9.4.1

(cont)

### Contribution Fees per play space overview

	<u>Original fee structure per playground</u> *January 2020	<u>Modified fee structure per playground</u> *June 2020	<u>Proposed fee structure per play space</u> *June 2021 - Subject to Council Approval
Small Local to Local level play space classification (up to 28 posts)	\$500 + Gst flat rate	\$600 + Gst flat rate	\$535 + Gst typical Small Local level classification with 8 posts)  \$644 + Gst (typical Local level classification with 16 posts)
Larger Local to Neighbourhood level play space classification (more than 28 posts)	\$500 + Gst flat rate	\$750 + Gst flat rate	\$1090 + Gst (typical Neighbourhood level classification with 45 posts)  <i>Note: The fee structure is based on \$415 flat rate + \$15-\$25 per post</i>

To understand the cost implications in the proposed fee structure, it best be applied to the 2020/2021 play space renewal program.

In 2021, equipment from a total of six playgrounds were donated to Rotary for reuse. Based on the current fee structure, this equates to \$4,200 in transportation fees and \$1,200 of in-kind support. Based on the proposed fee structure, this equates to \$5,355 in transportation fees and \$1,200 in in-kind support.

Depending on the type of playground there is an increase of up to approximately 20% in the transportation fees paid to Rotary by Council. Given the size of the program the proposed fee structure is reasonable. Further the program provides a number of positive benefits to less privileged communities overseas, and reuses equipment that may otherwise contribute to landfill in Australia.

### POLICY IMPLICATIONS

The RORP program contributes to Theme 5 of the 2040 Community Vision: Sustainable Climate and Environmental Care

It is consistent with objectives in Council's Sustainability Strategy and Waste Management Strategy for the reuse of materials where practicable and reducing waste to landfill.



## **9.4.2 Extension (Contract 30017) Provision of Architectural Consultancy Services**

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### **SUMMARY**

*This report recommends an extension of Contract 30017 for the provision of Architectural Consultancy Services on a Schedule of Rates basis for a period of two years commencing on 27 July 2021. The contract is a panel of eight consultants, all of whom have expressed their willingness to agree to the extension.*

### **COUNCIL RESOLUTION**

Moved by Cr Barker, Seconded by Cr Cutts

***That Council extend Contract 30017 Architectural Consultancy Services for two years, on the existing Schedule of Rates basis, with the following eight consultants:***

- 1. Brazel Haley Maggs Architects Pty Ltd of 67 Rose Street Essendon, VIC, 3040 (ABN: 33 056 162 068);***
- 2. CCG Architects Pty. Ltd. Suite 234, Level 3, 7-11 The Avenue, Hurstville NSW 2220, (ABN:39 157 777 065);***
- 3. Centrum Architects Pty Ltd of 376 Punt Road, South Yarra, VIC. 3141,(ABN:40 065 422 835);***
- 4. Cohen Leigh Architects Pty Ltd of Suite 1, Level 1, 5-13 Melrose Street, Sandringham, VIC. 3191, (ABN: 83 106 604 648);***
- 5. JMA Architects Pty Ltd of 140 Gladstone Street, South Melbourne VIC. 3205, (ABN: 59 007 406 206);***
- 6. Katz Architecture Pty Ltd of 28 Gwynne Street, Cremorne VIC 3121, (ABN: 92 101 078 415);***
- 7. Mode Design Corp Pty Ltd of Plaza Level, Mosaic, 826 Ann Street, Fortitude Valley, QLD 4006, (ABN: 65 112 807 931); and***
- 8. Terence Carey Architects Pty Ltd of 2-8 Bolithos Road, Riddells Creek VIC 3431, (ABN: 53 005 090 826).***

**CARRIED UNANIMOUSLY**

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### **BACKGROUND**

Council owns a large number of buildings which need to be refurbished and upgraded on a cyclic basis to ensure they continue to provide the level of service expected by the community. Funding for these projects is allocated annually from the Capital Works Program.

The purpose of this report is to seek approval to extend the contract for all eight current panel consultants to provide architectural design and allied technical services for a range of planned building refurbishment and upgrade projects located throughout the municipality.

Maintaining a panel of architects is necessary to ensure the timely delivery of building capital works projects and to enable Council to comply with the requirements of the State Government's "best value" purchasing legislation.

The initial three year term expired on 27 July 2021.

### **DISCUSSION**

On 25 June 2018, Council awarded Contract 30017 for the provision of Architectural Consultancy Services to a panel of eight consultants. At the Ordinary Council meeting of 18 November 2018, Council endorsed an increase in the maximum contract expenditure to from \$1.5M to \$4.8M exc GST.

## **9.4.2**

(cont)

The original three year term of the Contract expired on 27 July 2021. The Contract allows for a two year extension at Council's discretion. Council has already approved a maximum contract expenditure that is sufficient to meet the expected contract expenditure forecast.

All consultants utilised from this contract panel have provided a level of service to Council's expectations and standards. Any specific project concerns or issues have been discussed and appropriately resolved with the relevant consultant.

The architects under the contract have been assessed as being knowledgeable and competent in applying Council's Environmentally Sustainable Design Policy for Council Buildings and Infrastructure.

This Contract continues to require a diverse pool of consultants to ensure Council can call upon the best consultant for specific works.

### **CONSULTATION**

Council issued letters outlining an intention to extend the contract to all eight consultants. All eight consultants returned responses indicating their willingness to accept.

### **FINANCIAL IMPLICATIONS**

The contract for the provision of Architectural Consultancy Services is based on an agreed Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract upon request by the consultant.

The actual expenditure under this contract over the initial three year contract term was \$1.54M. It is anticipated that the total expenditure over the next two years will be \$2.50 M. This takes the expected total contract expenditure to just over \$4M which is below the approved contract spend of \$4.8M previously endorsed by Council.

Funding will continue to be drawn annually from the Capital Works Program approved by Council as part of the annual budget process. Contract administration and project financial management will be undertaken by the Project Delivery and Assets department.

### **POLICY IMPLICATIONS**

None.

### **9.4.3 Tender Evaluation (Contract 30302) Sparks Reserve (West) Satellite Pavilion Development**

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#### **SUMMARY**

*To consider tenders received for Contract 30302 Sparks Reserve (West) Satellite Pavilion Development and to recommend the acceptance of the tender received from Melbcon Pty Ltd, for the amount of \$2,124,107.28, including GST, noting that this contract is within the project budget allocation.*

#### **COUNCIL RESOLUTION**

Moved by Cr Liu, Seconded by Cr Davenport

#### **That Council:**

- 1. Accept the tender and sign the formal contract document for Contract 30302 for the Sparks Reserve (West) Satellite Pavilion Development received from Melbcon Pty Ltd, (ABN 89 094 370 457), of 333 Maroondah Highway, Croydon, VIC 3136, trading as Melbcon Pty Ltd, for the tendered amount of \$2,124,107.28 including GST;***
- 2. Notes that the tendered sum for Contract 30302 is within the project budget allocation for the Sparks Reserve (West) Satellite Pavilion Development project.***

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

Sparks Reserve (West) in Box Hill South, is bounded by residential properties to the west, Bedford Heights Retirement Village to the north, Canterbury Road to the south, Melbourne Water retarding basin and RHL Sparks Reserve (Rugby) to the east.

Sparks Reserve (West) has two soccer pitches primarily used on weekends for junior club games, mini-roo matches, shared mid-week seniors (male/female) and junior training for a variety of teams during the week. These grounds are separated by Canterbury Road from the main soccer facilities at Wembley Park. Sparks Reserve (West) currently has no current toilets, change amenities or storage facilities to support the use of the soccer pitches and access to these facilities is via pedestrian footbridge over Canterbury Road.

In 2017, Architects were engaged by Council to carry out a feasibility study for the construction of a Satellite Pavilion at Sparks Reserve (West) to address the needs of the tenant sporting club. In March 2018 Council endorsed a proposal to construct a sporting pavilion and stage 1 of a car park redevelopment.

The new pavilion design will incorporate, a large covered spectator viewing area supporting views to the sporting fields, kiosk, change rooms for participants and officials, public accessible toilets, first aid room, and storage. The pavilion has embedded ESD design features such as stormwater harvesting for toilet flushing, a solar electricity system and LED lighting throughout.

A key component of the new development includes driveway reconfiguration and entry crossover widening works to facilitate better access to the site as well as improved car parking.

The project has been successful in receiving a \$500,000 grant from the Victorian Government Sport and Recreation World Game Facilities Fund.

### **9.4.3**

(cont)

#### **DISCUSSION**

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

The tenderers were selected using the following criteria:

Project expertise with projects within \$2.5M to \$5M range

- Proven experience with the construction of pavilions within sporting precincts
- Previous local government experience
- Strong market reputation
- Customer services focus
- Proven ability to deliver quality project outcomes

Tenders were invited on Tuesday 25 May 2021 and closed on Tuesday 22 June 2021. Five (5) tender submissions were received. All five contractors submitted confirming tenders.

The tenders were evaluated against the following criteria:

- The Tender Offer: 50%;
- Project Methodology (Capability): 25%;
- Resources and Previous Relevant experience (Credibility): 15%;
- Local Content: 5%;
- Social and Environmental Sustainability: 5% and;
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

Following the detailed evaluation, the Tender Evaluation Panel concluded that the tender received from Melbcon Pty Ltd provides the best overall outcome for Council based upon all evaluation criteria. Melbcon provided a very favourable variation rates schedule which on the basis of historical use of construction contingencies on similar projects is likely to lead to lower overall expenditure at the completion of the project. Melbcon also submitted a shorter works delivery program and a more complete project plan. The tender received from Melbcon Pty Ltd is considered to provide the best value for money for this Contract.

Melbcon Pty Ltd is a well-established, financially stable building contractor that has previously completed Elgar Park South sports pavilion project to the satisfaction of City of Whitehorse.

#### **CONSULTATION**

Council Officers have consulted extensively with the sporting club nominated representatives, Leisure and Recreation Services, Parks & Natural Environment, Engineering and Investment, City Services, City Planning & Development, Service Authorities, Victorian Government, DEWLP, Design Architect and Sub-consultants with respect to:

- Facility design and functionality to satisfy current and future requirements
- Inclusive sporting facilities (female friendly changing rooms and amenities)
- Architectural design elements consistent with surrounding environment
- Planning and building legislation
- New service connections and upgrades
- Public safety

Council Officers have provided notification letters to the adjoining residents advising them of the forthcoming works and will continue to be in contact during the construction phase. Signage will be installed on the builder's temporary fencing providing information on the project, funding sources and Council contacts.

### 9.4.3

(cont)

#### FINANCIAL IMPLICATIONS

	<b>Budget</b>	<b>Expenditure</b>
Capital Works Funding 2019/20 (W602)	\$280,000	
Capital Works Funding 2020/21 (X602)	\$1,255,000	
Capital Works Funding 2021/22 (Y602)	\$1,255,000	
Victorian Government World Game Facility Fund	\$500,000	
<b>Total Budget</b>	<b>\$3,290,000</b>	
Preferred tenderer's lump sum offer (including GST)		\$2,124,107
Less GST		-\$193,101
Net cost to Council		<b>\$1,931,006</b>
Provisional Sum Items		\$272,500
Allowance for latent conditions		\$100,000
Landscaping		\$50,000
Project Preliminaries, Authorities Fees and Charges		\$89,500
Design & Service Consultant Fees		\$222,500
Project Management Fees		\$210,000
Construction Contingency (10%)		\$220,350
<b>Total Expenditure</b>		<b>\$3,095,856</b>
<b>Projected Budget Surplus</b>	<b>\$194,144</b>	

## 10 REPORTS FROM DELEGATES, DELEGATED COMMITTEE RECOMMENDATIONS AND RECORDS OF INFORMAL MEETINGS OF COUNCILLORS

### 10.1 Reports by Delegates

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

Held over to next Council meeting 20 September 2021.

### 10.2 Recommendation from the Delegated Committee of Council Meeting of 9 August 2021

Nil

### 10.3 Records of Informal Meetings of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
<b>19.07.21</b> 6:30-7:00pm	<b>Councillor Informal Briefing</b> <ul style="list-style-type: none"> <li>Urgent Business</li> <li>Late Agenda Item 9.4.1 Project Update Main Street Bridge Reconstruction</li> </ul>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Green S White T Johnson S Cann J Russell C Altan N Jones	Nil	Nil
<b>26.07.21</b> 6:00-7:30pm	<b>Virtual Shaping Whitehorse Panel Presentation and Workshop</b>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Green T Johnson S Cann S White D Seddon A Andresson Z Tropiano B Upston J Cushing J Blythe C Bolitho N Brown J Merrett	Nil	Nil
<b>02.08.21</b> 6:30-9:15pm	<b>Councillor Briefing</b> <ul style="list-style-type: none"> <li>Major Projects Progress Update</li> <li>2020-21 Capital Works Program Review</li> <li>Level Crossing Removal Project</li> </ul>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan (Joined at 6:50pm) J Green S White T Johnson S Cann J Russell S Belmore N Brown I Kostopoulos A DaCampo P Cummings	Nil	Nil

**10.3**  
(cont)

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
09.08.21 6:30-9:30pm	<b>Councillor Briefing</b> <ul style="list-style-type: none"> <li>Delegated Committee: Other Business</li> <li>Whitehorse Business Grants Program 2021 Round Three</li> <li>Community Satisfaction Survey Results 2021</li> <li>Tender Evaluation (Contract 30299) Enterprise Resource Planning (ERP)</li> <li>Draft Council Agenda 16 August 2021</li> </ul>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Green T Johnson S Cann S White C Altan J Russell K Marriott J Hansen I Kostopoulos D Shambrook M Bishop D Seddon R Hood M Ackland B Upston R Andresson R Johnston	Cr Davenport declared a Conflict of Interest in Notice of Rescission 6.1, Notice of Motion 6.2, and Notice of Motion 6.3 due to his employment with the tenderer.  Cr Stennett declared a conflict of interest in Item 9.4.1 Rotary Overseas Recycling Playground Program Review as he is a member of the Rotary Club	Having declared a conflict of interest in item 6.1 Cr Davenport was removed from the virtual meeting at 7:13pm prior to discussion on the item and was readmitted to the virtual meeting at 7:15pm.  Having declared a conflict of interest in item 6.2 Cr Davenport was removed from the virtual meeting at 7:20pm prior to discussion on the item and was readmitted to the virtual meeting at 7:22pm  Having declared a conflict of interest in item 6.3 Cr Davenport was removed from the virtual meeting at 7:23pm prior to discussion on the item and was readmitted to the virtual meeting at 7:25pm.  Having declared a conflict of interest in item 9.4.1 Rotary Overseas Recycling Playground Program Review, Cr Stennett was removed from the virtual meeting at 9:13pm prior to discussion on the item, and readmitted to the virtual meeting at 9:16pm.

**COUNCIL RESOLUTION**

Moved by Cr Skilbeck, Seconded by Cr Cutts

*That the record of Informal Meetings of Councillors as amended be received and noted.*

**CARRIED UNANIMOUSLY**

## **11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

Held to next Council meeting 20 September 2021.

### **PROCEDURAL MOTION (AT 10:29PM)**

Moved by Cr Massoud, Seconded by Cr Cutts

***In accordance with clause 16 of Council's Governance Rules, the Council meeting be extended for 30 minutes beyond 10.30pm.***

**CARRIED BY MAJORITY**

### **Attendance**

Virtual meeting adjourned at 10:30pm, resuming at 10:32pm.

## **12 CONFIDENTIAL REPORTS**

### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Lane

***That in accordance with Section 61 (1) and 66 (2)(a) of the Local Government Act 2020 the Council should resolve to go into camera and close the meeting for the consideration of this item, as the matter to be discussed is confidential information for the purposes of section 3 (1) of the Local Government Act 2020, because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released ( Section 3(1)(a).***

***This ground applies because the matter concerns land negotiations with the State Government and potential sale of community assets.***

**CARRIED**

The virtual meeting closed to the public at 10:33pm.

### **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 virtual meeting was reopened to the public at 10:40pm.

## **13 CLOSE MEETING**

Meeting closed at 10:40pm

**Confirmed this 20<sup>th</sup> day of September 2021**

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**CHAIRPERSON**